

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume V, Part I

(20th January to 12th February, 1925)

SECOND SESSION
OF THE
SECOND LEGISLATIVE ASSEMBLY, 1925



DELHI
GOVERNMENT OF INDIA PRESS
1925

Legislative Assembly.

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THE HONOURABLE SIR FREDERICK WHYTE, KT.

Deputy President :

DIWAN BAHADUR T. RANGACHARIAR, M.L.A.

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MR. M. A. JINNAH, M.L.A.,
SIR PURSHOTAMDAS THAKURDAS, KT., M.L.A., AND
MR. DARCY LINDSAY, M.L.A.

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DIWAN BAHADUR M. RAMACHANDRA RAO, M.L.A.
MR. E. H. ASHWORTH, M.L.A.
KHAN BAHADUR SAIYID MUHAMMAD ISMAIL, M.L.A.

CONTENTS.

VOLUME V, PART I—20th January 1925, to 12th February, 1925.

PAGES.

Tuesday, 20th January, 1925—

Inauguration of the Fifth Session of the Council of State and the Second Session of the Second Legislative Assembly —H. E. the Viceroy's Speech	1-11
---	------

Thursday, 22nd January, 1925—

Members Sworn	13
Statement of Business	13-14
Questions and Answers	15-45
Unstarred Questions and Answers	46-69
Military Manœuvres at Delhi	70
Motion for Adjournment	70
Governor General's Assent to Bills	70
Petitions relating to the Indian Penal Code (Amendment) Bill (Amendment of Section 375)	71
Statements laid on the Table	71-76
Central Advisory Council for Railways	77
Appointment of Messrs. E. H. Ashworth and L. Graham as members of the Select Committee on the Code of Civil Procedure (Amendment) Bill	77
The Indian Merchant Shipping (Amendment) Bill— Introduced	77-78
The Indian Trade Unions Bill—Introduced	78-79
The Indian Paper Currency (Amendment) Bill—Introduced and the debate on the motion to consider adjourned	79-98

Friday, 23rd January, 1925—

Members Sworn	99
Questions and Answers	99-145
Tributes to the Memory of the late Mr. Edwin Samuel Montagu	146-48
Arrangements for the Manœuvres	148-49
Panel of Chairmen	149
Select Committee on the Obscene Publications Bill	149-50
Resolution <i>re</i> the Re-transfer of Sylhet and Cachar to Bengal—Debate adjourned	150-64
Resolution <i>re</i> Inquiry into the question of Currency and Exchange—Debate adjourned	164-89
Statement of Business	189

Monday, 28th January, 1925—

Questions and Answers	191-234
Election of the Public Accounts Committee	235
Election of the Standing Finance Committee	235

CONTENTS—*contd.*

	PAGES.
Monday, 26th January, 1925—<i>contd.</i>	
Resolution <i>re</i> Grant of a Bounty to Steel Manufacturing Companies—Adopted	235-49
Demand for grant to defray the Bounty to the Steel Industry—Adopted	250-52
Nomination of Members to the Select Committee on the Court-fees (Amendment) Bill	252-53
The Indian Merchant Shipping (Amendment) Bill—Passed	253
Tuesday, 27th January, 1925—	
Questions and Answers	255-99
Committee on Public Petitions	299
Resolution <i>re</i> Inquiry into the Question of Currency and Exchange—Adopted	299-316
Resolution <i>re</i> Grievances of the Subordinate Employees of the Indian Railways—Debate adjourned	317-44
Wednesday, 23th January, 1925—	
Questions and Answers	345-94
Message from the Council of State	395
Election of the Members of the Central Advisory Council for Railways	395
Resolution <i>re</i> the Bengal Criminal Law Amendment Ordinance—Debate adjourned	395-440
Election of Members to the Central Advisory Council for Railways	440
Friday, 30th January, 1925—	
Questions and Answers	441-60
Statement of Business	480-84
The Indian Penal Code (Amendment) Bill (Age of Consent)—Re-committed to Select Committee	484-66
The Hindu Religious and Charitable Trusts Bill—Referred to Select Committee	486-508
The Weekly Payments Bill—Circulated for opinions	509-11
The Indian Railways (Amendment) Bill—Passed	512-25
The Maternity Benefit Bill—Debate on the motion to refer to Select Committee adjourned	526
Monday, 2nd February, 1925—	
Questions and Answers	527-76
Unstarred Questions and Answers	576-88
Election of the Public Accounts Committee	589
Election of the Standing Finance Committee	589
Presentation of the Report of the Select Committee on the Indian Soldiers (Litigation) Bill	589
The Indian Paper Currency (Amendment) Bill—Passed	589-611
The Cotton Ginning and Pressing Factories Bill—Referred to Select Committee	611-27
The Workmen's Breach of Contract (Repealing) Bill—Passed	627-29
The Legislative Assembly (President's Salary) Bill—Introduced	629
The Indian Income-tax (Amendment) Bill—Introduced...	629-30

CONTENTS—*contd.*

	PAGES.
Tuesday, 3rd February, 1925—	
Questions and Answers	631-72
Election of the Public Accounts Committee	673
Election of the Standing Finance Committee	673
The Maternity Benefit Bill—Motion to circulate—Adopted...	673-97
The Special Marriage (Amendment) Bill—Motion to circulate—Adopted	697-708
The Hindu Trusts (Validating) Bill—Introduced	708
The Indian Medical Degrees (Amendment) Bill—Introduced	709
The Special Laws Repeal Bill—Introduced	709-14
The Indian Coinage (Amendment) Bill—Introduced	715-16
The Indian Penal Code (Amendment) Bill—Introduced...	716
The Transfer of Property (Amendment) Bill—Introduced	716-17
The Law of Property (Amendment) Bill—Introduced	717
The Indian Arbitration Bill—Introduced	717-18
The Indian Paper Currency (Amendment) Bill—Introduced	718-20
The Code of Criminal Procedure (Amendment) Bill—Introduced	720-22
The Special Laws Repeal Bill—Debate on the Motion to consider—Adjourned	723-29
Wednesday, 4th February, 1925—	
Questions and Answers	731-37
Unstarred Questions and Answers	737-39
Message from the Council of State	739
The Indian Succession Bill—Referred to Joint Committee...	740-41
The Indian Succession (Amendment) Bill—Referred to Joint Committee	741
The Indian Trade Unions Bill—Referred to Select Committee	741-69
The Indian Carriage of Goods by Sea Bill—Introduced and circulated for opinions	769-70
Thursday, 5th February, 1925—	
Statement of Business	771-72
Resolution <i>re</i> Grievances of the Subordinate Employees of the Indian Railways—Adopted as amended	772-811
Resolution <i>re</i> Prohibition of the Import, Manufacture and Sale of Liquor—Debate adjourned	811-19
Resolution <i>re</i> the Bengal Criminal Law Amendment Ordinance—Adopted	820-53
Monday, 9th February, 1925—	
Members Sworn	855
Questions and Answers	855-72
Unstarred Questions and Answers	872-89
Message from the Council of State	889
Allotment of days for the discussion of the General and Railway Budgets, etc.	890-91
The Indian Soldiers (Litigation) Bill—Passed as amended by the Select Committee	891-92

CONTENTS—*concl'd.*

	PAGES.
Tuesday, 10th February, 1925—	
Questions and Answers	893-95
Unstarred Questions and Answers	899
The Special Laws Repeal Bill—Debate adjourned	899-946
The Code of Criminal Procedure (Amendment) Bill—Debate adjourned <i>sine die</i>	946-63
Wednesday, 11th February, 1925—	
Questions and Answers	963-68
The Obscene Publications Bill—Report of Select Committee presented	969
The Legislative Assembly (President's Salary) Bill—Consi- dered and Motion to pass deferred	969-66
The Indian Income-tax (Amendment) Bill—Passed	986-87
The Indian Tariff (Amendment) Bill—Introduced	987-89
The Contempt of Courts Bill—Introduced	989-92
Thursday, 12th February, 1925—	
Statement of Business	993
Messages from H. E. the Governor General	993-94
Resolution <i>re</i> Grievances of Indians in Tanganyika—Adopted	994-1020
Resolution <i>re</i> Grievances of the Postal Staff—Debate adjourned till September Session	1020-50

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VOLUME V

SECOND SESSION

OF THE

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(OFFICIAL REPORT OF THE SECOND SESSION OF THE SECOND
LEGISLATIVE ASSEMBLY)

VOLUME V
FIRST VOLUME OF SESSION 1925.

LEGISLATIVE ASSEMBLY.

Tuesday, 20th January, 1925.

The Assembly met in the Assembly Chamber at Eleven of the Clock, being the first day of the Second Session of the Second Legislative Assembly, pursuant to S. 63 D (2) of the Government of India Act.

INAUGURATION OF THE FIFTH SESSION OF THE COUNCIL OF
STATE AND THE SECOND SESSION OF THE SECOND LEGIS-
LATIVE ASSEMBLY.

His Excellency the Viceroy with the Presidents of the Council of State and the Legislative Assembly having arrived in procession, His Excellency took his seat on the dâis.

H. E. the Viceroy: Gentlemen of the Indian Legislature, it is my privilege again to extend a welcome to you who are about to enter upon the labours of the Delhi Session. Many questions of importance will come before you, and it is my earnest prayer that the results of your deliberations may prosper the best interests of India and the Empire.

I am glad to note that conditions in India and on her frontiers are at the moment favourable; our relations with our neighbours in foreign countries on our borders are most friendly; and I take this opportunity of welcoming the distinguished officers from the Kingdom of Afghanistan who are present here to witness the military manœuvres now being held in the vicinity of Delhi. Their visit is greatly appreciated in India and is a token of the friendly and neighbourly relations which exist between His Majesty's Government and the Government of His Majesty the Amir.

Happily I am able to say that our Waziristan policy appears to be justified by the greater security of our districts and the gradual pacification of the country, though not without the regrettable loss of some valuable lives. Although in South Waziristan various difficult questions still remain unsolved, yet progress is evident. In North Waziristan we have reached

[H. E. the Viceroy.]

pre-war stability. And with this improvement in the general situation it is well to observe that there has been a progressive reduction up-to-date in the cost of our forces employed in Waziristan.

It is a satisfaction also to record a marked improvement in India in economic conditions and trade prospects. In the first six months of the present financial year Indian imports and exports in sea-borne trade reached a total of 292 crores, an advance of 18 crores on the corresponding period of last year and of 39 crores on the figures for the same period in 1922. There are likewise clear signs of returning prosperity in internal trade; and the marked increase in gross railway receipts places beyond doubt the general revival and growth of internal trade activity. Despite damage in some localities owing to floods in the last monsoon agricultural prospects are generally good. The cotton crop is above average and the outlook of wheat and other spring crops is at present eminently satisfactory.

You have already been made aware of important changes in my Government. I shall in future have the assistance of Sir Bhupendranath Mitra and Sir Muhammad Habib-ul-lah as Members of my Executive Council, and I am confident that I shall derive the advantage I anticipate from their advice and co-operation. But changes are not confined to my Government; they have occurred also in the Legislature, and especially in the Council of State, for Sir Montagu Butler who was the President of that honourable Chamber has left it to assume the post of Governor of the Central Provinces. Sir Henry Moncrieff Smith, whom I have appointed to succeed him, is well known to the Members of both Chambers. He has had long connection with the Indian Legislature and has won their esteem and respect, and I am sure that he will continue to enjoy the confidence of the Members of the Council of State in the higher place among them to which he has now been translated. There have also been a few changes among the Members of the Legislature to which I need not refer in detail; but I am convinced that the Members of both Houses will join me in deploring that ill-health has necessitated the resignation of the Right Honourable Srinivasa Sastri who has been a Member of the Council of State since its inception. I trust his absence from the Legislature will only be temporary and brief, and that he will soon be restored to health and enabled once more to add the distinction of his intellectual gifts to the Legislature and to devote his great capacities to public affairs.

I desire to embrace this opportunity of expressing my high appreciation of the labours of Lord Hardinge, the Maharaja of Bikaner and Sir Muhammad Rafique who represented India as delegates at the meetings of the Assembly of the League of Nations in September and October last. The meetings were of unusual importance and interest and from them have emerged the proposals for the Protocol which are now under the consideration of His Majesty's Government and the Governments of other nations concerned.

When considering affairs outside India, attention naturally and inevitably turns to Indians overseas. When I addressed the Legislature in January last the position of Indians in Kenya was critical; and I foreshadowed the appointment of a Committee to make representations on behalf of the Government of India regarding the Immigration Ordinance in Kenya in particular and other questions relating to Indians in the Colonies. The *personnel* of the Committee was announced in March last and the Committee began their labours in London in April. They had a

number of interviews with the Secretary of State for the Colonies and the officials of the Colonial Office and made representations regarding many important matters affecting Indians in Kenya, Fiji and the mandated territories of Tanganyika.

I cannot too highly praise the thoroughness and ability with which they performed their delicate task, and I am grateful for the very patient hearing which the representatives of His Majesty's Government, Mr. Thomas and the officers of his department accorded to them.

As regards Kenya, the conclusions arrived at by Mr. Thomas were announced in the House of Commons on August, the 7th last. On the question of Franchise and the Highlands there was no change in the position; but as regards immigration, His Majesty's Secretary of State for the Colonies after hearing our representatives was not satisfied with the data submitted from Kenya and was unable to agree with the Kenya authorities that a case had been made out to justify the Ordinance. He therefore gave an assurance that the Immigration Legislation would not be placed on the Statute-book. The further restrictions then on the point of being imposed upon the immigration of Indians were accordingly removed. As regards Indian Colonisation, Mr. Thomas announced that it was proposed to reserve an area in the lowlands for agricultural emigrants from India; but that before the scheme took final shape an officer with experience of the needs of Indian settlers and agricultural knowledge would be sent to report on the areas to be offered for colonisation. Reports in regard to the areas have now been received by my Government; and we are considering the question of deputing an officer to examine these areas from the aspect of their suitability for Indian settlement. These are substantial gains and our gratitude is due to the Committee for the clarity and earnestness of their representation of the Indian point of view to His Majesty's Government. Moreover these gains are not the only advantages which accrued from their visit. A better atmosphere has been created and that wider understanding of different points of view has grown up which is the outcome of personal discussion and free and frank interchange of views.

In June last His Majesty's Government announced the appointment of an East African Committee under the Chairmanship of Lord Southborough to consider and report on certain questions regarding the administration and economic development of the British East African Dependencies. Having regard to the importance of this inquiry to Indian interests my Government made representations to secure a hearing of the Indian point of view before the Committee came to conclusions. I am glad to inform the Legislature that our representations have been accepted and the Southborough Committee will hear the opinions of Indian representatives nominated by my Government upon all matters coming within their purview.

If the pendulum has swung in the direction desired by India on these questions, the position in South Africa, on the other hand, has been less favourable. Towards the end of December news was received that the Governor General of the Union of South Africa had given his assent to the Natal Borough Ordinance. This measure, while safeguarding the rights of Indians upon the electoral roll of boroughs, will prevent further enrolment of Indians as burgesses. The serious implications of the measure on the future of Indians, who have special vocational and trading connections with the towns in South Africa, will readily be realised. From the outset the Government of India had recognised the effect this measure might have upon the position of resident Indians in Natal both as regards

[H. E. the Viceroy.]

their civic and economic status; and my Government made strong representations to the Union Government as soon as a copy of the Ordinance was received in August last. At that time there was reason to hope that since a similar but more drastic measure had been disallowed previously by the Governor General, this Ordinance would also share the same fate; to our regret however the Government of the Union advised the Governor General to give assent to the Bill; and accordingly the measure has now become law. The situation created is engaging the most earnest attention of myself and my Government; we have lost no time in making representations to His Majesty's Government and in placing before them in an emphatic manner the difficulties in which resident Indians are likely to be placed by the operation of this law. Every endeavour will be made to discover a remedy; but, in view of the powers of Dominion Governments in internal and domestic affairs, the position is one of delicacy and a solution will not be easy to find. Patience will again be necessary. I may remind you that when the position in Kenya seemed most unfavourable, temperate arguments and full and frank discussion resulted in a better understanding of the Indian point of view and in a measure of relief to the disabilities felt by Indians. I hope that as in the case of Kenya, so also in this case some remedy may be devised. I have promised to receive a deputation on this question and will discuss with them at a later date, in the light of further information which I hope to receive, the prospects of finding a solution to the present difficulties. For the present I say nothing more on the subject.

Of measures which will engage the attention of the Legislature an important section concerns Commerce, Industry and Finance. I will not dwell at length upon the Trades Union and Trades dispute legislation because I have recently explained the genesis and scope of these measures to the Associated Chambers in Calcutta. Both these measures mark a new step in the progress of labour legislation in India. I believe opinion has been expressed in some quarters that we are moving too fast along the line of labour legislation; but both these Bills only deal with essentials and are of a simple nature; and great weight must be given to the view that at a moment when labour has commenced organisation and is assuming prominence, recognition should be given by Statute to the fact and development on the right lines should be secured. I attach importance to the right preliminaries; though the future of Trades Unions in India will, I realise, largely depend not on enactments, but on the spirit shown by the employers and workers and on the attitude of the public. Let me also remind you that the views expressed by my Government in those Bills are tentative only; and when comments have been received they will be carefully considered and changes made as may appear desirable in the light of the criticisms expressed.

It is gratifying to observe the very keen interest taken by the Legislature in the working of the Tariff Board. During the past year, my Government have placed before you proposals based on two of the reports of the Board. The most important of these resulted in the passing of the Steel Industry (Protection) Act, which imposed heavy protective duties on a wide range of steel products covering most of those in ordinary consumption. The rates embodied in that Act were the result of careful investigation by the Tariff Board, but since they were brought into force, the Steel Industry has represented that further protection is required largely owing to a rapid and marked fall in the prices of Continental steel. This question was referred to the Tariff Board for inquiry, and during this Session a

Resolution based on their report will be brought forward for consideration by the Legislature. The fall in prices of Continental steel had been so heavy that an attempt to deal with the position by means of increased import duties would have resulted in practically doubling the existing duties, with the consequence that from 50 to 70 per cent. of the landed cost of imported steel would have been represented by the duties charged. Obviously my Government could not agree to duties on such a high scale on articles which are largely used in agriculture and many other important industries. They have, however, accepted the general conclusions of the Tariff Board, and the Legislature will be asked in this Session to agree to the grant of bounty on steel produced in India between October 1st, 1924, and September 30th, 1925. The total amount of bounty proposed is fifty lakhs, which is the sum that it is calculated the industry would receive under the Tariff Board's proposals, were the rates recommended by the Board to become fully effective. This is a very favourable interpretation of the recommendations of the Board, especially as it allows the industry to obtain the advantage of the protection accorded without waiting for sales. If the grant of this bounty is made, it should prove of material assistance to the steel industry of India in its difficulties.

You will have noticed that the policy advocated by the Fiscal Commission has been steadily pursued. The Tariff Board is now engaged in investigating the applications for protection from certain other industries, notably cement and paper. The principle has been maintained that it is right and proper that any industry which appeals to the State for assistance must prove its case in public before an impartial Board. It is only by this means that an opinion can be reached on the merits of the case and the implications and effects of a demand for protection envisaged.

It is evident from private Bills, Resolutions and questions that Members are taking a lively interest in the difficult questions of currency and exchange; and it may be of interest to the Legislature to hear from me an indication of the policy of my Government upon these problems. While internal prices in India have on the whole remained steady, there has been a considerable rise in the sterling value of the rupee during the past year, and an even more marked rise in its gold value owing to the simultaneous improvement in the gold value of sterling. Thus far during the present busy season there has not been a repetition of the exceptional stringency in the money-market which characterised this period a year ago, and I am hopeful that the assistance which my Government have been able and will be able to give in the matter of providing additional currency, combined with the improved conditions on which emergency currency can now be issued to the Imperial Bank, will enable all legitimate demands to be met without undue strain during the remainder of the season.

My Government proposes in the first place to amend the Indian Paper Currency Act so as to increase the permissible investment of securities in the Paper Currency Reserve from the present limit of 85 crores of rupees to 100 crores.

The object of this proposal is to give the Government of India increased powers to ensure the supply of currency upon an adequate scale to meet the requirements of trade and in particular to prevent undue monetary stringency in the busy season.

We have made announcements from time to time to Chambers of Commerce and in the Assembly that, if my Government found existing powers were likely to prove insufficient, it would not hesitate to ask for increased discretion.

[H. E. the Viceroy.]

We began the present busy season with a margin of 13½ crores of permissible investment; and we have up to date increased currency by six crores, British Securities to the amount of six million pounds having been placed in the reserve in England. There is still therefore a margin of 7½ crores; but it is considered desirable to ask the Legislature for increased powers to meet possible contingencies.

The Members of the Legislature may rest assured that these provisions for increased discretion to meet demands for currency are a healthy development and offer no indications of a morbid tendency. The need is an outcome of the improvement of trade which is now definitely recovering from post-war depressions, and it is natural that increased trade should require increased currency facilities.

It should also be noted that this increase of currency represents an addition made by Government quite independent of the amount which the Imperial Bank is entitled to ask as a loan from the Paper Currency Reserve against the security of Internal Trade Bills. The Imperial Bank is entitled to ask for sums up to 12 crores. The conditions upon which the Bank can ask for this emergency currency have recently been modified by requiring that the first four crores may be taken when the bank rate is at six per cent., and any part of the remainder may be taken when the bank rate reaches seven per cent.

There has been a considerable feeling in some quarters that the time has come for the appointment of a Currency Committee to investigate the difficult question of exchange and to make recommendations. The suggestion has been carefully examined by me in consultation with my Finance Member, and has been for some time past the subject of discussion between my Government and the Secretary of State. The chief difficulty to be considered is the fluidity of economic and exchange factors in the world. The question is not affected only by features in India and England or even in the Empire; world conditions have also to be considered and powerfully affect the issues; and there is the danger that if a Committee sits at a time when factors are still unstable, its recommendations will be based on shifting data, and whatever may be the capacity and skill of the Committee, its conclusion will inevitably be of the nature of guess work rather than of expert findings based upon the examination of stable conditions and well-established tendencies. The result of discussion with the Secretary of State is that I am now authorised to make the following announcement which explains the conclusions of His Majesty's Government and my Government upon the proposal.

The Government of India have been in communication with the Secretary of State on the subject of the rupee exchange, and the intention of Government is to appoint an authoritative Committee to consider the question as soon as world economic factors appear sufficiently stable to justify formulation of a new policy. In their judgment there is much to be gained by postponing an inquiry till those factors on which any decision must rest are less fluid and obscure. But they anticipate that if the movement towards more stable conditions, which has lately manifested itself, continues the appointment of such a Committee should be possible not later than 12 months hence.

In view of the opinion expressed in the Assembly regarding the need of an economic inquiry, my Government has decided in consultation with the Secretary of State to appoint a small Committee to report on the

material which exists for holding an inquiry into the economic conditions of the people of India, the feasibility of instituting an inquiry of this character and the manner in which it could be carried out. Meanwhile the Taxation Committee have begun their labours.

It may also become necessary for my Government to introduce to the Legislature a measure to define the powers of the High Court in relation to tribunals and proceedings under the special Bengal Criminal Legislation. You are aware that His Excellency the Governor of Bengal has exercised the powers conferred upon him under the Government of India Act and has certified and signed the Bill. I take this opportunity of stating that His Excellency's action in this respect has my full approval, and that I shall support both him and his Government to the extent of my powers in meeting what I regard as a serious emergency. Inasmuch as I have decided to reserve the Act for the signification of His Majesty's pleasure, I do not now propose to discuss its detailed provisions or the Bill which my Government may eventually seek to introduce should His Majesty in Council signify assent to the Bengal Criminal Law (Amendment) Act. Nevertheless, as this legislation had its origin in the Ordinance, which I as Governor General in the exercise of the special responsibilities laid upon me promulgated, let me refer to certain aspects affecting the issue of the Ordinance.

Very full explanations have already been given to the public.

In spite however of the full ventilation which the question has received, some important aspects of it appear to be still clouded by the mists of misapprehension in the minds of some sections of the public; and the necessity both of my action and of the course adopted by the Government of Bengal has repeatedly been challenged.

I shall not travel again over the ground covered in my Calcutta speech. As the result of the public discussions it is now admitted on all sides, even by the most convinced opponents of special measures and special legislation, that a terrorist movement exists in Bengal, and that widespread conspiracies for violent crimes have been established. The objects which these conspiracies have in view as a result of their crimes are also not disputed. It has been proved by sad experience that the ordinary law, even when reinforced by the use of Regulation III in cases to which it can be applied, is ineffective to stop the movement or even to check its growth; and that the progress of the movement involves loss of life not only among officials, but among innocent citizens unconnected with Government or with the activities of any political party.

Yet in spite of this knowledge of these facts, there has been bitter criticism of the measures adopted to check and cure the evil. I find it hard to believe that those who indulge so freely in criticism have ever seriously attempted to think out the eventual implications of the movement or earnestly endeavoured to consider the responsibilities of Government or of the Governor General in the case.

It is hardly conceivable that any thinking man can approve of the spread of activities which seek to terrorise the population by breaking down established authority through a campaign of murder of officials and do not hesitate to destroy innocent victims who cross their path or to exact reprisals in form of the lives of those who give evidence or information of contemplated outrages. It is obvious that those activities can only end, if

[H. E. the Viceroy.]

unchecked, in the paralysis of Government and of law and order and may place the lives and properties of helpless citizens at the mercy of a pitiless criminal organisation.

I cannot believe that any member of any political party in India, even if he is opposed, and vehemently opposed, to the Government as now constituted in India, would deny that it was the duty of Government to prevent the coming to pass of such a condition of affairs.

But it is urged that the Ordinance was not necessary. It is argued that these criminal activities could be adequately checked by the efforts of the police and the prosecution of the malefactors before Courts of justice. I whole-heartedly wish that I could subscribe to this argument, but I cannot accept it, because it is in complete disregard of the true facts. It is essential to remember that we were not dealing with criminals who could be arrested and tried for crimes on evidence freely given by persons with nothing to fear from their action in giving testimony. We were not dealing with the violent and open insurrection of a mob which could be fought with its own weapons. We were on the contrary dealing with widespread secret societies with many ramifications, which had taken the greatest care to conceal their insidious organisations and nefarious plans and were prepared to exact swiftly and secretly terrible reprisals upon members of their own society or members of the public giving information as to their actions.

You will doubtless remember that I addressed you on this subject at the opening of the proceedings of the Legislature in January of last year. Thereafter the Government of Bengal and my Government were for a long time in anxious consultation in regard to measures, and every effort was made to cope with the danger by the ordinary law, reinforced by such special action as lay within our power. Regulation III was used for reasons and in a manner I have previously explained to this Legislature. These measures however proved ineffective; and finally after exhausting all the weapons in their armoury, the Government of Bengal made a request to my Government. The members of that Government, Europeans and Indians, after careful consideration of the evidence and with full knowledge of the history and character of the local situation, were unanimous in applying to me to issue an Ordinance giving special powers to deal with this dangerous emergency. The investigation of the situation did not rest there; notwithstanding that it was for me to determine whether the Ordinance should issue, it is for the Executive to assist in administering its powers. Moreover, I have during my term of office learnt to value the advice of the Members of my Council, and I have always derived the greatest help from their considered opinions. I therefore consulted them. I am well aware that I am taking a wholly exceptional course in giving you this information, but I do it advisedly after careful thought. The whole question was then studied in all aspects by the members of my Government, both Europeans and Indians, who arrived at a unanimous conclusion that the Ordinance was the only remedy available. The situation was then laid before the Secretary of State including the proposals for the promulgation of the Ordinance. The whole matter was submitted to careful examination by Lord Olivier and His Majesty's Government as then constituted. They agreed with the course suggested as the only possible method of dealing with the dangers facing the peace of Bengal. You will thus observe that my action was not

only due to my personal conviction of the necessity for it, but that the view taken by me, and also by His Excellency the Governor of Bengal, has the support and approval of high and experienced authorities, both European and Indian, and was approved by the then Secretary of State.

I have already explained elsewhere why the Members of the Legislature were not consulted in September last. It has since been urged that the Legislature should have been summoned again before I took the step of promulgation. In my judgment this course was neither in the circumstances desirable, nor indeed was it possible, if the means devised were to prove effective. The responsibility was of a nature which could not be shared, and it would not be right or proper for me to try to share it with you or to place it on your shoulders. Consultation with the Legislature would have meant publicity. The aim was to prevent crime and to paralyse the activities of the conspiracies. Past experience in the Government of India and the conclusions of the Rowlatt Committee point to the fact that to check conspiracies of this nature with success two features are essential. In the first place, the organisations must not know that general action of a special nature is under contemplation against them; and, in the second place, the method of working and the sources of information must not be endangered directly or indirectly. Any rashness or carelessness on these points may make future action entirely fruitless and completely nullify the object to be secured. If discussions in this Legislature had taken place, these conditions could not have been fulfilled and the Ordinance would have proved futile as a remedy for the disease.

There is, I regret to say, a tendency among some sections of public opinion in India to confuse all administrative acts with influences having reactions on desires for political progress. The repression of violent crime has, however, no affinity with the treatment of aspirations for advance. They have no resemblance in kind or degree and they are phenomena existing on entirely different planes.

Terrorism no doubt may sometimes batten on a section of political thought. It may expand like some foul parasite-growth deriving strength from living sources outside its own entity. It may flourish for a time in this conjunction if it can cajole or frighten a political party into acquiescence or into encouragement of its activities; but no political party can continue to live with terror for a friend. The parasite will kill the host. True political progress can have no lot or part with terrorism. Whatever differences of opinion may exist between me and my Government and sections of public opinion regarding the Ordinance, I trust that the Members of the Indian Legislature will realise that my action was taken only after the most careful examination of the whole situation and with the sole object of preventing violent crime.

You will not be surprised that I refrain to-day from discussing the important constitutional questions referred to the Reforms Inquiry Committee which have formed the subject of important public discussion. You are aware that the Report of the Committee is now under the consideration of myself and the members of my Government. The weighty nature of the problems and of the investigation by the Committee demands our most careful attention and study, and I think it right to avoid observations upon any of the various questions involved until there has been adequate opportunity for thorough examination and deliberation by me and my Government. I desire however to take advantage of this opportunity to express

[H. E. the Viceroy.]

to Sir Alexander Muddiman, the Chairman, and all the members of the Committee, my deep gratitude for the valuable services they have rendered. They have had a difficult task; they have not spared themselves either in time or labour, and I cannot too highly commend the care and expedition with which they have completed their task. They have devoted themselves whole-heartedly and to the best of their well known capacities to the duties entrusted to them. Whatever opinions may be expressed hereafter upon the results of their efforts, I feel sure that you, the Members of the Indian Legislature, and the Indian public generally, will agree with me in this tribute of appreciation of their services.

I have been deeply gratified to learn that the leaders of the two communities in Kohat have reached agreement, and that there are now good prospects of the return of the Hindus and of the resumption of past friendly and neighbourly relations. I was grievously distressed by the wound which communal tension had inflicted upon Kohat. I shall not refer to the painful events at the riots or their causes, as these have already been dealt with in the Resolution of my Government, and I shall serve no useful purpose by re-discussing them; but leaving these aside, the question which caused me the most acute anxiety and thought was the problem of reconciliation and of the future relations of the two communities. From the outset I have done all in my power to try to heal the wound and to bring the parties together. At one moment reconciliation seemed imminent, but the negotiations proved abortive; nevertheless, I and those associated with me were unwilling to regard the collapse as final. I have always been ready to take any official measures which may assist to restore the harmony and unity formerly traditional between the communities in this Frontier town; but I have recognised that these efforts were of the nature of an auxiliary to settlement and not the actual foundation of settlement. Any system of peace imposed from above or from outside would have neither been real nor lasting. The peace must be the peace of Kohat; and until each party could itself testify that the heart had been cleansed from rancour, there could be no basis for permanent good-will in the future. I understand that the settlement has been well received by the two communities at large, and I trust that I may now hear that active steps are being taken towards the end which I and my Government have so much at heart—a restoration of that harmony and neighbourly relations between Hindu and Moslem which had long been in existence at Kohat. I know that I shall carry the Members of the Indian Legislature with me when I express the most earnest hope that this settlement may prove an enduring restoration of peace and good-will between the two communities at Kohat. I trust I may not be taking too optimistic a view when I express the further hope that the present high state of tension in the relations between the Hindu and Moslem communities in different parts of India may be relieved, and that more friendly relations between them may ensue. I need not assure you that I and my Government have observed with the deepest concern the lamentable series of riots and disturbances which have resulted in so much loss of life and property and, what is perhaps even more deplorable, so much exacerbation of old animosities. We are profoundly impressed by the necessity of taking all possible action to relieve this atmosphere of tension and to avert or mitigate the disorders which it unfortunately generates. I know that these views

are shared to the full by all Local Governments. Nevertheless, I deemed it proper some time ago to invite their close and earnest attention to these matters, and I have every assurance that no effort will be spared by them or by their officers not only to avert temporary or local causes of trouble or to minimise its results, but steadfastly to promote permanent mutual relations of harmony and good-will. I am equally confident that all enlightened members of the communities affected equally deplore and are equally concerned in reconciling these unhappy communal dissensions. They will recognise with me that on a solution of these difficulties depend not only the present peace and prosperity of India, but also her future progress. I readily acknowledge that strenuous efforts have already been made, and are still being made, by leaders of Indian public opinion to establish more harmonious relations between these communities. I cannot too strongly affirm that this object is constantly and sincerely sought after by all responsible public authorities in India; but no measures, legislative or executive, however ingeniously devised, can be expected to produce immediate effect on the ancient and deep-rooted cause of these troubles. They can only be removed by the growth of a spirit of toleration and enlightenment. It cannot be denied that these animosities are a serious hindrance to the promotion of unity of aim in India, and that these quarrels and disturbances must inevitably retard political progress. Whatever differences may divide us in India, we must all agree that every effort should be made to prevent the recurrence of these communal troubles. In this field we can, and should, co-operate, and I trust that all members of these two communities and others, who are moved by humanity, public spirit and patriotism, will join with me and the responsible authorities in India in earnest efforts to promote this spirit of larger tolerance and conciliation. If this object could be attained, the distance along the road to political unity in India will be considerably shortened. Moreover, I venture to cherish the hope that the diffusion of this spirit of harmony and good-will may communicate itself to other regions of acute controversy, and that in due course of time, and aided by this brighter and purer light, the road may be more quickly found to peace and prosperity in India.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 22nd January, 1925.

LEGISLATIVE ASSEMBLY.

Thursday, 22nd January, 1925.

The Assembly met in the Assembly Chamber at Eleven of the Clock, and the President (the Honourable SIR ALEXANDER FREDERICK WHYTE, Kt.) took the Chair.

MEMBERS SWORN:

The Honourable Sir Bhupendra Nath Mitra, K.C.I.E., C.B.E. (Industries Member); Mr. Lancelot Graham, C.I.E., M.L.A. (Secretary, Legislative Department); Mr. George Gall Sim, C.I.E., M.L.A. (Financial Commissioner, Railways); Khan Bahadur Muhammad Abdul Mumin, M.L.A. (Bengal: Nominated Official); Mr. Ernest Horatio Ashworth, M.L.A. (United Provinces: Nominated Official); Mr. William Alexander Cosgrave, M.L.A. (Assam: Nominated Official); Mr. James Leslie McCallum, M.L.A. (Burma: Nominated Official); and Sir Campbell Ward Rhodes, Kt., C.B.E., M.L.A. (Bengal: European).

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I wish to give Honourable Members such information as I can as to the course of business during the next week. To-morrow, as Members are aware, has been allotted for non-official Resolutions. The Assembly will not sit on Saturday, the 24th. On Monday, the 26th, a motion will be submitted for the election of members to the Committee on Public Accounts. The next business will be the moving of a Resolution by the Honourable Member in the Commerce Department in respect of the grant of a bounty on steel manufactured in India. The text of the Resolution is already in the hands of Honourable Members. In the event of the Resolution being passed in a form acceptable to Government, this will be followed by a demand for a supplementary grant to meet the expenditure to be incurred during the current year. Thereafter, if time allows, a motion will be made to refer the Trade Unions Bill to a Select Committee and a motion will be made to take into consideration and pass the Indian Merchant Shipping (Amendment) Bill, which provides for the levy of fees for inspection of wireless installations of vessels. Any Government business not transacted on that day will be taken on Wednesday, the 28th, on which day it is also proposed to move for leave to introduce the Legislative Assembly President's Salary

[Sir Alexander Muddiman.]

Bill and to move for consideration of the Indian Merchant Shipping (Amendment) Bill, which relates to the Haj, in a form in which it has been amended by the Select Committee and also to move, if the former motion is carried, for the passing of the Bill. Finally, if found necessary, an election will also be held on the 28th for the Central Advisory Council for Railways. Tuesday, the 27th, has been allotted for non-official Resolutions and Friday, the 30th, has been allotted for non-official Bills. The House will not sit on Thursday, the 29th, which is a gazetted holiday, nor will it sit on Saturday, the 31st January.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, after the announcement that has been made by the Leader of the House, I wish to draw his attention and also the attention of the Government to the fact that the policy which has led to the promulgation of the Bengal Ordinance of 1924 is very keenly felt throughout the country and also, I believe, in this House by a large body of Members. I am prepared to admit that the Resolution was disallowed on technical grounds, but I am sure the Government do not desire to prevent a free and full discussion on the policy and the provisions and terms of that Ordinance. If I understand rightly that the Government do not wish to prevent a discussion across the floor of this House, then may I ask the Leader of this House whether he proposes to give us an opportunity to raise that discussion with regard to the policy and the provisions of the Bengal Ordinance at an early date?

There is another matter which I want to bring to his notice. The 26th of January is, of course, fixed for very important business. But I want to bring to his notice the fact that a Convocation is going to be held at Aligarh on that day, and large bodies of the Muhammadan Members at least have already accepted invitations and will probably have to go there. In the light of that fact, which I bring to his notice, may I know whether it is possible not to take up such important business on the 26th.

The Honourable Sir Alexander Muddiman: Sir, with reference to the remarks of the Honourable Member opposite in regard to a discussion on the provisions of the Bengal Ordinance, I may say at once that this Government have no desire whatever to shirk a full discussion on any Resolutions that can be constitutionally discussed and I will examine the state of business on the Government side and, as far as possible, I will endeavour to make available an early day for the discussion of that question. Nothing is further from the wish of the Government than to shirk this discussion or in any way to burke the matter and I recognise that the Honourable Member was also aware of that fact when he made his allusion to a Resolution which might otherwise have come on to-day.

As regards the second matter, the matter of the Aligarh University, that is quite new to me. But, speaking generally, Honourable Members must understand that there can be no business more important than the business of this House. However important any other engagements may be, Honourable Members must always recognise that they may have to give them up. However, I will consider the point and I will consult my Honourable Colleague who is mainly responsible for the business of that day. My Honourable friend must also recollect that there is a good deal of Government business and we have to do the best we can to get it through. But I will consider the point.

QUESTIONS AND ANSWERS.

NUMBER OF DEPUTY ASSISTANT CONTROLLERS AND ACCOUNTANTS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

1. ***Mr. N. C. Kelkar:** What is the number of:

(a) authorised,

(b) actually working (1) Deputy Assistant Controllers of Military Accounts and (2) Accountants in the office of the Controller of Military Accounts, S. C. and Poona District?

The Honourable Sir Basil Blckett: (a) Deputy Assistant Controllers of Military Accounts—7; Accountants—34.

(b) (1). Deputy Assistant Controllers of Military Accounts on the 1st September 1924—7.

(2) Accountants on the 1st September 1924—35.

OFFICIATING PROMOTIONS IN LEAVE VACANCIES IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT.

2. ***Mr. N. C. Kelkar:** (a) Are the officiating appointments in the vacancies caused by Deputy Assistant Controllers of Military Accounts and Accountants on leave from 1st September 1922 onwards made in all cases? If not, will Government please state the reasons for the same?

(b) Is it a fact that the Controller of Military Accounts, S. C. and Poona District has declined to notify officiating promotions in leave vacancies as long as the number of Accountants working in his office and with Units are in excess of the authorised strength? If the reply be in the affirmative, will Government be pleased to state whether the same principle was followed in the same office in notifying promotions to the grade of D. A. C. M. A.? If not, the cause of the difference?

The Honourable Sir Basil Blckett: (a) Officiating arrangements in question have been made from 1st September 1922 onwards, where admissible, with due regard to the acting allowance rules.

(b) I would refer the Honourable Member to the answer already given to Mr. Lohokare's question No. 2317 on the same subject. We have no surpluses in the Deputy Assistant Controllers of Military Accounts' grade in any of the Controller of Military Accounts' offices.

GRANT OF OVERTIME ALLOWANCES TO POSTAL SIGNALLERS.

3. ***Mr. N. C. Kelkar:** Will Government be pleased to state whether it is a fact that an overtime allowance is granted in the case of departmental telegraphists for postal and telegraph service messages dealt with by them beyond their prescribed hours of attendance while the same is denied to postal signallers. If so, why?

The Honourable Sir Bhupendra Nath Mitra: It is a fact that an overtime allowance is granted to departmental telegraphists for postal and telegraph service messages dealt with by them beyond their prescribed hours of attendance.

2. The allowance is not however denied to postal signallers, provided that the combined office is required to be kept open, under competent authority, for substantially longer hours (*i.e.*, for a period of 30 minutes or more) than those fixed for the transaction of telegraph business.

WORKING HOURS OF RAILWAY MAIL SERVICE SORTERS.

4. ***Mr. N. C. Kelkar:** Will the Government be pleased to state whether the attendance hours at the record office and on the railway platforms of R. M. S. sorters on duty are not taken into account in calculating the working hours? If so, why?

The Honourable Sir Bhupendra Nath Mitra: Such hours are not taken into account as working hours, because to do so would be still further to reduce the term of actual duty of R. M. S. officials which is already considerably below that of other branches of the Department.

VACANCIES IN SELECTION GRADE APPOINTMENTS IN THE WESTERN CIRCLE RAILWAY MAIL SERVICE.

5. ***Mr. N. C. Kelkar:** Will the Government be pleased to state whether it is a fact that vacancies in the selection grade appointments in the Western Circle R. M. S. have been kept vacant for over a year and if so, why?

The Honourable Sir Bhupendra Nath Mitra: The appointments were kept vacant owing to a misapprehension of the orders on the subject. The matter has been set right and the vacancies have since been filled up.

INCREASE OF LEAVE RESERVE IN THE RAILWAY MAIL SERVICE.

6. ***Mr. N. C. Kelkar:** (a) Will the Government be pleased to state whether it is a fact that Government have accepted the recommendations of the joint R. M. S. conference regarding the increase of leave reserve to 30 per cent. in the R. M. S.? If so, will the Government be pleased to state whether any final orders to that effect have or have not been passed yet?

(b) If final orders have been passed, will the Government be pleased to state what are the orders?

The Honourable Sir Bhupendra Nath Mitra: The question of increasing the leave reserve in the Railway Mail Service is being carefully considered by the Director-General in consultation with the Financial Adviser to the Department of Posts and Telegraphs. His recommendations will be considered by Government as soon as they are received.

WORKING HOURS OF POSTAL AND TELEGRAPH OFFICIALS.

7. ***Mr. N. C. Kelkar:** Will the Government be pleased to state:

- (a) How many hours' attendance daily is considered as normal in the case of officials of (I) the Post, (II) of the Telegraphs;
- (b) Whether any differentiation between postal officials and telegraphists is made in respect of attendance by day and attendance by night;
- (c) If any is made, what are the normal hours of attendance by day and normal hours by night per day in case of the officials of the two departments?

The Honourable Sir Bhupendra Nath Mitra: (a) Ordinarily 8 hours daily, for attendance by day.

(b) The work of postal clerks is usually done by day, but telegraphists are, in many cases, called upon to put in a regular term of night duty, and their period of attendance by night is from 6 to 7 hours. In view of the replies to (a) and (b), (c) does not arise.

GRANT OF EXTRA REMUNERATION TO THE SORTERS OF THE POONA
POST OFFICE FOR SORTING THE *KESARI* NEWSPAPER ONCE
A WEEK.

8. ***Mr. N. C. Kelkar:** Will the Government be pleased to state whether it is a fact that the sorters of the Poona Post Office have to work for two hours extra to sort the *Kesari* newspaper once a week and if so, are they paid any additional remuneration and if so, what? If they are not paid extra remuneration, why not?

The Honourable Sir Bhupendra Nath Mitra: The sorting staff of the Poona post office, having been fixed, in accordance with the rules of the Department, on the basis of the amount of work performed daily on the average during a fortnight, the position is that the staff have more work than the average on one day in each week and less work than the average on the remaining days. In the circumstances, it is not considered necessary to grant extra remuneration in connection with the sorting of the *Kesari* newspaper.

TIME TEST OF SORTERS OF THE RAILWAY MAIL SERVICE.

9. ***Mr. N. C. Kelkar:** Will the Government be pleased to state whether it is a fact that orders are in existence to exclude from calculation the work in connection with sorting weekly newspapers and magazines from the prescribed time-test of the work of the R. M. S. sorters? If so, why?

The Honourable Sir Bhupendra Nath Mitra: The reply is in the negative.

GRANT OF COMPENSATORY ALLOWANCE TO POSTAL OFFICIALS AT
BOMBAY, POONA AND KARACHI.

10. ***Mr. N. C. Kelkar:** Will the Government be pleased to state whether they propose to sanction compensatory allowance to postal officers working at Bombay, Poona and Karachi similar to that sanctioned by the Local Government to their officers similarly posted?

The Honourable Sir Bhupendra Nath Mitra: The Government have already admitted, with effect from the 1st April 1924, the gazetted officers of the Central Services who are stationed at Bombay, Karachi and other expensive towns, to the benefits of a special scale of local allowance. Poona is not included in this allowance.

REFUSAL OF THE ANCHOR LINE TO CARRY INDIAN SALOON PASSENGERS
TO EUROPE.

11. ***Sir Hari Singh Gour:** (a) Is it a fact that the Anchor Line steamers refuse to carry Indian saloon passengers to Europe?

(b) If so, will the Government be pleased to state if they have represented to the Directors of the Anchor Line against this racial discrimination?

(c) What subsidy do the Government give to this line of steamers?

The Honourable Sir Charles Innes: (a) No.

(b) Does not arise.

(c) None.

Colonel Sir Henry Stanyon: Are Government aware of the fact that in October and November last on the Anchor Liner "California" I had the pleasure of a voyage to India with 22 Indian First and Second Saloon passengers?

The Honourable Sir Charles Innes: I am glad the Honourable Member is able to confirm the information I have just given to the House.

Mr. W. S. J. Willson: Do the Government pay a subsidy to any line of steamers? I am not referring to payments for services done, but to a subsidy.

The Honourable Sir Charles Innes: We pay to certain steamship lines what are called mail subsidies which are of course payments for services rendered.

Mr. W. S. J. Willson: My point is that they are not subsidies.

LOCATION OF THE INDIAN STORES DEPARTMENT IN SIMLA.

12. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state what necessity there is for the Indian Stores Department to be located in Simla?

(b) What percentage of the stores are purchased in Simla and what commercial houses have their headquarters in Simla for the purchase of stores?

The Honourable Sir Bhupendra Nath Mitra: (a) I propose to answer this question in reply to part (b) of the Honourable Member's next question* on the paper.

(b) It is presumed that the Honourable Member refers to purchases made from firms located in Simla. If this is so, the answer is that no such purchases except some petty supplies have been made. As far as the Government are aware no commercial Houses have their headquarters in Simla for the wholesale purchase of stores.

LOCATION OF THE INDIAN STORES DEPARTMENT IN DELHI.

13. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state how many offices of the Indian Stores Department are located in Simla, and for how many months and what work they do during their stay here?

(b) Will the Government be pleased to state why the headquarters of the Indian Stores Department should not be permanently located in Delhi or some other commercial centre?

(c) Is it a fact that the employees of the Indian Stores Department find difficulty in getting house accommodation in Simla and their efficiency thereby suffers?

The Honourable Sir Bhupendra Nath Mitra: (a) The only office of the Indian Stores Department which is located for any portion of the year at Simla is the office of the Chief Controller of Stores. This office moves between Simla and Delhi with the headquarters of the Government of India and discharges at Simla the ordinary work devolving on it.

(b) The Honourable Member is aware that the Indian Stores Department is still in process of organization, and it is considered essential in the interests of administrative convenience and efficiency that the headquarters of the Department should remain as a temporary arrangement with the Government of India.

(c) Not, as far as the Government of India are aware.

ENCOURAGEMENT OF INDIGENOUS INDUSTRIES SINCE THE ESTABLISHMENT OF THE INDIAN STORES DEPARTMENT.

14. ***Sir Hari Singh Gour:** (a) Is it a fact that the Indian Stores Department has been inaugurated in this country for the purpose of encouraging the indigenous industry of the country?

(b) Will the Government be pleased to state what indigenous industries have been encouraged since its establishment?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Indian Stores Department since its institution has rendered material assistance to the following industries:

Textiles.

Cement.

Miscellaneous iron and steel manufactures including fabricated articles.

Oils and paints.

Sundry Chemical and allied manufactures.

The Department has also assisted the Engineering industries by inspection of manufactures, testing of materials and affording technical assistance and advice.

PURCHASE OF STORES.

15. ***Sir Hari Singh Gour:** With reference to the Rules for the supply of articles for the public services will the Government be pleased to lay on the table the following information:

(a) Names of indigenous industry encouraged under the patronage of the Indian Stores Department since its establishment in January 1922;

(b) Names of the firms whether owned and managed by Indian or English capital and personnels;

(c) Total amount of indents placed by the I. S. D. for the supply of such local industry as is referred to in (a) above during the period the new rules were introduced?

The Honourable Sir Bhupendra Nath Mitra: (a) The Honourable Member is referred to the reply to his starred question No. 14.

(b) The information asked for by the Honourable Member is not available. The collection of this information would take a considerable time and entail some expense. It is also doubtful if private trading firms would be prepared to furnish the information asked for.

(c) The value of the purchases, of *locally manufactured* articles, made by the Indian Stores Department, from the date on which the revised Stores Rules were introduced up to the 31st December 1924 is Rs. 77,74,900. I may add that these rules came into force only in May last.

PURCHASE OF STORES.

16. *Sir Hari Singh Gour: With reference to rule 1 of the Rules for the supply of articles for the public service will the Government be pleased to lay on the table the following information:

(a) Names of articles manufactured in India from materials produced in India and purchased through the I. S. D.

(b) Names of firms whether owned and managed by Indian or English capital and personnels?

The Honourable Sir Bhupendra Nath Mitra: (a) A statement is laid on the table.

(b) The Honourable Member is referred to the reply given to part (b) of his starred question No. 15.

List of stores manufactured from Indian materials and purchased by the Indian Stores Department.

Engineering and Hardware stores—

Anchors.
 Axles.
 Belting.
 Brushes.
 Carts, hand.
 Carts, night soil.
 Casing and Capping.
 Cement.
 Chair spikes.
 Cranes.
 Creosote.
 Dogspikes.
 Firebars.
 Firebricks.
 Fireclay.
 Glue.
 Gymnasium appliances.
 Hydrant standpost.
 Iron, pig.
 Nails, wire.
 Padlocks.
 Petrol.
 Phowrahs.
 Pipes and specials, C. I.
 Sleepers.
 Steel sections.
 Steel yards.
 Tar, coal.
 Tar, wood.
 Tiles.
 Trusses, roof.
 Turpentine.

Valves, wheel brass.
 Wheels.
 Wire, baling.
 Wood blocks.
 Textiles, Cotton—
 Bags, dasooti.
 Calico.
 Cambric.
 Canvas.
 Carriers, waterbottle.
 Cases, mattress, pillow, etc.
 Chintz, Tent.
 Cloth, dasooti.
 Cloth, Grey and other colours.
 Cloth, Jaconet.
 Cloth, Khadi.
 Cloth, Lining.
 Cloth, Long.
 Cloth, Markia.
 Cloth, Oil.
 Cloths, Glass, table, tea, tray, sponge, toos, etc.
 Cord, Bedford.
 Cordage of sorts.
 Corduroy.
 Cotton waste.
 Drill, grey and dyed.
 Duck.
 Dangari.
 Durries.
 Flannelette.
 Fringes.
 Kullahs.

List of stores manufactured from Indian materials and purchased by the Indian Stores Department—contd.

Textiles, Cotton—*contd.*
 Lines, bedding.
 Mulmul
 Narkins.
 Newar.
 Pugri cloth, bleached and dyed.
 Putties.
 Ropes of sorts.
 Safas Police.
 Sheeting.
 Sheets.
 Tape, cotton.
 Tents and components.
 Thread.
 Ticken.
 Towelling cloth.
 Towels.
 Twill.
 Twine.
 Yarn.
 Wool—
 Banat.
 Bandages, horse.
 Blankets.
 Broadcloth.
 Chutt.
 Cloth, Baize.
 Comforters.

Jackets, Cardigan.
 Jerseys.
 Jhools, camel.
 Melton.
 Putties.
 Rugs, horse.
 Serges of sorts.
 Socks.
 Stockings.
 Wool, Raw.
 Jute, Coir, Hemp, etc.—
 Bags of sorts.
 Canvas (jute).
 Fibre (coir).
 Gasketting (jute).
 Hessian cloth.
 Log Lines.
 Mats, coir fibre.
 Nets, hay.
 Nets, loading camel.
 Paulins (jute proofed).
 Rope of sorts.
 String (coir).
 Tanks, mule covers.
 Tanks, mule nets.
 Tatputties.
 Twill (jute).
 Twine.

PURCHASE OF STORES.

17. *Sir Hari Singh Gour: With reference to rule 3 (b) (i) and (c) of revised Store Rules, will the Government be pleased to give the following information:

List of I and II of approved firms.

Number.	Owned and managed by English capital and personnels.	Owned and managed by Indian capital and personnels.

. The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to the reply given to starred question No. 1738, on the 10th September, 1924.

PURCHASE OF STORES.

18. *Sir Hari Singh Gour: Will the Government be pleased to state the method followed by the Indian Stores Department in the selection of firms for placing orders in cases of indents for which no advertisement is made?

The Honourable Sir Bhupendra Nath Mitra: A list of approved firms who deal in the various classes of stores purchased by the Indian Stores Department is maintained by the Chief Controller of Stores and in cases in which tenders are not called for by advertisement a number of firms

on the approved list are invited to tender. The selection of the firms who are invited to tender is made after taking into consideration among other things their location in relation to the destination at which the stores are required.

PURCHASE AND INSPECTION OF STORES.

19. ***Sir Hari Singh Gour:** With reference to rule 6 of the Stores Rules will the Government be pleased to state whether a department under the control of Indian Stores Department can purchase its stores from another department which is not under the control of the Indian Stores Department. If so, what is the limit as regards cost of stores thus purchased?

The Honourable Sir Bhupendra Nath Mitra: There is no Department under the control of the Indian Stores Department which is purely an agency for the purchase and inspection of stores on behalf of other Departments.

ACTION TAKEN AGAINST DEPARTMENTS INDENTING DIRECT ON LONDON FOR STORES.

20. ***Sir Hari Singh Gour:** Will the Government be pleased to give the following information:

(a) Names of the departments who in disregard of Government instructions did not send in their indents to the Indian Stores Department but sent them direct to London, during last year ended the 31st July 1924;

(b) What effective action was taken against such departments?

The Honourable Sir Bhupendra Nath Mitra: (a) Indents for stores are sent direct to the London Store Department in accordance with Standing Orders and a copy of such indents is sent to the Indian Stores Department for scrutiny.

(b) Does not arise.

Mr. B. Das: May I inquire whether any of the Railway Departments are sending their orders through the Indian Store Department?

The Honourable Sir Charles Innes: I understand, Sir, that several Railways are placing orders with the Indian Stores Department.

Mr. B. Das: At the end of the last September session the Honourable Member for Commerce assured us that after a conference with the Director of Stores Purchases various Railway Departments would make purchases through the Indian Stores Department. May I know the result of that conference?

The Honourable Sir Charles Innes: I think there is a question on that subject in the paper later on.

Mr. B. Das: May I know if the Indian Stores Department is calling for rupee tenders in accordance with Mr. Jinnah's Resolution adopted by this Assembly last year?

The Honourable Sir Bhupendra Nath Mitra: That is a matter on which a question has been asked later on.

INDENTS FOR STORES SENT TO THE LONDON STORE DEPARTMENT.

21. ***Sir Hari Singh Gour:** Is it a fact that the indents sent direct to the Indian Stores Department, London, are not first advertised in India in order to give opportunities to Indian firms for quotation? If so, will the Government be pleased to state why this is not done?

INDENTS FOR STORES SENT TO THE LONDON STORE DEPARTMENT.

22. ***Sir Hari Singh Gour:** (a) On the case of indents forwarded direct to London of which only a copy is sent to the I. S. D. what action do the latter take to safeguard the interest of indigenous producers?

(b) Are such indents made known to the indigenous producers?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to answer this question and the preceding question No. 22, put by the Honourable Member together.

Indents are forwarded to the London Store Department direct by indentors for all articles which they believe cannot be obtained in India under the provisions of the Rules for the Supply of articles for the Public Service. A copy of each such indent is sent simultaneously to the Indian Stores Department for scrutiny. If that Department finds that any articles have been demanded from London which can be obtained from Indian sources of supply, this is brought to the notice of the indentor, full particulars being given of the source of supply, etc.

The information contained in the indents is not communicated to indigenous producers at the time of their despatch to London, but for some years past a statement has been published half-yearly indicating the classes of engineering stores which have been indented for from London. It has recently been decided to expand the statement so as to include all classes of stores.

The bulk of the indents sent to the London Store Department are for stores which are not obtainable in India in conformity with the Stores Purchase Rules and hence the advertisement of such demands in India would only lead in the majority of cases to increased expenditure and also delay in the supply of stores.

COUNCIL OF STATE ELECTORAL RULES.

23. ***Mr. M. Yusuf Imam:** (a) Are the Government of India aware of the fact that the electoral rolls of the several constituencies of the Council of State in the United Provinces are under preparation and were published for objections on September 15, 1924?

(b) Has the Government of India's attention been drawn to the interpellation of Doctor Ganesh Prasad in the meeting of the United Provinces Legislative Council of the 11th September 1924, and the reply of the Local Government thereto?

(c) When and on what date was the communication of the Government of the United Provinces, asking for the amendment of clause (f) paragraph 3 of Schedule II to the Council of State Electoral Rules, received by the Government of India and what action was taken thereon by them?

(d) What is the reason for the delay especially in view of the fact that a similar amendment in case of clause (a) paragraph 13 Schedule II to the United Provinces Electoral Rules was sanctioned by them last year?

(e) Do the Government of India propose to sanction the amendment applied for by the Government of the United Provinces before the revised electoral rolls are finally published?

(f) Are the Government of India prepared, if necessary, to obtain the sanction of the Secretary of State in Council in connection with this amendment?

(g) Do the Government of India propose to stop the final publication of the revised electoral rolls in question until after the amendment asked for by the Local Government is sanctioned?

The Honourable Sir Alexander Muddiman: The Honourable Member is referred to my reply to Mr. Ranga Iyer's question, dated the 20th September 1924, which is reproduced on page 4065 of the Legislative Assembly Debates, Volume IV. The necessary amendments to the Council of State Electoral Rules have been sanctioned by the Secretary of State in Council and were published in the Home Department Notification No. F.-807-Public, dated the 17th December 1924.

PROVISION OF ROADWAYS OVER RAILWAY BRIDGES IN ASSAM.

24. ***Mr. T. A. Chalmers:** (a) Is it a fact that railway bridges on the Rohilkund and Kumaon Railway are constructed so that the track on which the railway is laid is also used for wheeled traffic when the bridge is not actually carrying or about to carry a train?

(b) What is the extra cost per foot of span of constructing these bridges to fit them for this purpose?

(c) Are Government aware that a great deal of dissatisfaction has been caused in Assam because railway bridges, which are not used for railway trains more than six or eight times a day in Assam, are not utilised for the purposes of wheeled traffic as is said to be the case in Rohilkund?

(d) Is this want of consideration for the needs of improved communication due to the want of co-operation between the Railway Board or Railway Administration on the one hand and the P. W. D. or Local Boards on the other?

(e) If not, why cannot the present bridges and all future bridges be altered or constructed and worked as is said to be done in Rohilkund?

The Honourable Sir Charles Innes: (a) There are two bridges on the Rohilkund and Kumaon Railway system which can be utilised in the manner indicated.

(b) The extra cost cannot be stated as a definite figure per lineal foot of span of a bridge as it would vary with the requirements of each particular case.

(c) The Government of India have received no representations to this effect.

(d) The provision of roads is the concern of the Local Government but there is no want of co-operation on the part of Railways. The rules for the preparation of railway projects provide for the possibility of roadways being required by the local civil authorities on railway bridges and it is specifically laid down that when a large railway bridge is under consideration the Local Government or other road authority shall be given an opportunity of deciding whether facilities for road traffic should be simultaneously provided for.

(e) The provision of roads over existing bridges is precluded in many cases by the fact that this would entail an alteration in the design of the bridges. This difficulty does not, however, arise in the case of new bridges or when existing ones are being renewed and a roadway could be provided over them if asked for by the Local Government or road authority provided, the extra cost to the railway is met by those authorities.

PURCHASE OF STORES.

25. *Mr. K. Ahmed: (a) Is it a fact that the Stores Purchase Rules issued by the Government of India are based on a policy which aims at the encouragement of Indian industries?

(b) Is it a fact that these rules are intended to regulate the purchase of stores by all Departments immediately subordinate to the Government of India and by Heads of minor Provinces?

(c) If the reply to the above is in the affirmative, will Government please state whether the purchases at present made by the three State Railways, the Director General of Posts and Telegraphs and the Chief Commissioner of Delhi are being made in conformity with the rules?

The Honourable Sir Bhupendra Nath Mitra: The reply to all parts of the question is in the affirmative.

PURCHASE OF STORES.

26. *Mr. K. Ahmed: (a) Is it a fact that Rule 1 of the Stores Purchase Rules requires that all articles which are produced in India in the form of raw material or are manufactured in India, should by preference be purchased locally, provided that the quality is sufficiently good for the purpose and the price reasonable?

(b) If so, is this policy followed in the case of all purchases made by the Indian Stores Department and the Master General of Supplies?

(c) How do the Indian Stores Department and the Master General of Supplies satisfy themselves in regard to comparison of prices of imported and indigenous articles? Do they maintain any rate lists? If not, why not?

(d) Do Government propose to amend rule 1 of the Stores Purchase Rules, so as to make it more effective by providing for disciplinary measures being taken against indenting officers, who may be found to have infringed the principle of the rule?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). Yes.

(c) In the case of the Indian Stores Department when orders involve large expenditure, simultaneous tenders are called for in India and from the Director General, India Store Department, London. Copies of all contracts placed by the Director General, India Store Department, London, are forwarded to the Indian Stores Department and in the case of orders for stores which are not of sufficient magnitude to justify calling for simultaneous tenders, the price of similar stores given in recent copies of contracts is compared with quotations received in India. If no recent purchase of the stores in question has been made by the London Store Department and hence no copies of contracts are available for comparison, the current price is ascertained from the Director General of Stores by cable. In all cases the additional charges shown in Rule 8 of the Stores Purchase Rules are added to the prices intimated by the Director General

of Stores. Rate lists are not maintained in the Indian Stores Department owing to the vast numbers and variety of items purchased for the several Government Departments and unstable conditions of market prices. It is considered that the labour and expense involved in the preparation of rate lists and in keeping them up-to-date would not be commensurate with their usefulness, and they would in fact in many cases be misleading.

In the case of the Master General of Supply the instructions contained in Rule 8 of the Stores Purchase Rules are strictly adhered to and rate lists are maintained for the classes of stores purchased.

(d) The answer is in the negative.

PURCHASE OF RAILWAY STORES.

27. ***Mr. K. Ahmed:** (a) Will Government be pleased to place on the table the circular letter No. 2574-S., dated the 18th August 1924, from the Railway Board to the Agents of State Railways?

(b) Are the instructions conveyed in this letter in regard to purchase of stores by the Railways, mandatory or permissive only? If the latter, why?

The Honourable Sir Charles Innes: (a) The Railway Board's circular letter No. 2574-S., dated 18th August 1924, was laid on the table on the 17th September 1924, in response to the request contained in part (f) of Mr. Neogy's question No. 2135.

(b) As regards the second part of the question, I would invite the Honourable Member's attention to my speech on the 20th September 1924 in this House to which I have nothing to add.

PURCHASE OF MILITARY STORES.

28. ***Mr. K. Ahmed:** (a) Is it a fact that in the communiqué, dated the 31st March 1924, issued by the Government of India in the Army Department creating the office of the Master General of Supplies, it was announced that the production and provision of purely military stores such as lethal munitions and foodstuffs for the Army would be entrusted to the Master General of Supplies and the purchase of general stores, such as textiles and leather goods, engineering plant and material, hardware, oils and paints and other articles, which are in general use in the other Departments and in no way peculiar to the Army, would be entrusted to the Indian Stores Department?

(b) If the answer to the above be in the affirmative, will the Government be pleased to state whether or not the purchases made by the two authorities, are in accordance with the above distribution?

Mr. E. Burdon: (a) I would first of all observe that the Honourable Member, by omitting from his quotation of the press communiqué in question an important qualifying phrase, has altered its complexion. As the communiqué plainly stated, it was only in the ultimate development of the Department of Surveyor General of Supply, if one were created, and of the Indian Stores Department, that the distribution of functions outlined in the communiqué was to take place.

(b) It was agreed at the time that the communiqué was issued that the Indian Stores Department should continue to carry out the purchase of textiles for the Army, and also that the purchase of engineering stores for the Military Works Services should be entrusted to the Indian Stores

Department as an experimental measure for a year. As the Department was not at that time sufficiently organised or developed to undertake the purchase of further classes of articles, it was further agreed that no extension of their activities on behalf of the Army should be carried out until the Department was in a position to buy as cheaply and as efficiently as the Army's own purchasing agency. The Government of India attach very great importance to the position which they desire to assign to the Indian Stores Department as a purchasing agency ancillary to the Master General of Supply, and the question of entrusting further classes of purchases on behalf of the Army to the Indian Stores Department is under the consideration of Government.

THE TAXATION INQUIRY COMMITTEE.

29. ***Mr. T. C. Goswami:** (a) Have Government dissolved the Taxation Inquiry Committee in pursuance of the Resolution passed by the Legislative Assembly during the September session of 1924?

(b) If not, will Government be pleased to say in what manner they have given effect to the Resolution referred to above, or in what manner they propose to give effect to it?

(c) Have Government considered the advisability of setting up an Economic Inquiry Committee, as recommended by the Legislative Assembly? Have they come to any decision on the subject?

(d) (i) How much of the amount voted by the Legislative Assembly for the Taxation Inquiry Committee had been spent before the said Assembly passed the Resolution recommending its dissolution, and how much (if any) has been spent since? What is the balance in hand?

(ii) Will Government be pleased to state how the money has been spent (*i.e.*, the items of expenditure) in connection with the proposed Taxation Inquiry Committee?

(e) Has the Taxation Inquiry Committee ever met?

THE TAXATION INQUIRY COMMITTEE.

168. ***Mr. Kamini Kumar Chanda:** (a) Do Government propose to take any action in accordance with the recommendation of the Assembly about the Taxation Committee?

(b) If so, what action thereon is proposed to be taken and when?

(c) Have the members of the Committee been summoned and what work are they now engaged on?

THE TAXATION INQUIRY COMMITTEE.

377. ***Kumar Ganganand Sinha:** Are not the Government aware of the fact that a large number of the people's representatives in the Assembly are refraining from taking part in the Taxation Inquiry? Will the Government be pleased to state the reasons that have led the Government to disregard the disapproval of the House with regard to the personnel and terms of reference of the Taxation Inquiry Committee?

The Honourable Sir Basil Blackett: I propose to answer together with this question, question No. 168 by Mr. Kamini Kumar Chanda and question No. 377 by Kumar Ganganand Sinha.

Mr. Goswami's question.

(a) to (c). I would invite the Honourable Member's attention to the statement made by His Excellency the Viceroy on this subject on the 20th instant.

(d) Of the sum of Rs. 2 lakhs voted by the Assembly, Rs. 5,656 was spent before and Rs. 62,739 after the passing of the Resolution, leaving a balance of Rs. 1,31,605. The details of expenditure are as follows:

				Rs.
Pay of officers	...	...	...	38,585
Pay of establishment	...	...	...	8,495
Travelling allowances	...	...	...	11,405
Contingencies	...	...	...	9,910
			Total	68,395

With regard to (e) I would refer the Honourable Member to the accounts in the press.

That answers the whole of Mr. Chanda's question.

In regard to Kumar Ganganand Sinha's question a certain number of members of the Assembly have, I understand, published statements in the press to which the Honourable Member may refer. As regards the latter part of the question, I would invite the Honourable Member's attention to the statement made by His Excellency the Viceroy on the subject on the 20th instant.

Mr. T. C. Goswami: Arising out of that answer, may I ask the Honourable the Finance Member if he has any justification to offer for disregarding the Resolution of this Assembly in a manner which suggests peevishness and childish obstinacy.

Mr. President: Order, order. The Honourable Member must choose his words with greater care.

The Honourable Sir Basil Blackett: I might apply the words to the action of somebody else. I would justify the action of Government by pointing out that this Assembly voted the sum necessary to appoint and carry on the work of the Committee for the year and that it was only in accordance with that vote and after it had been voted that the Committee was appointed.

Mr. Darcy Lindsay: Is it a fact that my Honourable friend, Mr. Goswami, in common with other Members of the Assembly was supplied with copies of letters, dated the 10th November and the 20th December, showing that the Committee were very much alive in proceeding with their labours and hence several of his questions have been needlessly asked?

Mr. N. M. Joshi: May I ask, Sir, whether Government are in a position to tell the House what the terms of reference to the Economic Inquiry Committee are and what the constitution of the Committee is?

The Honourable Sir Basil Blackett: The terms of reference to the Committee are:

To examine the material at present available for framing an estimate of the economic condition of the various classes of the people of British India; to report on its adequacy; and to make recommendations as to the best manner in which it may be supplemented, and as to the lines on which a general economic survey should be carried out, with an estimate of the expenditure involved in giving effect to such recommendations.

The personnel of the Committee is as follows:

Sir M. Visvesvaraya, K.C.I.E., D.Sc., M.I.C.E., Chairman;

Rai Bahadur Pandit Hari Kishan Kaul, C.S.I., C.I.E., Member; and

Mr. A. R. Burnett-Hurst, B.Sc., Professor, Muir Central College, Allahabad, Member and Secretary.

Mr. A. Rangaswami Iyengar: May I know the reason why the Government did not accept the recommendations of this House as to the constitution of this Committee?

The Honourable Sir Basil Blackett: If the Honourable Member will put that question down, I think I can answer it.

USE OF A DEFECTIVE WEIGHING MACHINE AT THE SEALDAH RAILWAY STATION.

30. ***Mr. Kamini Kumar Chanda:** (a) Has the attention of Government been drawn to a letter published in the *Forward* on or about the last week of September over the name of Mr. Abdul Gunny Chowdhury, M. L. C., complaining that on his arrival at the Sealdah station his hand-bag was weighed by a railway employé by a weighing machine standing on platform No. 7 which showed a weight of 20 seers, that on Mr. Chowdhury challenging the weight, the bag was reweighed by Mr. G. Moss by another machine which stood by the side of the former machine, and the weight was now shown to be 14½ seers; that the matter being reported to the Superintendent, he inquired and discovered that the former machine had been declared defective and Mr. Chowdhury thus escaped and it was found as stated that the man in charge of the defective machine had once before been punished for weighing by the same machine which is described as I. S. R. Inter and Third class K. L. N. M. B. B. and K. I. R. *via* L. G. G.

(b) Are the above statements true?

(c) If so, what action has been taken in the matter?

(d) Who is responsible for using a weighing machine after it was found to be defective and what notice has been taken of his conduct?

The Honourable Sir Charles Innes: (a) Government have seen the letter referred to.

(b), (c) and (d). Government understand that the article in question was a small steel trunk, which had not been booked. When the trunk was weighed, the weighing machine was found to be defective, and, on this being reported to the Station Superintendent, he had the machine put out of use. The statement that the clerk, who weighed the luggage, had been previously punished for weighing by this machine is not correct.

Mr. N. M. Joshi: May I ask if the Government have got special machines, not necessarily defective, for weighing the luggage of intermediate and third class passengers?

The Honourable Sir Charles Innes: I do not understand why we should have separate machines for weighing the luggage of intermediate and third class passengers.

Mr. N. M. Joshi: I see here in this question there is reference to a special machine for intermediate and third class passengers' luggage.

The Honourable Sir Charles Innes: I am not responsible for the phrasing of the question.

ALLEGED OUTRAGE ON AN INDIAN FEMALE TRAVELLING BY THE RANCHI EXPRESS.

31. ***Mr. Kamini Kumar Chanda:** Has the attention of the Government been called to an account published in the *Bankura Darpan* stating that an Indian female was travelling in a female compartment by the Ranchi Express and had a son with her, that at Purulia a guard of the train removed the latter to a male compartment and that thereafter as soon as the train began to move a guard entered the said female compartment and attempted to commit an outrage on her and on her crying out some one from the adjoining male compartment pulled the "Alarm Chain" on which the train was brought to a stop and the guard ran away, that the police prosecuted the two guards A. J. D. Rossio and A. H. Poke in this connection and the Sub-Divisional Officer of Bankura who tried the case convicted guard Rossio and sentenced him to 9 months' rigorous imprisonment and acquitted guard A. H. Poke.

- (a) Are the facts stated above correct?
- (b) Has it been ascertained whether or not the son of the female passenger could under the railway rules remain with his mother in the female compartment?
- (c) If so, has the Railway Administration held any inquiry about the guard who removed him from the female compartment? Was he the guard A. H. Poke who has been acquitted?
- (d) Has the Railway Administration considered whether he is fit to be retained in service though acquitted by the magistrate?

The Honourable Sir Charles Innes: The facts as Government have ascertained, them are as follows: The incident referred to occurred when the Ranchi Express was leaving Bankura on 5th April, 1924. Two persons, Guard A. J. D. Rozario of the train and H. Paul, were prosecuted by the police. Rozario was convicted and has been dismissed from service. Paul is not a railway employee. There is no information whether the son was removed to a male compartment, but the railway rules do not permit a male above the age of 12 to travel in a female compartment.

Sir Campbell Rhodes: With reference to section (d) of this question, Sir, may I ask the Honourable the Home Member whether it is or is not a fact under the law that a man is held to be innocent not only until he is convicted but even after he has been acquitted?

The Honourable Sir Alexander Muddiman: The Honourable Member has answered his own question.

PROSECUTION OF RAILWAY SERVANTS RESPONSIBLE FOR OVERCROWDING OF TRAINS.

32. ***Mr. Kamini Kumar Chanda:** (a) Has it been admitted by Government in this Assembly and the old Imperial Council on several occasions that there is, and has always been, overcrowding in some of the trains at any rate?

(b) Is it a fact that there is overcrowding in some trains and that such overcrowding generally takes place with the help of the railway staff who cause passengers to enter compartments already full?

(c) Has there been a single prosecution of any of the railway staff since the enactment of the provisions in section 102 of Indian Railways Act 1890 and the corresponding section 28 of Act 10 of 1879 providing for the prosecution of any railway servant for causing such overcrowding?

(d) Is there any agency in existence or contemplated for prosecuting such railway servants? If not, are the Government prepared either to consider the desirability of taking steps to enforce the said provision of law or to repeal the same if it is found to have been a dead letter for nearly half a century?

The Honourable Sir Charles Innes: (a) and (d). The Honourable Member asked a very similar question in the Imperial Legislative Council on 7th February 1917, and he was given a very full reply. The position in regard to overcrowding is now very much better as the Honourable Member will see from my speech in this House on 12th February last.

(b) Not so far as Government are aware.

(c) The answer is in the affirmative.

REFUSAL OF A PASSPORT TO DR. SUDHINDRA BOSE, LECTURER IN THE
STATE UNIVERSITY OF IOWA.

33. ***Mr. Kamini Kumar Chanda:** (a) Has the attention of the Government been drawn to a letter dated the 28th September published in the *Forward* over the name of Pundit Benarasidas Chaturvedi under the heading "Another Passport Scandal" stating that Dr. Sudhindra Bose, Lecturer in the State University of Iowa who is said to have been acting as such in the said University, a Government institution, since 1913 and who when he intended to return to India to see his old mother during her illness, was refused a passport?

(b) Are the statements in the above paragraph correct?

(c) What are the grounds on which Dr. Bose has been refused a passport?

(d) Have Government at any time formulated any charge or charges against him?

The Honourable Sir Alexander Muddiman: (a) Government have seen the letter.

(b) and (c). I invite the Honourable Member's attention to my predecessor's replies to questions on the subject in this House on the 10th January 1922 and 15th January 1923. Dr. Bose was, when the *visa* was refused, an American citizen. His status has since been changed as a result of the decision of the Supreme Court of the U. S. A. in the case U. S. A. *versus* Bhagat Singh Hind, and His Britannic Majesty's Ambassador at Washington was informed in May of last year that Dr. Bose might be granted permission to return to India.

(d) Does not arise.

RISE IN PRICE OF RICE IN EASTERN BENGAL.

34. ***Mr. Kamini Kumar Chanda:** (a) Has the Honourable Member, Education, Health and Lands Department, received any wire from the Indian Association, Calcutta, stating that floods in Eastern Bengal have-

destroyed standing crops and the price of rice has risen abnormally in consequence and serious shortage of rice is apprehended and suggesting control of export and import of Burma rice?

- (b) Do Government propose to make inquiries about the situation in East Bengal and take any action to meet it?

Mr. J. W. Bhore: (a) Yes.

(b) The Government have made inquiries and the reports received from the Government of Bengal, who have been consulted in the matter, show that the price of rice has now fallen and that there is no need for Government interference.

RESIGNATION BY SIR DADIBA DALAL OF THE OFFICE OF HIGH
COMMISSIONER FOR INDIA.

35. ***Mr. Kamini Kumar Chanda:** (a) Is it a fact that Sir Dadiba Dalal has resigned?

(b) Is it true that there were differences between the Government and him and that this coupled with the attitude of the English staff under him towards him and his official acts was the cause of such resignation?

(c) If it is not true, what were the reasons of his resignation after a short period of holding the office?

RESIGNATION BY SIR DADIBA DALAL OF THE OFFICE OF HIGH
COMMISSIONER FOR INDIA.

65. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to say if there is any truth in the statement published in the Press that the resignation of Sir Dadiba Dalal of his office of High Commissioner for India is due to differences with the Government of India, and lack of co-operation and assistance from his European subordinates?

(b) Will the Government be pleased to publish all the correspondence relating to his resignation?

RESIGNATION BY SIR DADIBA DALAL OF THE OFFICE OF HIGH
COMMISSIONER FOR INDIA.

164. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state the circumstances that led to the resignation of the post of the High Commissioner for India by Sir Dadiba Dalal?

RESIGNATION BY SIR DADIBA DALAL OF THE OFFICE OF HIGH
COMMISSIONER FOR INDIA.

458. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state the circumstances which led to the resignation by Sir Dadiba Dalal of his office of the High Commissioner for India?

(b) Will Government be pleased to lay on the table a copy of the correspondence which took place between them and Sir Dadiba Dalal on this subject?

The Honourable Sir Charles Innes: With your permission, Sir, I will answer questions Nos. 35, 65, 164 and 458 together.

The Government do not propose to make any statement regarding the reasons for Sir Dadiba Dalal's resignation.

Mr. A. Rangaswami Iyengar: May I know, Sir, what the reasons of the Government are?

The Honourable Sir Charles Innes: They do not think it is in the public interest.

APPRENTICES ON THE GREAT INDIAN PENINSULA RAILWAY.

36. ***Mr. N. C. Kelkar:** (a) Is it a fact that at the Parel workshop of the G. I. P. Railway Co. three classes of apprentices are maintained purely on a racial basis, namely, (a) for Europeans, (b) for Anglo-Indians, and (c) for Indians. Further is it a fact that while an apprentice from (b) class can be promoted to (a) class, a candidate from (c) class cannot be promoted to either (b) or (a) class?

(b) Will Government state the exact qualifications prescribed for the apprentices in the three different classes?

(c) Is there any differentiation as between these three classes of apprentices regarding the study of the construction and operation of engines and machinery made available to them at Matunga workshop?

The Honourable Sir Charles Innes: (a) The three classes of apprentices in the Parel Workshops are not maintained on a racial basis. The apprentices engaged in Class 'C' are of a lower educational standard than those in classes 'A' and 'B' and are not usually fit for promotion to the higher class, although there is nothing to prevent them being selected for class 'B' if they are found sufficiently qualified.

(b) All candidates for classes 'A' and 'B' are required to pass a written examination in the following subjects:—

1. General knowledge.
2. Mathematics.
3. Composition.
4. Dictation.
5. Drawing.

A candidate who has passed the VII standard of a recognised school and obtains 50 per cent. marks in Mathematics and in General Knowledge with an all round average of 60 per cent. is selected for class 'A', while a candidate who obtains 40 per cent. marks in Mathematics and an all round average of 40 per cent. is put in 'B' class. Candidates who are literate in one of the local vernaculars and possess a knowledge of English up to standard II are admitted as 'C' class apprentices.

(c) The training of apprentices in the Parel Workshops which deal with the repairs, renewals and erection of locomotives is different in certain respects from that gained by apprentices in the Matunga Workshops, as the latter deal with the repairs, renewals and erection of carriages and wagons.

Mr. A. Rangaswami Iyengar: May I know, Sir, how many Indians are in class 'A'?

The Honourable Sir Charles Innes: I am afraid the Honourable Member must put down that question.

Mr. Chaman Lall: May I ask, Sir, whether matriculate Indians are eligible for classes 'A' or 'B'?

The Honourable Sir Charles Innes: I am afraid the Honourable Member must also put down that question.

Mr. Chaman Lall: May I remind the Honourable Member that this is a very important factor governing the question of racial discrimination?

Mr. President: The more important the factor, the more desirable the notice.

Mr. M. K. Acharya: May I know, Sir, if there is any differentiation in the pay of these three classes?

The Honourable Sir Charles Innes: I have no doubt there is difference in pay, but I do not know what it is.

CONSTITUTION OF THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

37. ***Mr. N. C. Kelkar:** (a) Is there any difference between the constitution of the Council of the Bangalore Institute as recommended by Sir William Pope's Committee and that of the Council as it exists to-day?

(b) Will Government state whether they accept the recommendations of the Pope Committee in this respect? If yes, when will Government improve the constitution of the Council and, if no, will Government state reasons?

(c) Is it a fact that the Committee of Sir William Pope recommended the opening of two new departments at the Institute at the beginning of the year 1924? If so, have these departments come into existence? If not, will Government state reasons?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given to him on the 18th September, 1924, in reply to his unstarred question No. 404. An attempt was then made to make it clear that it does not rest entirely with the Government of India to give effect to the Pope Committee's recommendations.

(c) The Honourable Member's statement regarding the nature of the recommendation made by the Pope Committee on this point is correct, but it rests entirely within the discretion of the Council, which is the executive body of the Institute, to give effect to this recommendation in consultation with the Senate. So far as the Government of India are aware, the two new departments have not yet come into existence.

BUDGET ESTIMATE OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

38. ***Mr. N. C. Kelkar:** (a) Will Government be pleased to place on the table the budget estimates of the Bangalore Institute of Science for all the years beginning with 1920 and ending with 1924?

(b) Will Government place on the table a copy of the report of the retrenchment committee appointed by the Council of the Institute?

(c) Is it a fact that the salary of the Director of the Institute has been raised from Rs. 2,500 to Rs. 5,000 a month?

The Honourable Sir Bhupendra Nath Mitra: (a) The budget estimates of the Institute are included in the Annual Report of the Council, of which one copy only is available with the Government of India. This copy will be lent for the use of the Honourable Member if he so desires.

(b) Government are not in possession of a copy of the report of the Retrenchment Committee appointed by the Council.

(c) Yes.

REPRESENTATION OF PROVINCES ON THE COUNCIL OF INDIAN
INSTITUTE OF SCIENCE, BANGALORE.

39. ***Mr. N. C. Kelkar:** (a) Do Government propose to consider the advisability of a more proper representation of the different provinces on the Council of the Bangalore Institute?

(b) Are Government prepared to advise the Council of the Institute to take steps to secure recognition for the work done at the Institute by making representations through the Government of India to the English and European Universities and secure permission for the students of the Institute to submit their thesis for obtaining Ph. D. or D. Sc.?

The Honourable Sir Bhupendra Nath Mitra: (a) As already explained to the Honourable Member, the question of a modification of the scheme for the management of the Institute, which includes the constitution of the Council, is under consideration.

(b) This is a matter entirely within the discretion of the Council of the Institute, and the Government of India do not propose to take the action suggested.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS IN ASSAM.

40. ***Mr. Kamini Kumar Chanda:** (a) Have the Government received from the Assam Government report of a Resolution of the Provincial Legislative Council recommending the abolition of the two Divisional Commissionerships in the Province with effect from April next in accordance with the recommendations of the Assam Retrenchment Committee, which Resolution was passed by 31 against 2 votes in the Assam Legislative Council on the 17th September last?

(b) Are the Government aware that, as appearing in the proceedings of the said Council, there was a motion for refusing the whole votable amount necessary for the upkeep of these two offices in Assam, as a last resort, when the demands of the Provincial budget were placed before the said Council in April last; that it was only when the Honourable Finance Member of the Province pleaded the difficulties which would have to be faced on the refusal of the demand at that part of the year, that the said motion was withdrawn, a European Member of the Council remarking that if the two offices were not abolished by the end of the year, he and his party would vote for the refusal of the whole amount in the next budget?

(c) Are the Government aware that, as appearing in the proceedings of the said Council, the said Resolution was passed in September with a view to give a timely reminder so that there may be no provision in the next budget for the Province for the maintenance of the said two offices?

(d) What action has been taken, or is proposed to be taken, by Government in the matter?

(e) Has any other Provincial Council adopted any similar Resolution?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) I have seen the official report of the proceedings referred to.

(c) Yes.

(d) The Government of India have consulted Local Governments in regard to the abolition or reduction of Commissionerships. The replies of these Governments have been received and are under consideration.

(e) The attention of the Government of India has not been drawn to any other similar Resolution.

ALLEGED OUTRAGE ON A WOMAN BY A EUROPEAN SOLDIER AT JUBBULPORE.

41. ***Mr. Kamini Kumar Chanda:** With reference to the reply given to starred question No. 2290 which was put by Mr. Ambika Prasad Sinha, are the Government now in a position to inform the House what has been the result of the prosecution of the European soldier in the District Court-Martial and if any further action has been, or is proposed to be, taken in the matter?

Mr. E. Burdon: The information was given in my letter No. 1087-S., dated the 20th November 1924, to Mr. Ambika Prasad Sinha, a copy of which has been placed in the Library. A copy was also sent to the Honourable Member on the 26th November 1924.

RETRANSFER OF SYLHET AND CACHAR TO BENGAL.

42. ***Mr. Kamini Kumar Chanda:** (a) Have the Government now received the views of the Assam Government regarding the Resolution passed by the Assam Legislative Council in June last recommending the re-transfer of Sylhet and Cachar to Bengal?

(b) Will the Government consider the desirability of placing the letter of the Assam Government on the table to enable the House to examine and discuss the views of the Assam Government?

The Honourable Sir Alexander Muddiman: (a) and (b). The Government of India have received the provisional views of the Assam Government on the question but they are not prepared to place a copy of the Local Government's letter on the table. As the Honourable Member is aware, a Resolution on the subject will come up for discussion to-morrow, and the attitude of Government on the question will be explained on that occasion.

ALLEGED OUTRAGE BY RAILWAY EMPLOYEES ON AN INDIAN FEMALE PASSENGER AT CHARBAGH.

43. ***Mr. Kamini Kumar Chanda:** (a) Has the attention of Government been drawn to a paragraph in the *Amrita Bazar Patrika* of the 12th October alleging that an Indian female passenger from Rai Bareilly arriving at Charbagh at 8-30 P.M. on the 3rd October was ravished by four railway servants who after arrest were released on bail?

(b) Is the allegation in the said paragraph correct?

(c) Will the Government inform the House if any prosecution was started or any inquiry made departmentally, and if so, the result respectively?

The Honourable Sir Charles Innes: (a) Government have seen the paragraph referred to.

(b) and (c). Government understand that the accused have been prosecuted and are under trial. The result will no doubt be published in the public press. If not, and if the Honourable Member will apply to the Railway Board, he will be informed of the result.

SHORTAGE IN THE CLERICAL CADRE OF THE POSTAL DEPARTMENT.

44. ***Mr. Kamini Kumar Chanda:** (a) Has the attention of Government been drawn to a letter published in the *Amrita Bazar Patrika* of the 11th October in the name of Mr. N. C. Sen Gupta, Honorary Secretary, Postal Club, Calcutta, calling attention to the alleged shortage of over 1,000 men in the clerical cadre in the Postal Department according to the existing time test?

(b) Are the statements made therein correct?

(c) Is it true as also alleged in the letter that there are villages in India where letters cannot be delivered within six months after receipt in the rural Post Office for want of delivery staff?

(d) Do Government propose to consider the urgency of supplying an adequate staff?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) and (d). There is no reason to believe that any serious shortage of staff exists.

(c) Not as far as I am aware.

PROVISION OF A PASSENGER HALL OR SHED AT GAYA STATION ON THE EAST INDIAN RAILWAY.

45. ***Mr. Kamini Kumar Chanda:** (a) Are Government aware that Gaya is one of the most important places of pilgrimage for Hindus and Buddhists and that the railway station at Gaya is one of the biggest on the chord line of the E. I. R.?

(b) Is it a fact that there is no passenger shed or hall although there is a large platform for passengers and that they are exposed to rain and sun?

(c) Do Government propose to consider the urgency of providing a passenger hall or shed?

The Honourable Sir Charles Innes: (a) Yes.

(b) No. There is a third class waiting hall measuring 150 feet by 50 feet with a closed zenana waiting hall at the station and sheds 800 feet long over the main platform and 350 feet long over the new down island platform are being provided.

(c) Does not arise.

GRANT OF THE FRANCHISE TO INDIANS RESIDENT IN AUSTRALIA.

46. ***Mr. Kamini Kumar Chanda:** Have Government any information showing that the Australian High Court has decided the question of the legality of the Commonwealth Government's denial of franchise to Indians residing in Australia in favour of the Indians?

Mr. J. W. Bhore: Government have no information beyond what has already appeared in the press, but have made inquiries.

MR. FAZLUL HUQ'S STATEMENT RE AUTHORSHIP OF A LETTER ALLEGED TO HAVE BEEN WRITTEN BY HIM.

47. ***Mr. Kamini Kumar Chanda:** (a) Has the attention of Government been drawn to a cable published in the *Forward* of the 15th October wherein it is stated that the Under Secretary of State for India in reply to a question by Mr. Thurtle in the House of Commons on the 8th stated, without any qualification or addition, that Mr. Fazlul Huq to whom the authorship of a facsimile letter published in the *Forward* was imputed stated that the letter was not genuine, that he did not write it and that the alleged addressee was non-existent?

(b) Was the statement in the cable made on the authority of any information supplied by the Government of India?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) No. The source of the information of the Under Secretary of State for India may be gathered from the actual answer which he gave in the House of Commons, the relevant portion of which ran as follows:

"Mr. Fazlul Huq, to whom the authorship of the alleged letter is imputed, has, according to press reports, stated in the Bengal Council that he never wrote any such letter, that the letter is not genuine and that it purports to be addressed to a gentleman who does not exist."

OVERCROWDING OF TRAINS ON THE EAST INDIAN RAILWAY.

48. ***Mr. Kamini Kumar Chanda:** (a) Has the attention of Government been drawn to a communication sent by Mr. K. P. Chatterji, Vakil, to, and published on the 16th October in, the *Forward* complaining that though the composition of an ordinary passenger train is 12 bogie carriages the 15 Up train arriving at Asansole on the E. I. R. on the 29th September consisted only of 6 carriages while the number of passengers awaiting the said train at the station was extraordinarily large and that there was no inter class carriage in the train for male passengers and that there was serious overcrowding and this was usual and one day a passenger fainted in the train on account of overcrowding and had to be sent to the hospital?

(b) Is there any truth in the above statements? If so, will the Government inquire why the composition of the train was reduced and why then passengers were booked as usual?

(c) Is Asansole a carriage-examining junction station where trains halt for a pretty long time? If so, why could not an extra carriage be attached at an important carriage-examining junction station like Asansole?

(d) Do Government propose to take steps to prevent any continuance or repetition of this arrangement which makes overcrowding usual?

The Honourable Sir Charles Innes: (a) Government have seen the communication referred to.

(b) They understand that No. 15 Up passenger train did not have its normal composition on 29th September, 1924, and had no inter class carriage for male passengers, owing to a temporary shortage of stock caused by heavy demands elsewhere. The number of third class passengers awaiting clearance from Asansol by this train was larger than usual.

The train was not crowded on its arrival at Asansol and overcrowding in the train is not a regular occurrence. There is continuous booking at Asansol, and, as there were other trains, by which passengers could proceed, following No. 15 Up, booking was not stopped. The Agent states that he has no information of any passenger having fainted in No. 15 Up at Madhupur on the 3rd October 1924 or having been removed from the train and sent to hospital.

(c) Yes. An extra carriage could not be attached, as there was none available at the time.

(d) Government understand that arrangements have been made to obviate further cause for complaint in this direction.

GRIEVANCES OF INDIAN GUARDS ON THE EAST INDIAN RAILWAY.

49. *Mr. Kamini Kumar Chanda: (a) Have Government seen the communication in the issue of the *Forward* of 16th October, under the heading "Grievances of the E. I. R. Indian guards" published in the name of Babu Manmathanath Basu?

(b) Are the complaints made therein true, namely, that the minimum rest of 11 hours to which they are entitled under the rules are very often reduced to 8 and sometimes even to 6 hours, that actually often they do not get more than 3 hours, that they get no allowance for good conduct under rest, Sunday and other holidays, passing headquarters and that the running rooms for the Indian guards are very poor compared to the comfortable two and three storied buildings fitted with electric lights and fans and other amenities allotted to the Anglo-Indian guards?

(c) Is the above description true? If so, why is this discrimination made between Indian and Anglo-Indian guards?

(d) Will Government see their way to remove the grievances of Indian guards?

The Honourable Sir Charles Innes: (a) Yes.

(b) and (c). The complaints regarding rest are untrue. Indian guards take their turn with European guards on the same roster and the conditions governing rest are exactly the same for all guards. Rest at headquarter stations varies from 14 to 24 hours according to the volume of traffic moving and the rest at out stations varies from 5 to 8 hours in accordance with the distance travelled.

As regards good attendance allowance to guards, it is only gunner guards who do not draw the other allowances for which the main line guards are ordinarily eligible. Allowances for working on Sundays, Christmas Day, Good Friday and the King's Birthday are given to European guards.

Running room accommodation has been provided for Indian guards at terminating stations. The standard type of Indian running rooms have separate accommodation consisting of a dining room, bed room, kitchen and a washing room for Hindus and Muhammadans. The rooms are of a suitable size and sufficient servants are employed for each caste. Electric lights and fans have been provided in the European guards' running rooms in places like Howrah and Delhi where current is available. The question of extending electric fittings to Indian guards' running rooms is under consideration. Elsewhere punkhas are provided in both Indian and European guards' running rooms.

(d) In view of the reply to parts (b) and (c) of the question the question does not arise.

Khan Bahadur W. M. Hussanally: Can the Honourable Member give us any information on the same subject with regard to men employed on the North Western Railway?

The Honourable Sir Charles Innes: I have no doubt I can give the Honourable Member the information if he will put down a question.

COAL FREIGHTS ON THE BENGAL NAGPUR RAILWAY.

50. ***Mr. Kamini Kumar Chanda:** Has the attention of Government been called to a communication under the heading "Coal freight on B. N. R." published also in the issue of the *Forward* of 16th October, in the name of Mr. P. Khaitan alleging that the B. N. R. is charging excess freight on coal?

The Honourable Sir Charles Innes: Government have seen the communication referred to. The difference in rates was due to the fact that coal from Bhaga (B. N. Railway) to stations on the Bengal and North-Western Railway *via* Asansol was charged on the actual distance carried and not on the direct distance from Jherriah (E. I. Railway). The Bengal Nagpur Railway have recently decided to charge coal to B. and N. W. Railway stations on the Jherriah distance and rates on this basis were introduced from 1st December, 1924.

GRANT OF RELIEF TO AREAS AFFECTED BY THE RECENT FLOODS.

51. ***Mr. Kamini Kumar Chanda:** (a) Is it a fact that wide-spread distress has been caused in several Provinces by the recent heavy floods?

(b) Do Government propose to grant any relief to the flood-stricken areas out of the Central Revenues or to make a substantial remission of the Provincial contribution from the Provinces affected?

(c) Will Government make a statement giving an account of the damage done in the several Provinces affected?

Mr. J. W. Bhoré: (a) Yes.

(b) With the exception of the Government of Madras, whose application for a grant from Central Revenues is under consideration, no other Local Government has applied either for a grant from Central Revenues or for the remission of the Provincial contribution which is governed by Rule 18 of the Devolution Rules. The Government of Madras have, however, been granted a loan of Rs. 20 lakhs to finance the Provincial loans account. The Government of the United Provinces have also intimated their intention of applying for such a loan from the Government of India, if necessary. I may also mention that grants of Rs. 1½ lakhs, 30,000 and 45,000 have been made from the Indian People's Famine Trust to relieve distress caused by floods in Madras, Bombay and the Punjab, respectively.

(c) Extracts from reports from the Governments of Madras, Bombay and the Punjab giving the required information are laid on the table.

No reports have been received from other Local Governments.

Extract paragraph 2 from a letter from the Government of Madras No. 3422/B/24-1, dated the 10th October 1924.

2. As the Government of India are aware the recent floods have caused serious damage to houses, crops, lands and other property in these districts besides damage to roads, communications and irrigation works resulting in general distress and severe privation in the flood-affected areas. The details of damage caused to the riyats are given below :

	No. of houses destroyed.	Standing crops destroyed.	Extent of land silted up.
Malabar	22,000	30,000 acres .	Negligible.
Trichinopoly	7,710	11,300 „ .	6,000 acres.
Tanjore	6,040	8,240 „ and seed beds sown with 71,000 kalams of paddy.	3,919 acres besides 60 acres washed away.
Salem	1,323	Valued at 1½ lakhs .	824 acres.
Coimbatore	6,136	Valued at Rs. 1½ lak .	1,338 „

(A Kalam equals 24 Madras measures).

Extract paragraph 2 of a letter from the Commissioner of Sind to the Government of Bombay, No. 6672-1, dated the 11th October 1924.

2. The extent and the seriousness of the damage caused can be realised from the fact that in the Nawabshah District alone an area of 420 square miles of country was submerged and 212 kacha and 13 paka villages were wholly destroyed and 45 kacha and 26 paka villages partially destroyed, causing thereby a damage to house property to the extent of Rs. 1,23,000 and rendering at least 11,000 people entirely homeless. The area of crops destroyed covers 21,000 acres. The district that has next suffered most is the Karachi district, where the whole of the Ghorabari taluka, two-fifths of Mirpur Bathoro taluka, one-third of Jati taluka and portions of the Tatta and Kotri taluks and the Manjhand Mahal have been affected, rendering between 20 and 25 thousand people homeless. In the Larkana district the crop area submerged is reported to be 10,500 acres, and the damage to house property in the Dadu town alone is estimated at Rs. 90,000. In the Hyderabad district it is reported that an area of about 15,700 acres was submerged, causing thereby damage to crops estimated at Rs. 3,00,000. The damage to house property from the collapse of 3,750 houses, partly on account of floods and partly on account of abnormal rains, is estimated at Rs. 3,85,000. The remaining district that has suffered is the Sukkur district, where it is reported that an area of about 15,000 acres was submerged and house property valued at Rs. 81,000 was destroyed.

Extract from paragraph 2 from a letter from the Government of the Punjab No. 14786, dated the 14th November 1924.

2. In the Indus riverain approximately a thousand square miles of the Muzaffergarh district were under water and in the Mianwali district approximately 1,90,000 acres of cultivated land were damaged. In the Dera Ghazi Khan district some 46 villages

suffered loss. In the Sutlej riverain 6 villages have had a total of 3,500 acres thrown out of cultivation, of which 56 were entirely washed away. The Jumna floods were most sudden and caused still greater damage. In the Ambala Division 469 villages were affected; between 180 and 190 lives are reported as lost; several thousand heads of cattle perished and a very large number of villages have been entirely blotted out. Some, which hitherto existed on low lying lands where they would be exposed to future floods, have had to be removed to a higher level and over a large area both the Kharif crop has been lost and sowings for the Rabi have been rendered impossible. Many people have literally lost everything they possessed.

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COMMUNAL RIOTS.

52. ***Mr. Kamini Kumar Chanda:** (a) Have there been serious communal riots recently attended with loss of life and injuries to persons and property in provinces directly under the control of the Government of India?

(b) Will Government please enumerate those which have taken place in 1924 with the names of the District Officers and the Superintendents of Police of the respective Districts in which such riots have taken place specifying if any one of such District Officers is not a member of the I. C. S.

(c) How many such riots took place in or near cities or towns and how many in or near rural villages?

The Honourable Sir Alexander Muddiman: There have been such riots in the cities of Delhi and Kohat. The names of the Deputy Commissioners who held office at the time are respectively Mr. R. J. S. Dodd, I.C.S., and Major N. E. Reilly. The Superintendents of Police concerned who were stationed in the districts at that time are Mr. P. L. Orde and Mr. H. Lillie.

RESERVATION OF COMPARTMENTS FOR EUROPEANS ON THE EAST INDIAN RAILWAY.

53. ***Mr. Kamini Kumar Chanda:** (a) Have Government seen copy of a letter addressed to the Agent as well as the Traffic Manager, E. I. R. by Babu Mrinal Kanti Basu and published in the *Forward* on the 18th October complaining that in the 8 Down Howrah-Delhi Express train of the 12th October there was no inter class compartment for Indian male passengers, that there were two compartments in one of which he with a large number of Indian passengers were seated but the guard of the train turned them out at Allahabad on the ground that it was reserved for "Europeans" though there was no such label and they entered the other compartment but at Moghal Sarai were turned out again on the ground that it was reserved for females and that the male passengers had then to travel third class?

(b) Is it the policy of the Railway administration that a compartment must be reserved for Europeans though there is no accommodation for Indian passengers in the train?

(c) Do Government propose to remove this state of things?

The Honourable Sir Charles Innes: (a) Yes.

(b) No. Government understand that there were four inter class compartments on the train, only one of which was reserved.

(c) In view of the reply to (b) this does not arise.

ANNUAL CONTRIBUTIONS TO THE LEAGUE OF NATIONS.

54. *Mr. Kamini Kumar Chanda: (a) What countries are members of the League of Nations?

(b) Do they have to make annual pecuniary contributions to the League?

(c) On what basis are the same assessed?

(d) What were the contributions for the years 1922, 1923 and 1924 respectively from the following countries:

Great Britain, France, Italy, Poland, India, Netherlands, Belgium?

Mr. L. Graham: (a) A list of the members of the League will be found in Appendix 1 to the Report of the Delegates of India to the Fifth Session of the Assembly which was published in the *Gazette of India* of the 27th December, 1924.

(b) Yes.

(c) The Honourable Member is referred to the opening paragraphs of the Report of Committee No. IV on the Allocation of the Expenses of the League of Nations published as Annexure 5 to the Report of the Delegates of India to the Second Session of the Assembly which was published in the *Gazette of India Extraordinary* dated the 16th February, 1922, and explains the principles in accordance with which the present temporary scale of allocation was originally prepared. Those principles have been largely obscured as the result of subsequent adjustments the last of which has resulted, as the Honourable Member is no doubt aware, in a reduction of India's contribution by 5 units.

(d) A statement showing the contributions made in Swiss gold francs by the countries named by the Honourable Member is laid on the table.

Statement showing the contributions made by certain members of the League of Nations in 1922, 1923 and 1924, respectively.

States.	1922 Gold Francs.	1923 Gold Francs.	1924 Gold Francs.
Great Britain	1,011,335	2,583,668,64	2,193,733,62
France	1,011,335	2,121,327,94	1,944,415,43
Italy	1,011,335	1,658,987,23	1,520,656,43
Poland	1,011,335	679,912,80	623,219,35
India	1,011,335	1,767,773,28	1,620,371,61
Netherlands	606,801	543,930,24	498,575,83
Belgium	606,801	407,947,68	373,931,91

REPRESENTATION OF INDIA ON THE COUNCIL AND SECRETARIAT OF THE LEAGUE OF NATIONS.

55. *Mr. Kamini Kumar Chanda: (a) Has India ever been represented on the Council of the League of Nations?

(b) How many representatives had Great Britain, France, Switzerland and India in the League Secretariat in 1921 or 1923 or in the Labour office respectively?

(c) Is it a fact that some of the representatives of Great Britain, France and Switzerland hold positions of handsome emoluments and unquestioned influence and authority and that even non-members like the United States of America not contributing a farthing to the League have some of their nationals in occupation of positions of influence as against one single representative from India in the service of the League?

(d) Do the Government propose to take steps to have the contribution from India reduced proportionately to her revenue and the benefits she derives from inclusion among the members of the League as compared to the other members?

Mr. L. Graham: (a) No.

(b) and (c). The Honourable Member is referred to pages 381-404 of the League of Nations Official Journal for 1921 and to pages 1233-1257 of the Journal for 1923 copies of which are in the Library. He will there find a list of all the employees of the League Secretariat and Labour Office classified in accordance with their nationality. The Government of India must leave the Honourable Member to form his own opinion regarding the handsomeness of the emoluments drawn, and the extent of influence exercised by the various employees in question.

(d) Endeavours have constantly been made to secure a reduction in India's contribution and a reduction by 5 units has in fact been made this year. The Government of India must dissociate themselves from the Honourable Member's insinuation that India derives less benefit from her membership of the League than do other members thereof.

Mr. R. K. Shanmukham Chetty: Has any attempt been made to represent to the League of Nations to employ more Indians on the Secretariat of the League and also in the International Labour Office?

Mr. L. Graham: If the Honourable Member will read the papers to which I have referred he will find the answer.

Mr. B. Das: Are the Government aware that the only Indian paper subscribed to by the League of Nations is the *Times of India*?

Mr. L. Graham: The question does not arise.

SELECTION OF PERSONNEL OF INDIAN DELEGATION TO THE LEAGUE OF NATIONS.

56. ***Mr. Kamini Kumar Chanda:** (a) Is it a fact that there have been delegations from India to the League?

(b) Has the Central Legislature had any voice in the election or selection of the members?

(c) Has any Indian ever led any of the deputations to the League?

(d) Is there any other member of this League whose deputation to the League has not been led by one of its nationals?

(e) Do Government propose to place India on an equal footing with the other countries which have joined the League in the matter of selecting the personnel and the leader of the deputation to the League?

Mr. L. Graham: (a) Yes.

(b) No. The Honourable Member's attention is invited to the reply given to question No. 1778 asked by Khan Bahadur Sarfaraz Hussain Khan on the 11th September 1924.

(c) No.

(d) The Government of India have no information.

(e) The Honourable Member's attention is invited to the debate on the Resolution moved by the Honourable Mr. Sethna in the Council of State on the 10th March 1924.

P. AND O. TRAINS DE LUXE BETWEEN BOMBAY AND CALCUTTA.

57. *Mr. Kamini Kumar Chanda: (a) Is it true that the P. and O. Company is going to start *trains de luxe* for carrying mails and passengers between Bombay and Calcutta?

(b) What will be its relations with the railways concerned as regards the income from passenger traffic and the carriage of mails and how will the financial adjustment be made?

(c) How will the proposed arrangement affect the Department financially, that is as regards cost of carriage of mails?

12 NOON. Mr. G. G. Sim: (a) The P. and O. Company are not going to run trains between Bombay and Calcutta. The Government are however aware that the Great Indian Peninsula and East Indian Railway Administrations are considering the question of running a special passenger service in connection with the weekly mail steamer.

(b) and (c). Income from the passengers or mails conveyed by that service, if established, will be railway revenue in the ordinary way.

MILITARY MANŒUVRES AT DELHI.

58. *Mr. Kamini Kumar Chanda: (a) Is it proposed to hold military manœuvres at Delhi during this cold weather?

(b) What is the object and probable cost? What are the main heads of expenditure likely to be incurred?

(c) Is there any specific budget provision for the same? If so, under what head or heads?

Mr. E. Burdon: (a) The manœuvres concluded yesterday with a review of troops, and I hope the Honourable Member took the opportunity which was offered to him of witnessing them.

(b) Since the cessation of the war, the army has been occupied almost entirely in working up to the required standard of individual and unit training. The object of manœuvres is to train the larger formations to co-operate in battle and to provide opportunities for the study of problems connected with movements and concentration of troops, co-operation of arms, the use of new equipment, staff duties, tactics, etc.

The probable cost is Rs. 2 lakhs.

The main heads of expenditure are;

Movement of troops by rail and road; pay of additional establishments; miscellaneous equipment, maps, etc.; and compensation to be paid for any damage done to crops, but this is not expected to be a considerable item.

(c) Yes. The cost will be met from the Training Grant.

UNSTARRED QUESTIONS AND ANSWERS.

BREACH IN THE RAILWAY LINE BEYOND WALTAIR.

1. **Mr. C. Duraiswami Aiyangar:** (a) Are the Government aware that on or about the 27th September 1924 there was a report and scare in the Howrah station that forty miles of railway line were washed away beyond Waltair towards Madras?

(b) Are the Government aware that the said scare was based on railway official telegrams received in Howrah station to that effect whereas in fact only four hundred feet of railway line had been washed away?

(c) Are the Government aware that some passengers beyond Waltair towards Madras (including my humble self) were thinking of going back *vid* Manmad to reach their destination early as it was given out that it may take several days to restore the line even for transshipment arrangements?

(d) Do the Government propose to inquire into the causes of such false alarm and to take steps to prevent such things in future?

The Honourable Sir Charles Innes: (a), (b), (c) and (d). Government have ascertained that on the date in question telegrams were received at Howrah station, from the Bengal Nagpur Railway authorities that the line was badly breached at Waltair and that transshipment was not possible. The telegrams did not say that forty miles of railway line had been washed away. The Honourable Member would have ascertained the true facts, had he applied to the Inquiry Office at Howrah for information.

FAILURE OF THE ALLIANCE BANK OF SIMLA.

2. **Mr. Gaya Prasad Singh:** (a) In connection with the affairs of the Alliance Bank, has the attention of the Government been drawn to the following passages in the joint legal opinion, dated the 25th June, 1924, of Messrs. S. R. Das, L. P. E. Pugh, B. L. Mitter, John Langford James and H. R. Panckridge:

“(i) The misappropriation of £511,000 by Boulton Brothers and Co., by unauthorised use of the Bank's credit in London, appears to constitute a criminal offence calling for prosecution—if a prosecution is possible.”

“(ii) We are of opinion that criminal offences have been committed with regard to certain of the balance-sheets issued, namely, those for 1916, 1921 and 1922. These, in our opinion, for the reasons given below, were false balance-sheets within the meaning of section 282 of the Indian Companies Act.”

“(iii) The persons liable to prosecution in connection with the above matters would be the Directors concerned, and the Auditors.”

“(iv) The downfall of the bank was due—broadly speaking to imprudent financial transactions by the Directors interested in the Firm (Boulton Brothers), and the group of companies floated by it?”

(b) What steps, if any, do the Government propose to take in the matter?

The Honourable Sir Basil Blackett: (a) The answer is in the affirmative.

(b) The Government have taken, are taking and will take all such steps in the matter as their legal advisers think possible and desirable.

PROVISION OF AN OVERBRIDGE ON THE EAST SIDE OF THE B. N. W. RAILWAY AND THE E. I. RAILWAY AT MOKAMEH GHAT STATION.

3. **Mr. Gaya Prasad Singh:** (a) Are the Government aware that the inhabitants of villages Outa, Murarpur, Hathi-dah, Daraipore, Mohenderpur, Maranchi, and others mostly situated on the east side of the B. N. W. Railway, and the East Indian Railway lines at Mokameh Ghat station are put to great inconvenience, and exposed to great danger for want of an overbridge over the said railway lines?

(b) Are Government aware that the Mokameh Ghat railway station, as well as a Government aided high English school are situated on the west side of the above railway lines?

(c) Is it a fact that a District Board road exists through these villages right across the railway lines; but it has been stopped since the railway transhipment extension?

(d) Are Government aware that the inhabitants of the said villages submitted a representation, dated 11th February 1922, along with the survey map, to the Agent, B. N. W. Railway on the subject, and prayed for an overbridge at the point where the District Board road has been closed by the railway authorities; and that this was supported by the Sub-Divisional Officer of Barh, and the District Magistrate and Collector of Patna?

(e) Are Government aware that in reply to a question on this subject in the Bihar and Orissa Legislative Council on the 18th March 1924, it was stated that "the Local Government have no direct control over the Railway, but will inquire further from the B. N. W. Railway administration (who are more concerned with this locality than the East Indian Railway) whether they contemplate the provision of an overbridge?"

(f) Is it not a fact that another inquiry was held by the Sub-Divisional Officer of Barh in April, 1924, in consultation with the railway authorities, and that he strongly supported the proposal of an overbridge?

(g) Do the Government propose to take necessary steps for the provision of an overbridge by the railway authorities concerned?

The Honourable Sir Charles Innes: (a) to (g). The needs of the inhabitants of the villages mentioned are met by a district road which crosses the railway lines. This road has not been closed. It is being realigned and the realignment will shorten the road by 175 ft. The road in its present alignment has been in existence for nearly 30 years and the Government do not know what special reasons have now come into existence why the railway administration should go to the expense of providing an overbridge. The matter is essentially one requiring local knowledge and might suitably be brought to the notice of the Agent by his Local Advisory Committee.

ABOLITION OF TOLLS ON THE GANDAK BRIDGE AT SONEPUR.

4. **Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 2339 of the 23rd September, 1924, regarding the tolls on the B. N. W. Railway bridge over the Gandak at Sonapur, will the Government be pleased to state if they have received any letter from the Government of Bihar and Orissa that His Excellency the Governor in Council has decided not at present to press further for the abolition of the tolls on this bridge?

(b) If the answer to the above be in the affirmative, will the Government be pleased to lay on the table a copy of the letter in question, and indicate the reasons for this decision?

(c) Will the Government be pleased to state in what years, and under what circumstances or conditions the tolls on the railway bridges over the Ganges at Benares, Cawnpore, and Allahabad were abolished?

The Honourable Sir Charles Innes: (a) Yes.

(b) A copy of the letter is placed on the table.

(c) The tolls on the railway bridges over the Ganges at Benares and Cawnpore and at Allahabad were abolished, at the instance of the United Provinces Government, in the years 1907 and 1905, respectively, without any conditions attaching to the abolition.

FROM RAI BAHADUR BISHUN SVARUP, OFFG. SECRETARY TO THE GOVERNMENT, BIHAR AND ORISSA, TO THE SECRETARY, RAILWAY BOARD, No. 826-C. Ry. VT-1 of 1924, DATED RANCHI, THE 30TH SEPTEMBER 1924.

Abolition of tolls on the Gandak bridge at Sonapur.

With reference to the correspondence resting with letter No. 134—A.-C. & R., dated the 12th July 1924, from the Railway Board, I am directed to state that after due consideration of the facts, His Excellency the Governor in Council, while not accepting necessarily the arguments adduced, has decided not at present to press further for the abolition of the tolls on the bridge in question.

CONTRIBUTIONS TOWARDS THE EXPENSES OF THE LEAGUE OF NATIONS.

5. **Mr. R. K. Shanmukham Chetty:** (a) What is the total amount allocated to India towards the expenses of the League of Nations for the year 1925?

(b) What percentage of the total expenditure of the League is the sum allocated to India?

(c) What percentage of the total expenditure of the League is the sum allocated to the following countries, respectively?

1. Great Britain.
2. Australia.
3. Canada.
4. New Zealand.
5. South Africa
6. Italy.
7. Switzerland.

Mr. L. Graham: (a) 1,453,998·18 Gold Francs.

(b) 6·41.

(c) Great Britain 9·41; Australia 2·78; Canada 3·74; New Zealand 1·069; South Africa 1·6; Italy 6·52; Switzerland 1·6.

EMPLOYMENT OF INDIANS IN THE SECRETARIATS OF THE LEAGUE OF NATIONS AND THE INTERNATIONAL LABOUR ORGANISATION.

6. **Mr. R. K. Shanmukham Chetty:** (a) How many Indians are employed in the Secretariats of the League of Nations and the International Labour organisation?

(b) What is the pay drawn by each of these Indian officers?

(c) How many natives of Great Britain are employed in the Secretariat of the League and the International Labour organisation and what is the total amount of salary drawn by these?

(d) Has any representation been made on behalf of the Government of India that more Indians must be employed in the League Secretariat? If not, are Government prepared to take steps to represent to the Secretary-General of the League that the number of Indians employed in the Secretariat of the League and their status are quite inadequate in comparison with the amount of India's contribution to the League and that steps may be taken to employ more Indians especially in the higher branches of the Secretariat?

Mr. L. Graham: (a), (b) and (c). The Honourable Member is referred to the first portion of the reply to parts (b) and (c) of Mr. K. K. Chanda's starred question No. 55 of to-day's date.

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

INDIA'S TOTAL CONTRIBUTIONS TO THE LEAGUE OF NATIONS.

7. **Mr. D. V. Belvi:** Will Government be pleased to state:

- (a) the total amount of money contributed to the League of Nations from the Indian Exchequer each year from the date of its inception to the end of 1924;
- (b) the names of the delegates who represented India at the several sessions of the League hitherto;
- (c) the expenditure of money out of the Indian Exchequer on the delegation at the several sessions of the League up to this time?

Mr. L. Graham: (a) 1919-20—£16,234; 1920-21—£28,787; 1921-22—£54,916; 1922-23—£43,747; 1923-24—£77,799; 1924-25 (up to end of November 1924)—£70,526.

The accounts for December 1924 are not yet available.

(b) 1920—

The late Sir William Meyer.
His Highness the Maharaja of Nawanagar.
Sir Ali Imam.

1921—

The late Sir William Meyer.
His Highness the Maharao of Kutch.
The Right Honourable V. Srinivasa Sastri.

1922—

The Right Honourable Viscount Chelmsford.
His Highness the Maharaja of Nawanagar.
Sir P. S. Sivaswamy Aiyer.

1923—

The Right Honourable Lord Hardinge of Penshurst.
His Highness the Maharaja of Nawanagar.
Mr. Syed Hasan Imam.

1924—

The Right Honourable Lord Hardinge of Penshurst.
His Highness the Maharaja of Bikaner.
Sir Muhammad Rafique.

(c) 1920—Rs. 58,122-5-0; 1921—Rs. 61,839-8-0; 1922—Rs. 24,029-5-0; 1923—Rs. 31,463-15-0; 1924 figures are not available.

EXPENDITURE ON POLITICAL PROPAGANDA IN AMERICA.

8. **Mr. D. V. Belvi:** (a) Has the attention of Government been drawn to a leading article in the *Bombay Chronicle* under the caption of "Mendacious Propaganda" published in its issue of the 6th December, 1924?

(b) Is it a fact that the Government of India have been financing the propagation of their political views in America?

(c) If so, since when, and will Government be pleased to state the amount of money they spent on this head during each of the last five years?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) No.

(c) Does not arise.

CONSTRUCTION OF THE SALEM-ATTUR RAILWAY.

9. **Mr. R. K. Shanmukham Chetty:** (a) Have the preliminary works in connection with the Salem-Attur Railway scheme been completed long ago?

(b) Is it a fact that the project is held over for the reason that the Railway Board has not yet settled the question of the gauge of the proposed line?

(c) If so, do Government propose to request the Railway Board to settle the question at an early date and sanction the construction of the line?

The Honourable Sir Charles Innes: (a) No. A survey of the line was made in 1909-1910, but is now out of date.

(b) and (c). No, but the question of alignment has not yet been settled. Alternative up-to-date estimates for metre gauge lines from Salem to Attur and from Salem to Vriddhachalan *via* Attur and Chinna Salem are under preparation. As soon as the estimates are ready the most suitable alignment will be selected and the possibility of constructing the line will be examined.

ALLOWANCES TO POSTAL EMPLOYEES STATIONED IN UNHEALTHY TRACTS
IN THE MADRAS PRESIDENCY.

10. **Mr. R. K. Shanmukham Chetty:** (a) Whether Government are aware of the fact that the Madras Government in its G. O. No. 778 Finance, dated 31st August 1923 has sanctioned certain allowances to non-gazetted officers stationed in certain specified "unhealthy" tracts?

(b) Whether the allowances to postal employees stationed in these tracts are on a par with the Local Government rates?

(c) If not, whether Government propose to issue instructions to grant to the postal employees (including postmen and menials) allowances on a par with the rates sanctioned by the Local Government?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) No.

(c) The matter is under consideration.

PROVISION OF QUARTERS FOR THE CLERK ATTACHED TO THE LAWLEY ROAD POST OFFICE, MADRAS.

11. **Mr. R. K. Shanmukham Chetty:** (a) Whether any representation was made to the Postmaster General, Madras, that the clerk attached to the Lawley Road Post Office suffers considerable inconvenience on account of quarters not being available for him in the locality?

(b) Whether the Postmaster General will be instructed to arrange for the provision of quarters for the clerk?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The matter is already receiving due attention from the Postmaster-General.

RESIGNATION BY SIR DADIBA DALAL OF THE OFFICE OF HIGH COMMISSIONER FOR INDIA.

12. **Mr. R. K. Shanmukham Chetty:** (a) Whether Government will be pleased to state the reason why Sir D. M. Dalal resigned his office as High Commissioner for India?

(b) Whether Government will be pleased to lay on the table a copy of Sir Dadiba Dalal's letter of resignation?

The Honourable Sir Charles Innes: The Honourable Member is referred to my reply to starred questions Nos. 35, 65, 164 and 458.

REPORT OF THE COLONIES COMMITTEE.

13. **Mr. R. K. Shanmukham Chetty:** (a) Whether the Committee sent by the Government of India to England to confer with the Colonial Office has submitted any report?

(b) If so, whether a copy of the report will be made available to Honourable Members of this House?

(c) Whether the Kenya Immigration Bill has been dropped by the Government of Kenya?

Mr. J. W. Bhore: (a) and (b). No report has been received from the Colonies Committee as such. Two members submitted a memorandum and its publication is under the consideration of the Government of India.

(c) The Honourable Member is referred to the answer given by me on the 16th September 1924, to Sir Hari Singh Gour's question No. 2021, on the same subject.

ACCOUNTS OF THE SECRETARY OF STATE FOR INDIA IN COUNCIL.

14. **Mr. R. K. Shanmukham Chetty:** (a) Whether it is a fact that the reports on the accounts of the Secretary of State for India in Council do not come under independent review either in England or in India?

(b) Whether the Government of India asked the Secretary of State that copies of these reports should be supplied for presentation to the Public Accounts Committees of the Central and Provincial Legislatures and whether it is a fact that the Secretary of State refused to do so? Whether Government will be pleased to lay on the table a copy of their despatch to the Secretary of State and his reply?

(c) Whether Government propose to request the Secretary of State to take the necessary steps, by amending the Government of India Act if necessary, to enable the Public Accounts Committees to review the accounts?

The Honourable Sir Basil Blackett: (a) No; the reports in question are placed before the Public Accounts Committee.

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

SAVING OF THE CHANDPUR MAIL FROM DERAILMENT ON THE 19TH JUNE, 1924, BY THE BRAVERY OF A COWHERD.

15. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Is it a fact that on or about the 19th June, 1924, a bridge between Kumira and Bhatiari stations of the A. B. Railway was damaged due to heavy rains?

(b) Was the Chandpur mail train bound for Chittagong saved from derailment at this damaged bridge by the bravery of a cowherd belonging to a neighbouring village Hasenabad?

(c) Did the Traffic Manager visit the place of occurrence; if so, did he take any step to adequately remunerate the boy for the encouragement of such noble deeds?

(d) What steps have the Government taken in the matter?

The Honourable Sir Charles Innes: (a) Yes.

(b), (c) and (d). No. The damage was reported by a gangman (railway employé) and the down Chandpur mail stopped at Kumira Station.

The Traffic Manager did not visit the site and Government have taken no steps in the matter.

GRANT OF FACILITIES TO THE MUHAMMADAN EMPLOYEES OF THE ASSAM BENGAL RAILWAY TO ATTEND THEIR MID-DAY PRAYERS, ETC.

16. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Will the Government be pleased to state whether sufficient facilities are allowed to the Muhammadan employees of the A. B. Railway for attending their mid-day prayers and specially the Friday prayers?

(b) Is it a fact that the Secretary to the "Islam Association," Chittagong, had written to the Assam Bengal Railway authorities for allowing leave to the Moslem employees of the double mooring, A. B. Railway's jetties?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to lay on the table all the correspondence that passed between the Secretary to the Chittagong Islam Association and the railway authorities, together with the correspondence on the subject with the Superintendent of the A. B. Railway double mooring jetties?

(d) Will the Government be pleased to lay on the table a statement showing the times fixed for the cessation and resumption of works at the double moorings jetty shed office, double moorings jetty office, Pahartali workshop, Traffic Manager's office, the Agent's office and other attached offices of the A. B. Railway?

(e) Are the Government aware that the Muhammadan employees cannot take their meal on Friday as they have to bathe, make ablutions and other necessary arrangements for Juma prayer within the half an hour at their disposal before noon, *i.e.*, before the actual prayer time?

(f) Is it a fact that the Agent, A. B. Railway, declined by his letter No. 14—27, dated the 24th July 1924 to give an interview to a deputation of the Chittagong Islam Association? If so, why?

The Honourable Sir Charles Innes: (a) to (f). The Government have no information as to the practice of the Assam Bengal Railway in these matters. The duties of some railway employes are such that it is quite impossible to give them the facility referred to as the Honourable Member will readily understand; but the practice on State Railways is as far as possible to give the facility to Muhammadans not engaged in such duties. The Government will recommend to the Railway Administration that the same practice should be followed on the Assam Bengal Railway.

QUALIFICATIONS OF CANDIDATES FOR EMPLOYMENT ON RAILWAYS.

17. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Will the Government be pleased to state whether in giving appointments by the railway authorities the qualifications of the candidate are judged by any competitive examination or otherwise?

The Honourable Sir Charles Innes: It is not known to what class of appointments the Honourable Member refers.

WELFARE OF INDIAN PILGRIMS TO THE HEDJAZ.

18. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Has the attention of the Government been drawn to the statements of Hajee Muhammad Taiab Saheb published in the Urdu vernacular newspaper *Khilafat* of Bombay regarding the description of his journey in Hedjaz?

(b) If so, will the Government be pleased to inquire whether the statements made therein are correct?

(c) Is it a fact that ten thousand pilgrims died only owing to the scarcity of water and that proper steps were not taken for the burial of the dead bodies?

(d) Will the Government be pleased to lay on the table a statement showing how many out of these ten thousand were Indians?

(e) Is it a fact that at the Port of Jeddah all the Indian pilgrims were ordered to pass through a small door to the great inconvenience of the Hajees and that a sum of Rs. 2-8 was realised from every one at the door by the order of the then Sharif's Government?

(f) Is it a fact that out of five lakhs of Hajees this year only a very few had the good fortune to visit Medina Sharif; if so, why?

(g) Are there no representatives on behalf of the India Government to look into the welfare of the Indian pilgrims?

Mr. Denys Bray: (a), (b), (c), (d), (e) and (f). The Honourable Member is referred to the answer given on the 16th September last to a similar question No. 1978 on the same subject by Haji S. A. K. Jeelani.

(g) Yes. Apart from the Indian Vice-Consul and medical officer, who is paid from Indian revenues, a pilgrim officer was specially appointed by the Government for the purpose.

NUMBER OF EMPLOYEES IN THE UPPER AND SUBORDINATE SERVICES
OF THE ASSAM BENGAL RAILWAY.

19. Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali: Will the Government be pleased to lay on the table a statement showing the number of employees in the upper and subordinate services with their present pay, of the different communities, in all the offices including the workshops under the A. B. Railway?

The Honourable Sir Charles Innes: A statement is laid on the table giving the latest information available. It is not possible to give the whole staff in detail of pay as asked by the Honourable Member.

Statement of Staff employed on the Assam Bengal Railway on the 1st April 1924.

OFFICERS.				SUBORDINATES ON SCALES RISING TO RS. 250 PER MENSEM AND OVER.				SUBORDINATES ON SCALES NOT RISING TO RS. 250 PER MENSEM.		
Muslims.	Non-Muslims.	Anglo-Indians.	Europeans.	Muslims.	Non-Muslims.	Anglo-Indians.	Europeans.	Muslims and Non-Muslims.	Anglo-Indians.	Europeans.
1	5	2	52	4	19	33	22	11,155*	245	15

* Separate information not available.

ABOLITION OF DIVISIONAL COMMISSIONERSHIPS.

20. Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali: What is the final decision the Government have arrived at regarding the abolition or retention of the Divisional Commissionerships all over India?

The Honourable Sir Alexander Muddiman: No final decision has yet been arrived at. The Government of India have consulted Local Governments whose replies have been received and are under consideration.

MEMORIALS OF REPRESENTATIVES OF THE BURMA POSTAL AND RAILWAY
MAIL SERVICE.

21. Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali: (a) Will the Government be pleased to state whether it is a fact that a deputation consisting of the representatives of the Burma Postal and Railway Mail Service waited upon the Director-General of Posts and Telegraphs, India, on the 23rd July, last?

(b) If so, will the Government be pleased to lay on the table the copies of the memorials submitted and the replies thereto by the Director-General?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Government do not consider it necessary to lay these on the table, but I shall be happy to show them to the Honourable Member, if he so desires.

DUTIES OF PASSENGER SUPERINTENDENTS OF RAILWAYS.

22. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Do Passenger Superintendents of Railways freely mix with the passengers and look into their comforts specially of lower class passengers?

(b) Do the Passenger Superintendents remain present at the third and inter class ticket issuing windows at Sealdah to see that not more than the correct fares are realised from the passengers and that they are promptly attended to in regard to the issue of tickets?

(c) Is it not a fact that the intending passengers of the Chittagong Mail train find a great deal of trouble at the third class booking office as they are not promptly attended to?

(d) Is it a fact that the booking clerks do not issue tickets at third class booking windows whenever any intending passenger comes but begin the issue of tickets only a few minutes before the time fixed for the leaving of the train?

(e) Do the Government propose to take necessary steps to remedy this grievance?

The Honourable Sir Charles Innes: (a) and (b). The Honourable Member is referred to the answer given to item (c) of question No. 1651 asked by Mr. Jamnadas M. Mehta in this Assembly on 8th September, 1924.

(c), (d) and (e). Government have no information, but copies of this part of the question will be forwarded to the Railway Administration for such action as they think necessary.

PREVENTION OF RUNNING TRAIN THEFTS ON THE E. B., E. I. AND B. N. RAILWAYS.

23. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Are the Government aware that in running trains often thefts are committed?

(b) If the answer to (a) is in the affirmative, will the Government be pleased to state what measure the railway authorities or the Government have taken or are taking to prevent the recurrence of such thefts specially on the E. B. R., E. I. R. and B. N. R.

(c) Have the Government taken any steps to prevent pilferage of fresh fruit, vegetables, fish, etc., by the railway and the steamer employees on the E. B. and A. B. Railways?

The Honourable Sir Charles Innes: (a) Government are aware that such thefts sometimes occur.

(b) The Honourable Member is referred to item (b) of the reply given in this Assembly on 5th June 1924, to question No. 1283. In regard to the three Railways mentioned, Government understand that good progress is being made in the rivetting of wagons, the percentages at the end of 1924 being 55 per cent., 89 per cent. and 69 per cent. on the Eastern Bengal, East Indian and Bengal Nagpur Railways, respectively. Watch and Ward Departments have been formed on the two latter Railways and a similar department has been sanctioned for and is in process of formation on the Eastern Bengal Railway.

(c) Measures for the prevention of pilferage are taken by Railway Administrations, who are fully alive to their responsibilities in this direction.

**PROVISION OF LATRINE ACCOMMODATION IN THIRD CLASS
COMPARTMENTS ON THE ASSAM BENGAL RAILWAY.**

24. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Are the Government aware that there are no latrine arrangement in all the 3rd class compartments of the A. B. Railway?

(b) If so, do the Government propose to take necessary steps so that such arrangements be immediately made in all such compartments where there are none?

(c) Is it a fact that there is no arrangement for water in third class latrines?

(d) If so, do the Government propose to issue instructions for the convenience of the poor third class passengers so that water be available at all times in all the third class latrines?

The Honourable Sir Charles Innes: (a), (b), (c) and (d). Government understand that out of 312 compartments on the Assam Bengal Railway 33 are without latrines and 119 without water tanks, and that latrine and watering arrangements in these will be provided as funds permit.

The above figures do not include stock intended for short branches, where such arrangements are not considered necessary.

SALE OF TICKETS AT STATIONS ON THE ASSAM BENGAL RAILWAY.

25. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Will the Government be pleased to state whether the notice regarding the sale of tickets at any time between the hours of 7 A.M. and 8-30 P.M. in the Chittagong station of the A. B. Railway are strictly observed?

(b) Is it a fact that in smaller stations tickets are not issued even before 15 or 30 minutes before the arrival of trains but according to the whim of the booking clerks to the great inconvenience of the intending passengers? If so, do the Government propose to take necessary action in the matter?

The Honourable Sir Charles Innes: The points raised are such as may suitably be brought to the notice of the Agent through his Local Advisory Committee.

**SUPPLY OF FREE STATIONERY AND POSTAGE STAMPS TO NON-OFFICIAL
MEMBERS OF THE CENTRAL LEGISLATURE.**

26. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** Is it a fact that stationery and postage stamps are supplied free of cost to the non-official Members of the Provincial Councils? If so, why are the Members of the Central Legislature deprived of the privilege?

Mr. L. Graham: The Government of India have no information regarding the practice which prevails in Provincial Councils in this respect. Stationery for the use of Members of the Indian Legislature is placed in the library free of charge. If the Honourable Member means to express an opinion that stationery for use outside the Chamber and postage stamps, should be supplied free of charge, Government regret that they cannot agree with him.

FREE SUPPLY OF GOVERNMENT PUBLICATIONS TO ELECTED MEMBERS
OF THE LEGISLATIVE ASSEMBLY.

27. **Shaikh-e-Chatgam Maulvi Muhammad Kazim Ali:** (a) Are the Government aware that requisitions for the supply of Government publications by the elected Indian Members of the Legislative Assembly are often not attended to and they are either suggested to apply to the Central Publication Branch, Calcutta, for the supply of the required publications on payment or instructed to consult those publications in the Library of the Indian Legislature and only a very few unimportant publications are supplied gratis?

(b) Are the Government aware that the Honourable Members of the Legislative Assembly are much inconvenienced owing to their not being supplied with proper and adequate information by the Government Members and Government servants and not being supplied with all the Government publications they require?

(c) Do the Government propose to consider this very important matter and henceforth supply the Honourable Members with all the Government publications free of cost for their use whenever they ask for any?

The Honourable Sir Bhupendra Nath Mitra: (a) Special arrangements have been made by which orders for publications handed in by Members to the notice clerks are promptly forwarded to the Central Publication Branch. If the Honourable Member will give me particulars of any case in which such a requisition was not attended to, I shall have inquiries made.

(b) and (c). The Honourable Member is referred to the answer given by me to parts (b) and (c) of question No. 1293 on the 5th June 1924.

PAYMENT OF INCOME-TAX BY THE ARMY CANTEEN BOARD (INDIA).

28. **Raja Ghazanfar Ali Khan:** Will the Government be pleased to state whether the Army Canteen Board (India) has so far paid any Income-tax and if so state the amount so paid in each year since the establishment of the organisation?

The Honourable Sir Basil Blackett: The Government do not consider that the floor of the House is the proper place for discussing individual assessments which as the Honourable Member must be aware are confidential.

ADVANCES MADE BY THE IMPERIAL BANK OF INDIA TO THE ARMY
CANTEEN BOARD (INDIA)

29. **Raja Ghazanfar Ali Khan:** (a) Will the Government be pleased to state the total amount of money so far advanced to the Army Canteen Board (India) by the Imperial Bank of India on the guarantee of the Government of India?

(b) Will the Government be pleased to state what steps if any, they have taken to ensure that the operations of the Army Canteen Board (India) do not involve the Government in financial complications and losses in view of the Government's guarantee to the Imperial Bank of India on account of advances made by the latter to the Army Canteen Board (India)?

Mr. E. Burdon: (a) Rs. 20 lakhs.

(b) The attention of the Honourable Member is invited to the reply given on the 22nd September, 1924 to part (b) of starred question No. 2312. I may also mention that Government hold a first charge on all assets of the Board.

BALANCE SHEETS OF THE ARMY CANTEEN BOARD, INDIA.

30. Raja Ghazanfar Ali Khan: (a) Will Government be pleased to state whether any balance sheets of its accounts have so far been issued by the Army Canteen Board (India) and if so, will Government be pleased to lay on the table those balance sheets?

(b) If the answer be in the affirmative, will Government be pleased to state what is the financial position to-day in respect of the affairs of the Army Canteen Board (India)?

Mr. E. Burdon: (a) Audited balance sheets have been issued for the years ending July 31st, 1922, 1923 and 1924. Copies of these will be furnished to the Honourable Member separately.

(b) The balance sheet of the year ending July 1924 shows a total loss up to date of Rs. 3,92,529-9-6. The profit on the year's working amounted to Rs. 29,317-3-5 as compared with a loss of Rs. 1,67,609 in the previous year.

ALLEGED EMBEZZLEMENTS BY EMPLOYEES OF THE ARMY CANTEEN BOARD (INDIA).

31. Raja Ghazanfar Ali Khan: (a) Will Government be pleased to state whether it is true that the Manager of the Army Mansions, Lahore Cantonments, run by the Army Canteen Board (India) has embezzled over Rs. 30,000? If so, will Government be pleased to state the circumstances which rendered the defalcation possible?

(b) Will Government be pleased to state whether any similar defalcation have been made by other servants of the Army Canteen Board (India) in the area in which they are operating and if so, the extent of the defalcations?

Mr. E. Burdon: (a) The amount embezzled by the individual to whom presumably the Honourable Member is referring was Rs. 15,320-13-0. A fidelity guarantee insurance was taken out on behalf of this employee for Rs. 5,000 and this amount has been recovered. The loss to the Board on account of this defalcation is, therefore, Rs. 10,320-13-0. The circumstances which rendered the defalcation possible are stated in the judgment on the case, a copy of which will be furnished to the Honourable Member separately.

(b) A statement is placed on the table showing the extent of the other defalcations alleged or proved against servants of the Army Canteen Board.

Statement showing the extent of defalcations alleged or proved against servants of the Army Canteen Board (India).

(i) Year ended 31st July 1922—

Rs. A. P.

The late Manager of Institute No. 12, 2nd Gloucestershire Regiment, Gharial (Murrce Hills) claimed to have lodged sums amounting to which the Bank did not receive. The case was taken up by the police and the accused was tried, convicted and sentenced to 10 days' imprisonment and a fine of Rs. 5, "in that he misappropriated cash, the property of the Board".

770 9 6

(ii) Year ended 31st July 1923—

(a) The late Manager of Institute No. 8 Murree Depôt failed to give account for goods to the value of supplied to him for sale in his Institute. The police instituted proceedings under section 408 I. P. C, but the Magistrate held that the prosecution had not fully proved dishonest intention and therefore acquitted the accused.

Rs. A. P.
1,346 14 1

(b) The late Manager of Army Mansions, Peshawar, on behalf of the Board was charged with taking from his clerk, Abdar, and a contractor sums amounting to Rs. 2,700 as security deposits and converted this to his own use, and further misappropriated money, the property of the Board to the value of Rs. 211-6-6. The case was instituted by the police, and the accused was convicted and sentenced to two years' imprisonment in December 1923, but it is understood that he appealed and his appeal was upheld in December 1924.

TOTAL . 2,911 6 6

4,258 4 7

(iii) Year ended July 31st 1924—

(a) The late Manager of Institute No. 701, the Black Watch, Quetta, misappropriated cash to the value of being the takings of "Pay day" in his Institute. He was charged by the police, convicted and sentenced to 9 months' imprisonment.

3,063 1 9

(b) The late Manager of Institute No. 26, 6 Pack Battery R. A., Bara Gali, forged Bank Slips and misappropriated goods and cash to the value of was charged by the police, convicted and sentenced to one year's imprisonment.

440 9 4

(c) The late Manager of Institute No. 556, Seaforth Highlanders, Cherat, misappropriated cash and altered bank slips to the value of was charged by the police, convicted and sentenced to two years' imprisonment.

1,571 5 10

(d) A sum of money was missing and alleged to have been burgled from the late Manager of Institute No. 603, the Royal Scots Fusiliers, Sialkote

3,784 10 6

(e) The late Manager of Institute No. 551, Cherat Depôt, converted to his own use cash to the value of the property of the Board. The police authorities stated that they were unable to secure sufficient evidence to take the case into Court.

377 11 3

(f) The late Manager, Institute No. 510, 7th Coy. Royal Tank Corps, Peshawar, failed to account for goods and cash to the value of. The case although investigated by the police was not sufficiently strong to take into Court.

200 14 1

(g) The late Manager of Institute No. 11 Sherwood Foresters, Kuldana, was short in check of cash by but insufficient evidence was available to take the case to Court.

361 11 7

(h) Small amounts of shortage of goods and cash which have come to light for the period

584 0 0

10,364 0 4

Year ended July 31st, 1922 770 9 6

Year ended July 31st, 1923 4,258 4 7

Year ended July 31st, 1924 10,364 0 4

15,392 14 5

CONSTITUTION OF THE ARMY CANTEEN BOARD (INDIA).

32. **Raja Ghazanfar Ali Khan:** Will Government be pleased to state the composition and constitution of the Army Canteen Board (India) and the amount of pay drawn by members of the controlling staff of this institution stationed at Simla?

Mr. E. Burdon: I place on the table a statement showing the composition of the Army Canteen Board (India). Remuneration is paid only to the Deputy Chairman of the Board of Management who as Controller is in receipt of a salary of Rs. 3,000 per mensem.

As regards the constitution of the Board, the attention of the Honourable Member is again invited to the reply given on the 22nd September 1924.

Members of the Army Canteen Board (India).

Lieutenant-General the Honourable Sir Richard Stuart-Wortley, K.C.B., K.C.M.G., D.S.O., Quartermaster-General in India.

A. F. L. Brayne, Esquire, C.I.E., I.C.S., Financial Adviser, Military Finance.

Colonel C. H. K. Chauncy, C.B.E., Assistant Quartermaster-General and Director of Supplies and Transport.

J. S. Pitkeathly, Esquire, C.I.E., C.V.O., C.B.E., D.S.O.

Major-General C. N. Macmullen, C.B., C.M.G., C.I.E., D.S.O., Chairman of the Board of Management.

H. Mansel-Pleydell, Esquire, O.B.E., Deputy Chairman of the Board of Management.

Sir W. C. Currie, Kt., Chairman, Bengal Chamber of Commerce.

L. S. Hudson, Esquire, Chairman, Bombay Chamber of Commerce.

The Honourable Mr. Phiroze C. Sethna.

Members of the Board of Management.

Chairman—Major-General C. N. Macmullen, C.B., C.M.G., C.I.E., D.S.O.

Deputy Chairman—H. Mansel-Pleydell, Esquire, O.B.E.

Representative of Finance Department—A. F. L. Brayne, Esquire, C.I.E., I.C.S.

Member—Colonel C. H. K. Chauncy, C.B.E.

REPAYMENT OF ADVANCES TO THE ARMY CANTEEN BOARD (INDIA).

33. **Raja Ghazanfar Ali Khan:** With reference to clause (b) of the reply given by Sir Godfrey Fell on 26th September 1921 to question No. 58, will Government be pleased to state (1) the amount of money advanced to it towards the preliminary expenses of establishing the Army Canteen Board (India) and (2) the amount so far repaid to Government on this account.

Mr. E. Burdon: (1) Rs. 4 lakhs.

(2) Rs. 4,14,271-10-11 being the above sum with interest.

SUBORDINATE ENGINEERING SERVICE, MILITARY WORKS DEPARTMENT.

34. **Mr. C. S. Ranga Iyer:** (a) Is it a fact, that the Secretary of State for India has sanctioned the subordinate engineering service, both for the Military and for the Public Works Department?

(b) Are the Government aware, that the Public Works Department has already given effect to this recommendation?

(c) Will the Government be pleased to state, by what date this recommendation will be given effect to in the Military Department?

Mr. E. Burdon: (a), (b) and (c). The question is not entirely understood. The constitution of a subordinate engineering service in the Public Works Department was sanctioned in 1920. The subordinate military engineering service has, however, been in existence for many years.

RECRUITMENT FOR THE INDIAN AUDIT AND ACCOUNTS SERVICE, ETC.

35. **Mr. C. S. Ranga Iyer:** (a) Will the Government be pleased to state, how recruitment for the following are made:

- (a) Public Finance (Accountant General's) Department,
- (b) Military Accounts Department,
- (c) A. T. Ss. in the Railways,

(b) Are the Government aware, that the Bachelors of Commerce are specially coached in accountancy, banking, public finance and Railway economies?

The Honourable Sir Basil Blckett: (a) Recruitment for the Indian Audit and Accounts Service (to which the Honourable Member is presumably referring), and the Military Accounts Department is ordinarily made in India on the results of a competitive examination. As regards the Assistant Traffic Superintendents, the question of the method of recruitment is under consideration and an announcement will be made shortly.

(b) The reply is in the affirmative.

STOPPAGE OF RECRUITMENT IN KUMAUN, ETC.

36. **Mr. C. S. Ranga Iyer:** (1) Are the Government aware that out of two battalions of the 1st and 2nd Kumaun Rifles the latter has been totally disbanded?

(2) Will the Government be pleased to state if it is a fact that recruitment for the first battalion of the Kumaun Rifles and other regiments has been stopped from the towns of Almora and Ranikhet and also from the parganas of Baramandal (excepting Danpur) and Pali in district Almora? If so, why?

(3) Will the Government be pleased to ascertain and lay on the table the following details:

- (a) the number of men from the aforesaid towns and parganas that were killed in the last war and also that of those who received 1st, 2nd and 3rd class injuries respectively?
- (b) the ranks that the men from the aforesaid towns and parganas held in the unit?
- (c) the authority according to which the battalion was raised in October, 1917 at Ranikhet?
- (d) the ratio that men from Danpur bear to the total battalion and also with regard to the above details?

(4) Will the Government be further pleased to state if it is a fact that the interests of the men of all ranks of the aforesaid parganas, who are already in the first battalion Kumaon Rifles, are being systematically overlooked as to force some competent Havildars and men with services varying from 11 to 3 years to request for voluntary discharge?

(5) If so, how far do the Government favour this policy?

(6) Will the Government be pleased to lay on the table a statement showing the number of men enlisted in the aforesaid battalions from the various parganas of district Almora specifying the proportion their parganas bear to the total population of the district?

Mr. E. Burdon: (1) Yes.

(2) and (4). The attention of the Honourable Member is invited to the reply given on the 22nd September 1924 to starred question No. 2815.

(3) (a), (b) and (d). The information desired by the Honourable Member is not available and could not be obtained without an inordinate expenditure of time and labour.

(c) Government of India, Army Department letter No. 16552, dated the 3rd November 1917. A copy of these orders will be communicated to the Honourable Member separately.

(5) Does not arise.

(6) No records are available to show the pargannas from which individual men were recruited.

GRANT OF A PASSPORT TO KESHO RAM SABHARWAL.

37. **Lala Duni Chand:** (a) Is it a fact that one Kesho Ram Sabharwal was bound down on 27th January 1915 at Peshawar under section 40, North West Frontier Regulation for a period of 5 years and was released on his furnishing the security demanded of him?

(b) Is it also a fact that after having furnished security demanded of him and with a view to avoid harassment the said Kesho Ram Sabharwal had gone to Japan?

(c) Are Government aware that he applied to the British Consul at Tokyo in June, 1924 for the grant of a passport and a safe conduct on the ground that he wanted to return to India, as Dr. Rabindra Nath Tagore who had recently paid a visit to Japan had offered him the post to serve as his personal assistant and to work in the executive department of his University, in proof of which he had submitted a copy of the letter from Dr. Rabindra Nath Tagore?

(d) Is it a fact that the British Consul at Tokyo refused to grant him either the passport or safe conduct and merely offered to grant him an emergency certificate without giving any assurance that he will not be prosecuted in India on his return?

2. Are the Government prepared to give an assurance that he will not be prosecuted in India on his return and if not, will the Government state reasons for their not doing so?

Mr. Denys Bray: (a) Kesho Ram Sabharwal was bound down for a period of three years. The rest of the facts are as stated.

(b) He proceeded to Japan in 1915.

(c) Government have no information regarding the letter said to have been written him by Dr. Rabindra Nath Tagore,—otherwise the reply is in the affirmative.

(d) Yes.

2. In view of his past record Government are unable to give such assurance.

TRAINING OF INDIANS IN CERTAIN BRANCHES OF THE ARMY.

38. **Sardar V. N. Mutalik:** Will Government be pleased to state what steps they intend to take for training Indians in Artillery, Military (Royal) Engineering, Tank Service, and the Royal Air Force? And when?

Mr. E. Burdon: I presume that the question relates to commissioned ranks.

The Government of India have submitted proposals to His Majesty's Government for the training of Indians at Woolwich and Cranwell, in order to qualify them for employment in the Royal Artillery, Royal Engineers and Royal Air Force.

As regards the Royal Tank Corps, Government do not propose to train young Indian officers in this difficult and highly technical branch of the service, until they have attained to greater experience and efficiency in the commissioned ranks of the cavalry and infantry now open to them.

PUBLICATION OF THE REPORT OF THE FIJI DEPUTATION.

39. **Sardar V. N. Mutalik:** Will Government be pleased to state:

(a) when the Report of the Fiji Deputation was submitted to Government?

(b) when do they propose to publish the Report?

(c) the reasons why the report has not been published till now?

Mr. J. W. Bhore: (a) In September, 1922.

(b) and (c). Some of the points touched upon in the report formed the subject of representations to the Secretary of State for the Colonies by the Colonies Committee appointed by the Government of India last March. The Honourable Member will recognize that until the result of these representations, which were of a confidential character, is known it is not possible to come to any decision regarding the question of publishing the report of our deputation.

PURCHASE OF SOUTH AFRICAN COAL.

40. **Sardar V. N. Mutalik:** Will Government be pleased to state what quantity of coal they have contracted to purchase from South Africa, since the beginning of the financial year, and the departments for which it is intended and the Governments (Central or Provincial) for whom the contracts have been made? And the periods for which the contracts are entered into? And also the rate at which the coal is being purchased from South Africa?

Mr. E. Burdon: The information required by the Honourable Member is being obtained and will be furnished to him in due course.

ASSESSMENT OF INCOME-TAX ON INTEREST.

41. **Lala Duni Chand:** (a) Is it a fact that under the existing law income-tax is assessed on the interest that is not actually realised but only accrues due?

(b) Is it a fact that a considerable portion of the interest so assessed is never realised?

(c) If the reply to (a) and (b) be in the affirmative, are the Government prepared to modify the existing law so as to allow assessment only on the interest realised?

The Honourable Sir Basil Blackett: (a) and (b). Under the present law whether an assessee is assessed in respect of income actually realised or that which has become due to him will depend on the method of accounting regularly employed by the assessee.

(c) Interest that has been assessed is deducted from taxable income if subsequently written off as irrecoverable. For this reason, and because it would cause grave inconvenience to assessees who keep their accounts on the commercial system to assess them on the cash basis, the Government see no reason to modify the law.

ALLEGED ASSAULT ON POSTAL CLERK BY MR. J. H. THOMPSON,
ASSISTANT COLLECTOR OF COIMBATORE.

42. **Mr. R. K. Shanmukham Chetty:** (a) Has the attention of Government been drawn to a note in *The Nilgiri Postal Advocate* for August, 1924, in which it is alleged that Mr. J. H. Thompson, Assistant Collector of Coimbatore assaulted the parcel clerk in the Coimbatore Post Office in the presence of the staff and the Postmaster?

(b) Has any inquiry been made in this matter and what action has been taken?

The Honourable Sir Bhupendra Nath Mitra: Government have not seen the note referred to, but I understand that the matter is at present under inquiry.

REVISION OF PAY OF CLERKS OF THE MILITARY ACCOUNTS DEPARTMENT.

43. **Mr. N. C. Kelkar:** Is it a fact that the pay of clerks of the Civil Accounts Offices in India has been revised a second time, having effect from 1st April 1924, and if so, do Government propose to revise the pay of clerks of the M. A. D. and if so, when is the revision likely to be notified?

The Honourable Sir Basil Blackett: Yes. The question of the revision of pay of the clerks of the Military Accounts Department is under the consideration of Government and orders on the subject will issue shortly.

PERIOD OF SERVICE AT ADEN OF MEMBERS OF THE MILITARY
ACCOUNTS DEPARTMENT.

44. **Mr. N. C. Kelkar:** Is it a fact that service at Aden is restricted to two years in the case of the establishment of the I. A. S. Corps, Postal Department, Indian Ordnance and Medical Departments and the Military Engineering services, and to three years in the case of M. A. D.? Were any representations received praying that the members of the M. A. D. should also be subjected to serve there for a period authorised for other Departments and if so how were they disposed of? Do Government propose to bring the employees of the M. A. D. in the same boat as their brothers in other departments are so far as the period of service at Aden is concerned?

The Honourable Sir Basil Blackett: The reply to the first part of the question is in the affirmative. The representations received from the Members of the Military Accounts Department on the subject are under consideration.

**IMPORTATION OF ACCOUNTANTS FROM CIVIL ACCOUNTS OFFICES INTO THE
MILITARY ACCOUNTS DEPARTMENT.**

45. Mr. N. C. Kelkar: Is it a fact that Accountants from Civil Accounts Offices are going to be imported into the M. A. Department? If so, will Government please state why this arrangement is considered necessary? If this is for the purpose of increasing efficiency in the Department, is it not possible to utilise competent accountants of the M. A. Department for the proposed scheme?

The Honourable Sir Basil Blackett: No such change is intended at present.

**NOTIFICATION OF PROMOTIONS IN THE SUBORDINATE ACCOUNTS SERVICE
OF THE MILITARY ACCOUNTS DEPARTMENT.**

46. Mr. N. C. Kelkar: Is it a fact that permanent promotions in the Subordinate Accounts Service of the M. A. Department have not been notified beyond 1st April 1923? If so, do Government propose to issue orders to enable the M. A. G. to notify permanent promotions early, as nearly two years have elapsed since they were last notified?

The Honourable Sir Basil Blackett: The reply is in the affirmative. For administrative reasons *sub pro tem* arrangements have, however, been made and the question of making permanent promotions will be considered.

**REJECTION OF MEDICAL CERTIFICATES GRANTED BY REGISTERED MEDICAL
PRACTITIONERS.**

47. Mr. N. C. Kelkar: With reference to the reply to my question No. 370 to the effect that in certain cases medical certificates granted by registered medical practitioners were rejected as not being countersigned by Government officials, will Government be pleased to state from the details they would have collected from several Districts, whether in a particular command or District Office, the percentage of certificates which were required to be so countersigned was particularly high and if so, do Government propose to issue necessary instructions on the subject with a view to discourage the tendency of the general rejection of registered practitioners' certificates?

The Honourable Sir Basil Blackett: Under the rules the head of an office can exercise his discretion in accepting a medical certificate furnished by a clerk of his office. From information collected, it is observed that the percentage of certificates which were required to be countersigned varies with the varying circumstances in different districts but Government see no reason to interfere with the discretion of Controllers in this matter.

**WITHHOLDING OF INCREMENTS EARNED BY CLERKS AND ACCOUNTANTS
IN THE MILITARY ACCOUNTS DEPARTMENT.**

48. Mr. N. C. Kelkar: Is it a fact that increments already earned by clerks and accountants and which they were in receipt of are or were being withheld in the M. A. D. for some alleged inefficiency, etc.? Will Government please state whether this procedure is regular? Were not these increments earned on past approved service? In how many cases were such increments withdrawn during 1923-24?

The Honourable Sir Basil Blackett: It is the ordinary practice that increments in the time scale are not granted as a matter of course but may be withheld for inefficiency or misconduct. Information as to the number of instances of withholding of increments during 1923-24 is being collected.

DUTY ALLOWANCES OF UNIT ACCOUNTANTS AND CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

49. **Mr. N. C. Kelkar:** Will Government please state whether duty allowance to Unit Accountants and clerks in the M. A. D. is granted on the condition that they perform their duties satisfactorily? Can the allowance be discontinued for various reasons although the Unit Accountants and clerks continue to perform their duties? In how many cases was this allowance stopped in the year 1923-24?

The Honourable Sir Basil Blackett: The duty allowance is granted for the reason stated and also on account of liability for transfer with the unit. It may be discontinued for inefficiency or irregularity in the performance of the duties of the post. The number of instances of discontinuance in 1923-24 will be ascertained.

ISSUE OF RIFLES TO MEMBERS OF THE ALLAHABAD UNIVERSITY TRAINING CORPS.

50. **Pandit Shamlal Nehru:** (a) Has the attention of the Government been drawn to an article "Compulsory Military training for University students, An Appeal" published in the issue of the *Leader*, dated 7th December 1924?

(b) Will the Government be pleased to state if it is a fact that the Allahabad University Training Corps was organised in the year 1922 and the members have not yet been supplied with rifles? If so, what is the cause of this delay? When are they going to be supplied?

Mr. E. Burdon: (a) Government have seen the article referred to.

(b) The Allahabad University Training Corps was formed in the year 1922. In July 1924, orders were given for the issue of rifles, but I cannot say whether the rifles have actually been issued as yet. The reason why rifles were not issued to the United Provinces Battalion (which includes the Allahabad University Training Corps) when it was formed, is that no arrangements could be made at Aligarh and Benares for the safe custody of the rifles, particularly during the University vacations.

UNIVERSITY TRAINING CORPS, ALLAHABAD.

51. **Pandit Shamlal Nehru:** Will the Government be pleased to state:

(a) whether the conditions laid down in the Territorial Force rules Part III section (2) and section 16 (2) were observed in practice in the University Training Corps at Allahabad?

(b) How many drills were actually held during the session 1923-24?

(c) Were there any camps during the sessions 1922-23 and 1923-24? If so, for how many days, if not, why not?

Mr. E. Burdon: The information desired by the Honourable Member is being obtained and will be furnished to him as soon as possible.

REVISION OF THE STRENGTH OF THE UNIVERSITY TRAINING CORPS IN THE UNITED PROVINCES.

52. **Pandit Shamlal Nehru:** (a) Are the Government aware of the fact that the Courts of the Allahabad University and the Hindu University of Benares have resolved to make military training compulsory for such of their students as are physically fit?

(b) Do the Government propose to revise the strength of the University Training Corps in the U. P. of Agra and Oudh so as to enable the Universities to accommodate their students in the University Training Corps?

Mr. E. Burdon: (a) Government have no information on the subject.

(b) Government propose to await the report of the Auxiliary and Territorial Force Committee before considering any change in present arrangements.

REPORT OF THE INDIAN TERRITORIAL FORCE COMMITTEE.

53. **Pandit Shamlal Nehru:** Will the Government be pleased to state when they are going to publish the report of the Indian Territorial Force Committee?

Mr. E. Burdon: The Committee propose to re-assemble on the 23rd January to consider their report. The report will be published as soon as possible after it has been adopted by the Committee, and in order to minimise delay the draft report has been set up in type.

NUMBER OF PERSONS UNDER DETENTION IN BENGAL UNDER BENGAL REGULATION III OF 1818.

54. **Mr. K. C. Neogy:** Will Government be pleased to make a statement showing:

(a) the number of persons at present under detention in Bengal under Bengal Regulation III of 1818; and

(b) how many of the said persons were arrested before the 25th October, 1924 (the date of the promulgation of the Bengal Criminal Law Amendment Ordinance No. 1 of 1924), and how many since that date?

The Honourable Sir Alexander Muddiman: (a) 46.

(b) 27 before the 25th October 1924, and 19 on and after that date.

ARRESTS UNDER BENGAL REGULATION III OF 1818.

55. **Mr. K. C. Neogy:** (a) Is it a fact that Bengal Regulation III of 1818, has been used in Bengal for the purpose of dealing with the alleged criminal conspiracy which Ordinance No. 1 of 1924 is intended to deal with?

(b) Is it a fact that the said Ordinance contains provisions for the arrest of suspects without warrant, their detention in jail without trial, and payment of allowances to them and their dependants; and that these

provisions are analogous to the principal provisions of Bengal Regulation III of 1818, so far as they are applied for the purpose of dealing with persons suspected of association with criminal conspiracies of the kind contemplated by Ordinance No. 1 of 1924?

(c) In the case of persons incarcerated in Bengal under the said Regulation since the 25th of October, 1924, for their alleged association with criminal conspiracies, will Government be pleased to state the grounds on which the Governor General in Council undertook the responsibility of dealing with them under Bengal Regulation III of 1818, instead of leaving them to be dealt with by the Local Government under Ordinance No. 1 of 1924?

(d) Which authority decides as to whether a person is to be dealt with under Bengal Regulation III of 1818, or under the provisions of Ordinance No. 1 of 1924 referred to in clause (b) above; and what circumstances generally determine such discrimination in any particular case?

The Honourable Sir Alexander Muddiman: (a) Bengal Regulation III of 1818 has been used for dealing with the anarchical associations which exist in Bengal in certain cases before Ordinance No. 1 of 1924 was made and promulgated or could come into effective operation.

(b) The Honourable Member is doubtless fully acquainted with the provisions of both the Ordinance and the Regulation.

(c) Reference is invited to the reply given to part (a) of the question. In respect of persons arrested under Regulation III on or after the 25th of October, orders under section 12 of the Ordinance have been substituted for warrants under the Regulation.

(d) It is the intention to apply the provisions of the Ordinance in the case of all persons who come within its provisions and when it is in the public interest to do so.

DETENTION OF MR. SUBHAS CHANDRA BOSE UNDER BENGAL REGULATION III OF 1818.

56. **Mr. K. C. Neogy:** (a) Has the attention of Government been drawn to a statement recently made by Earl Winterton, Under Secretary of State for India, in reply to a question, in the House of Commons, to the effect that Mr. Subhas Chandra Bose, Chief Executive Officer of the Municipal Corporation of Calcutta, has been detained under Bengal Regulation III of 1818 under the authority of the Government of Bengal?

(b) Is it a fact that the Governor General in Council have, for all practical purposes, delegated most of their functions under Bengal Regulation III of 1818 to the Government of Bengal, although there is no legal authority for so doing?

(c) What part does the Government of Bengal usually take in the administration of Bengal Regulation III of 1818?

The Honourable Sir Alexander Muddiman: (a) Government have seen the reply made by Earl Winterton. Mr. Bose was arrested by officers of the Government of Bengal under the authority of a warrant issued by the Governor General in Council.

(b) Certainly not.

(c) The Government of Bengal administers the Regulation in such matters as may not be specifically ordered by the Governor General in Council, under the orders of the Governor General in Council.

REPORTS ON STATE PRISONERS IN BENGAL.

57. **Mr. K. C. Neogy:** Will Government be pleased to lay on the table a summary of:

- (a) the periodical reports under section 3 of Bengal Regulation III of 1818, regarding State prisoners in Bengal;
- (b) the representations made by the said prisoners under section 5 of the said Regulation;
- (c) the official reports under section 6 of the said Regulation; and
- (d) the orders passed by Government on the reports and representations referred to in clauses (a), (b) and (c) above?

The Honourable Sir Alexander Muddiman: Government have nothing to conceal in regard to the treatment of these State prisoners and I am willing to give all reasonable information about the treatment of any particular prisoner, but I do not think that any useful purpose would be served by summarising all the periodical returns, reports and representations referred to in the question.

TREATMENT OF STATE PRISONERS IN BENGAL.

58. **Mr. K. C. Neogy:** In how many instances have Government received complaints regarding the treatment in jail of prisoners under Regulation III of 1818 in Bengal, and the inadequacy of the allowances granted to them and their families, and what action has been taken thereon?

The Honourable Sir Alexander Muddiman: No complaints have been received from the State prisoners recently confined under the Regulation in regard to their treatment in jail. It would involve a great deal of labour to examine the monthly reports for other State prisoners since the dates of their detention, and I am not prepared to undertake such a general examination, as complaints, if made, are always promptly attended to. In the matter of inadequate family allowances, five representations have been received from or on behalf of persons who are now detained as State prisoners. Of these, one was favourably considered and the remaining four rejected as there were no grounds to justify a reconsideration of the amount of allowance already sanctioned.

ALLOWANCES TO STATE PRISONERS IN BENGAL.

59. **Mr. K. C. Neogy:** What is the total amount distributed, during the last month for which complete figures are available, to prisoners under Bengal Regulation III of 1818, and their families; and under what head of the accounts of the Government of India are these amounts shown?

The Honourable Sir Alexander Muddiman: These charges are debited under the head "29—Political." The figures asked for are not immediately available but are being obtained.

MILITARY MANŒUVRES AT DELHI.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Mr. President, may I request you to be so good as to convey to His Excellency the Commander-in-Chief our grateful appreciation of the opportunities which he gave to the Members of the Legislature of witnessing the manœuvres. Most civilians have no idea of military operations and seldom have a chance of seeing such operations. Manœuvres on this grand scale are held only very infrequently and it is an opportunity which the Members of the Legislature are not likely to obtain often. We feel deeply thankful to His Excellency for having given us the opportunity of witnessing these manœuvres.

Mr. President: I understand I will be interpreting the sense of the House as already expressed by my Honourable friend Sir Sivaswamy Aiyer if I convey to His Excellency the Commander-in-Chief the great appreciation of all Members of this House and particularly of those who were actually present of the arrangements made and so efficiently carried out under his orders and by his officers for Members of this Chamber in connection with the manœuvres and the review of the troops which was held yesterday.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): With your permission, Sir, may I request you to dissociate myself and some of my Honourable colleagues from the remarks which have just fallen from the Honourable Member. We as a body refrained from attending the manœuvres and had no part in the business.

Mr. President: I leave the House to judge of the character of the remarks which my Honourable friend has just made. I did, however, safeguard myself in saying that in conveying the thanks of the House to His Excellency the Commander-in-Chief I should specially convey the thanks of those who accepted the invitation which His Excellency was good enough to give.

MOTION FOR ADJOURNMENT.

Mr. President: Diwan Chaman Lall. [Mr. Chaman Lall, on being called, did not rise.] I gather the Honourable Member has forgotten that he sent me notice of his desire to move an adjournment of the House to-day.

Mr. Chaman Lall: In view, Sir, of the statement made by the Honourable the Leader of the House in reply to the Honourable Mr. Jinnah's question, I do not wish to press my motion for adjournment.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President: I have to acquaint the House that I have received the assent of His Excellency the Governor General to the following Acts passed by both Chambers of the Indian Legislature. The Indian Motor Vehicles (Amendment) Act, 1924. The Indian Post Office (Amendment) Act, 1924. The Imperial Bank of India (Amendment) Act, 1924. The Indian Criminal Law Amendment Act, 1924. The Land Customs Act, 1924.

PETITIONS RELATING TO THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 375.)

Secretary of the Assembly: Sir, under Standing Order 78, I have to report that twenty-five petitions as per statement laid on the table have been received relating to the Bill further to amend the Indian Penal Code (Amendment of section 375) which was introduced in the Legislative Assembly by Sir Hari Singh Gour.

STATEMENT.

Petitions received relating to the Bill further to amend the Indian Penal Code (Amendment of section 375) which was introduced in the Legislative Assembly by Sir Hari Singh Gour.

1. Brajendra Nath Smrititirtha and others.
2. Kalikesh Chandra Chatterjee and others.
3. Raj Kumar Smrititirtha and others.
4. Sreejukta Prasanna Kumar Smrititirtha and others.
5. Sreejukta Basanta Kumar Tarkanidhi and others.
6. Kamakyacharan Sastri and others.
7. Sarat Chandra Sankhya Vedanta Tirtha and others.
8. Kumar Nagendra Kishore Roy Chowdhury and others.
9. Panchanan Tarkaratna and others.
10. Satish Chandra Mukherjee and others.
11. Birendra Nath Chaudhuri and others.
12. Satish Chandra Roy and others.
13. Kally Charan Chatterjee and others.
14. Sibadas Banerjee and others.
15. Rai Dinanath Bisvas Bahadur and others.
16. Amulya Charan Chatterjee and others.
17. Sukhada Prasad Majumdar and others.
18. Akshay Kumar Smrititirtha and others.
19. Kali Kumar Bhattacharya and others.
20. Sreeharsa Mukerji and others.
21. Women's Indian Association.
22. Md. Ismail Khan and others.
23. Sundar Das Bhalla and others.
24. Citizens of Madras.
25. M. Balasundaram and others.

STATEMENTS LAID ON THE TABLE.

NORTH-WESTERN RAILWAY SLEEPER CONTRACT.

The Honourable Sir Charles Innes (Commerce Member): Sir, I lay on the table the information promised in reply to a question by Diwan Chaman

[Sir Charles Innes.]

Lall asked on the 10th September, 1924, regarding the North-Western Railway 5 years sleeper contract.

Record of the meeting of the Central Railway Advisory Council held on 4th September 1924.

PRESENT :

The Honourable Sir Charles Innes, Member for Railways and Commerce, Chairman.

Mr. C. D. M. Hindley, Chief Commissioner.

Mr. A. A. L. Parsons, Financial Commissioner.

The Honourable Sir Arthur Froom.

Sir Purshotamdas Thakurdas, M.L.A.

Diwan Bahadur T. Rangachariar, M.L.A.

Dr. H. S. Gour, M.L.A.

Seth Kasturbhai Lalbhai, M.L.A.

It was decided to take as the basis of discussion the reports of the Sub-Committee appointed by the C. A. C. and at the suggestion of Sir Charles Innes, it was decided also that in the first instance, the discussion should be confined to the four issues framed by the Sub-Committee.

Issue No. 1.—In calling for a five year contract for whole or part supply in October 1922, did the Railway Administration exercise ordinary business prudence?

After a lengthy discussion, the Council came by a majority to the following conclusion :—

The Council recognises the difficulty of pronouncing judgment on a contract placed nearly two years ago. It is easy to be wise after the event, and allowance must be made for the circumstances of the time when the contract was made. But the Council is impressed by the fact that prices had risen very much during the war and that the effect of the contract was to stabilise prices at a high level for 5 years. It considers that the Railway Administration would have been well advised to watch the course of prices for some time before entering into a long term contract and that in entering into a 5 year contract when it did, the Railway Administration did not exercise ordinary business prudence.

Issue No. 2.—Should the whole contract have been given to Messrs. Spedding & Co. ?

The Council recognises that reliability is a factor to be taken into account in deciding between tenders. It notes, however, that under the orders of the Railway Board, tenders were called for part supplies as well as for the whole supply of the sleepers required. It considers that the tenders for part supplies should have been considered on their merits, and a majority of the members are of opinion that the Railway Administration should not have given a monopoly to a single firm. Sir Purshotamdas Thakurdas asked that information might be obtained from the N. W. R. Administration as to the manner in which Messrs. Spedding & Co. had fulfilled their contracts since 1914. He desired information in particular on two points :—

(i) whether they had fulfilled their contracts in full and up to time, and

(ii) whether prices had been revised in their favour during the currency of any of the contracts.

Issue No. 3.—Should the terms have been varied after the acceptance of the contract ?

The C. A. C. is unanimously of opinion that the terms should not have been varied after the acceptance of the contract and that the Railway Administration should not have called for tenders in a form which was entirely out of date.

Issue No. 4.—Are there any specific points which from a consideration of this case the C. A. C. might suggest investigation by the officers, who are enquiring into the best method of obtaining sleepers in future?

The Central Advisory Council is unanimously of opinion that the first lesson to be derived from this case is that proper arrangements should be made for co-ordination between the Railway Department of the Government of India and the Forest Departments of the local Governments in the different provinces in the matter of sleeper supplies. The Chief Commissioner of Railways explained that this matter had already been taken up and that the joint report of the Chief Engineer and a Forest Officer on the subject was now under the consideration of the Board.

The Central Advisory Council was also of opinion that the whole question of the powers of the Agents in the matter of placing of sleeper contracts should be brought under review. Sir Charles Innes promised that this question would be examined and brought up before the next meeting of the Central Advisory Council.

LETTER FROM THE SECRETARY, RAILWAY BOARD, TO THE AGENT, NORTH-WESTERN RAILWAY, NO. 185-S.-II, DATED SIMLA, THE 6TH OCTOBER 1924.

I am directed to forward for your information copies of the documents noted in the margin relating to the sleeper contract concluded in 1922 by the North Western Railway Administration. This contract, as you are aware, has attracted a good deal of comment in the Legislative Assembly and, in accordance with a pledge given in the Assembly, has been considered in consultation with the Central Advisory Council. I am now to communicate the orders of the Government of India on the four issues considered by the Council.

1. Report of the Sub-Committee to consider the North Western Railway sleeper contract.
2. Proceedings of the Meeting of the Central Advisory Council held on 4th September 1924.

consultation with the Central Advisory Council. I am now to communicate the orders of the Government of India on the four issues considered by the Council.

2. As regards the first issue, the Government of India recognise that there is room for a fair difference of opinion. On the one hand, long term contracts have great attractions for a Railway administration working on a programme thought out over a series of years. The benefit of a long term contract is that it secures the supply of sleepers necessary for that programme. Such contracts too suit, and indeed are almost essential for, the contractors. Usually these contractors on securing a contract acquire forest leases and make their own arrangements for extraction.

Such arrangements involve capital outlay, and long term contracts are necessary in order to enable the contractors to recoup themselves for their initial outlay. On the other hand, it might be argued—and this is the view taken by the majority of the Council that when this contract was placed, prices had not settled down after the war and that the Railway Administration would have been well advised if it had allowed time for prices to stabilise themselves before committing themselves to a contract for the long period of 5 years. The Government of India, as stated above, recognise that there is room for a fair difference of opinion, but they are not prepared to subscribe to the view that in concluding a five-year contract the Railway Administration did not exercise ordinary business-prudence.

Issue No. 2.—The Government of India recognise that reliability is a factor which must be taken into account in deciding between tenders. But the Railway Administration were definitely ordered by the Board to call for tenders for part supply as well as for whole supply, and the Government of India consider that tenders for part supply should have been considered on their merits. They attach also importance to the considerations urged by Sir Campbell Rhodes in that part of his note which deals with this point.

Issue No. 3.—The Government of India entirely agree with the Central Advisory Council that the terms should not have been varied after the acceptance of the contract, and that the Railway Administration should not have called for tenders in a form which was entirely out of date. Orders have already been issued that the revision of the tender form should be taken in hand at once. As regards the former point, the Government of India understand that the terms of a former contract were merely

[Sir Charles Innes.]

copied out in preparing the contract with Messrs. Spedding and Company. They consider, however, that the terms of this contract should have been compared with the terms in the tender form before the contract was actually issued, and they must record their dissatisfaction that this was not done. They do not propose to pursue the matter further as they understand that the officer who is primarily responsible has now retired.

Issue No. 4.—The Government of India agree with the Central Advisory Council that proper arrangements should be made for co-ordination between the Railway Department of the Government of India and the Forest Departments of the Local Governments in the different provinces in the matter of sleeper supplies, as stated, in the record of the meeting of the Central Advisory Council this question is already being taken up.

GRANTS MADE BY E. B. RAILWAY TO SCHOOLS FOR EUROPEANS, ANGLO-INDIANS AND INDIANS.

The Honourable Sir Charles Innes (Commerce Member): Sir, I lay on the table the information promised in reply to a question by Mr. Amar Nath Dutt asked on the 17th September, 1924, regarding grants made by the Eastern Bengal Railway to schools for Europeans, Anglo-Indians and Indians.

(a) Number of schools aided by the Eastern Bengal Railway—

(i) European and Anglo-Indian	10
(ii) Indian	45
	192 1923,

Rs. Rs.

(b) Amount paid by the Eastern Bengal Railway as aid to—

(i) European and Anglo-Indian schools	13,277	15,300
(ii) Indian schools	8,180	10,292

(c) Yes, there is a difference in the payment of aid to schools.

(d) The rates of contribution paid are—

(i) European and Anglo-Indian schools	Rs. 2 per child per mensem.
(ii) Indian Schools	Annas 8 per child per mensem. In the case of H. E. and M. E. schools the rates are Re. 1 and annas 12 per mensem respectively.

The difference in rates is due to difference in the cost of education.

DISBURSEMENT FROM THE FINE FUND OF THE NORTH WESTERN RAILWAY.

Mr. G. G. Sim (Financial Commissioner, Railways): Sir, I lay on the table the information promised in reply to a question by Mr. Harchandrai Vishindas asked on the 18th September, 1924, regarding the disbursement from the Fine Fund of the North Western Railway for the years 1922-23 and 1923-24.

Statement showing the disbursement from the Fine Fund of the North-Western Railway for the year 1922-23 and 1923-24.

Particulars.	1922-23.				1923-24.				REMARKS.
	European.	Indian.	Joint.	Total.	European.	Indian.	Joint.	Total.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
1. Institutes	9,039	2,100	...	11,139	10,845	2,100	420	13,365	
2. Reading Rooms	420	240	810	1,470	420	240	800	1,460	
3. Sports Clubs and Tournaments	1,634	2,672	1,224	5,530	1,039	2,813	2,412	6,344	
4. Education, viz., capitation and monthly grants to schools.	...	...	...	...	...	390	...	390	
5. Compassionate education of children of staff killed on duty.	2,969	1,043	...	4,012	3,191	1,380	...	4,571	
6. Apprentices' Home	2,268	...	...	2,268	2,220	...	...	2,220	
7. Holiday Home	2,500	...	...	2,500	1,250	...	...	1,250	
8. Protestant Cemetery	120	...	...	120	110	...	...	110	
9. Chaplain	3,500	...	...	3,500	3,600	...	...	3,600	
10. North-Western Railway Band . . . . .	...	...	0,300	6,300	...	...	4,800	4,800	
11. Recoverable loans and advance to co-operative stores, etc., and Railway employees for outfit of children going to schools.	...	...	...	45,920	...	...	...	27,147	
12. Cost of War Memorial . . . . .	...	...	...	...	2,175	...	...	2,175	
13. Compassionate gratuity . . . . .	...	...	...	...	550	...	...	550	
14. Grant to Red Cross, Karachi . . . . .	...	...	...	...	...	...	500	500	
TOTAL	22,440	6,115	8,334	36,889	25,400	6,983	9,012	38,395	

STATEMENTS Laid ON THE TABLE.

MESSRS SPENCER AND COMPANY'S REFRESHMENT ROOMS.

The Honourable Sir Charles Innes (Commerce Member): Sir, I lay on the table the information promised in reply to a question by Mr. T. C. Goswami asked on the 19th September, 1924, regarding the privileges allowed to Messrs Spencer and Company's Refreshment Rooms as compared with those allowed to Indian Refreshment Rooms.

Privileges allowed to Messrs. Spencer and Company's Railway Refreshment Rooms as compared with Indian Railway Refreshment Rooms.

Railway.	FURNITURE.		OTHER ARTICLES FOR REFRESHMENT ROOMS.		AERATED WATERS, ICE, ETC.		LIGHT.		TELEGRAMS.	
	European Rooms.	Indian Rooms.	European Rooms.	Indian Rooms.	European Rooms.	Indian Rooms.	European Rooms.	Indian Rooms.	European Rooms.	Indian Rooms.
N. W. Ry.	Carried free	Carried free	Fresh provisions carried free. Oilman stores, wines, etc. carried at half tariff rates.	Fresh provisions carried free. Oilman stores, wines, etc. not carried free, as not sold.	Carried at Revenue rates.	Carried free when not available locally.	Not provided free.	Not provided free.	Telegrams regarding passengers meals transmitted free.	Telegrams regarding passengers meals transmitted free.
M. & S. M. Ry.	Carried free	Carried free	Not carried free.	Not carried free.	Ice carried free but not aerated waters.	Not carried free, as not usually sold.	Do.	Do.	Do.	Do.
S. I. Ry.	Carried free, as one agency works all rooms.	Not carried free, as rooms are licensed to local contractors.	Carried free from Madras Return empties carried free.	Not carried free, as such articles are usually obtained locally.	Carried free from Madras. Return empties carried free.	Not carried free, as such articles are usually obtained locally.	Where ordinary lights are used contractors provide their own.	Where ordinary lights are used contractors provide their own.	Do.	Do.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS:

The Honourable Sir Charles Innes (Commerce Member): ~~Sir, I beg to~~
receive:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a panel consisting of 8 Members from which 6 shall be selected to serve on the Central Advisory Council for Railways, as provided for in clause 6 of the Resolution adopted by this Assembly on the 20th September, 1924, on the subject of separation of Railway Finance."

The motion was adopted.

Mr. President: I may inform Members that, arising out of the motion which has just been carried, the office of the Assembly will be open to receive nominations up to 12 Noon on Saturday the 24th January and the election, if any, will take place in the Chamber on Wednesday the 28th January by the usual method, namely, the single transferable vote.

I have received information that the Honourable Member in whose name the next item stands, namely, Mr. C. Duraiswami Aiyangar, cannot be present till to-morrow. Therefore, I propose to take his motion as the first item of business to-morrow.

APPOINTMENT OF MESSRS E. H. ASHWORTH AND L. GRAHAM AS MEMBERS OF THE SELECT COMMITTEE ON THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Mr. L. Graham (Secretary, Legislative Department): Sir, I rise to move that in place of Sir Henry Moncrieff Smith and Mr. H. E. Holme, the following persons be appointed to the Select Committee on the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, namely:

Mr. E. H. Ashworth and the Mover.

The motion, Sir, is necessitated by the fact that the two Members whose names I have mentioned, Sir Henry Moncrieff Smith and Mr. H. E. Holme, have ceased to be Members of the Assembly.

The motion was adopted.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Commerce Member): Sir, I move for leave to introduce a Bill to amend the Indian Merchant Shipping Act, 1923, for a certain purpose.

I do not think, Sir, I need say very much about the provisions of this little Bill. The provisions indeed are no doubt familiar to Honourable Members. They were included in the Bill which Sir Montagu Butler introduced this time last year to amend the Indian Shipping Act, on a larger subject, namely, in regard to pilgrim ships and in regard to the provisions for making return tickets for pilgrims to the Haj compulsory. That Bill, as the House will remember, was referred to a Select Committee and though the Select Committee had much to say on the question of compulsory return tickets to pilgrims to the Haj, they accepted without any question the provisions of my little Bill here. I have thought it advisable to separate these provisions from the other Bill because the other Bill is, if

[Sir Charles Innes.]

I may say so, controversial, whereas I hope this little Bill is not controversial at all. This is a Bill merely to give us power to charge fees for the inspection of wireless installations on ships. I think, Sir, I need say no more than that. I move for leave to introduce the Bill.

The motion was adopted.

The Honourable Sir Charles Innes: Sir, I introduce the Bill.

THE INDIAN TRADE UNIONS BILL.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, I beg to move for leave to introduce a Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India.

Honourable Members will find in the Statement of Objects and Reasons a short explanation of the reasons for this Bill. As stated therein, the Bill has been prepared in response to a Resolution adopted in this House some four years ago. It is therefore hardly necessary for me at this stage to dilate at length on the reasons for its introduction. But the House will perhaps expect a word of explanation regarding the long period which has elapsed between the date of adoption by it of the Resolution of 1st March, 1921, and the introduction of the Bill.

As the House is aware, the subject in 1921 was new and unexplored so far as India was concerned. No Indian law ever contemplated such an organization as a trade union; and although laws on the subject were to be found in other countries, I am sure that the House will agree with me when I say that enactments presented to this House should be Indian Bills, designed with ample knowledge and recognition of Indian conditions and not merely blind imitations of Acts framed to suit different conditions in other countries. Before we could prepare a Bill for presentation to this House, it was obviously essential for us to consult Local Governments fully and to give employers' and workers' associations and the public at large ample opportunity of expressing their views.

The opinions expressed in response to our invitation are remarkable for their diversity. There are some who consider the proposed legislation to be premature and who would prefer that we should not proceed with it at all. There are some others who, while recognizing the need for the proposed legislation, apparently consider Trade Unions to be dangerous and pernicious growths whose activities should be controlled rigidly so that they may not eventually overwhelm the commonwealth. There are others again who regard trade unionism as a new religion which, given sufficient license, would bring about the millenium much more rapidly than any existing religions promise to do.

It would have obviously been impossible for us to prepare a Bill which would have satisfied all these conflicting points of view. All that the Bill before the House contemplates is the adoption of certain preliminary measures to foster the growth of Trade Unions in India on right lines.

We fully realize that the progress of the trade union movement in India will not depend to any large extent on legislation. Trade Unions are associations of men bound together by common interests for common ends; and like other democratic growths they cannot be set up by Statute. But something can be done by legislation to retard the progress of the movement, or to encourage its development on right lines. The Bill is intended to secure the latter object.

The Bill is a purely permissive measure. If adopted, it will compel no Trade Union to register. To those who desire to register, and who are prepared to accept the responsibilities which registration entails, we offer a privileged position which includes protection in regard to their legitimate actions and also protection of their funds against speculation or dissipation on extraneous objects. And we have endeavoured to avoid imposing any responsibility which a genuine Trade Union would be reluctant to accept. There are Unions possibly which regard the members as existing for the sake of the Union. These Unions will not register, and we shall not regret their absence. But those Unions which exist for the benefit of their members and which make that their sole aim have nothing to lose and everything to gain by registration. The future of trade unionism in India will be in their hands.

I do not propose at this stage to take up the time of the House by a reference to the detailed clauses of the Bill. These are explained in the notes on clauses. Many of them raise somewhat difficult and controversial issues, which will have to be very carefully considered at a later stage. At the present moment I am content to ask merely for leave to introduce the Bill, and to impress upon the House the importance of the measure. We are breaking new ground in legislation of this kind in India. Our measure is one which is of a simple nature in comparison with similar laws in more advanced countries. But I venture to think that it is wise to start with a fairly simple measure, suited as nearly as may be to the early youth of the trade union movement in this country.

I may mention for the information of Honourable Members that all the opinions received on the Bill are being printed and will be circulated to them as soon as copies are available.

Mr. President: The question is :

“ That leave be given to introduce a Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India ”.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra: Sir, I introduce the Bill.

THE INDIAN PAPER CURRENCY (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I introduce the Bill further to amend the Indian Paper Currency Act, 1923.

Sir, if the Bill which my Honourable friend Sir Bhupendra Nath Mitra has just introduced is a simple one, I may claim that this is even more simple. It is a very short Bill. It has only one operative clause and that operative clause makes only one small change in the existing law. It proposes.

[Sir Basil Blakett.]

to substitute for the figure "850" the figure "1,000", and the result of doing so will be to enable paper currency to be issued against securities up to a total of 100 crores in place of the existing maximum of 85 crores. No other change of any sort is made in the existing Statutes. No change is made as regards the kind of securities which may be held as cover for the paper currency. No change is made other than the figure. Obviously, therefore, the Bill has a very limited scope. Nevertheless, Sir, I must crave your indulgence and the indulgence of the House if on a Bill which is short and simple—and I hope not controversial—I make a somewhat lengthy speech. I am afraid it is necessary that I should deal at some length with that thorny topic, currency and its allied topic, exchange, equally thorny, because the true nature of this Bill cannot be properly explained unless it is brought into relation with wider issues. I think also it is to our advantage that we should devote some attention to these wider issues. There are comparatively few people who claim a deep knowledge of the subject of Indian currency and exchange; there are perhaps even fewer who possess it. Yet currency enters into our every day life in a way that scarcely any think else enters. We all know what a rupee and an anna look like. Yet I think probably it is a subject about which less is known than almost any other subject in India. I do not want to delve deeply into past history. From 1898 to 1914, after a somewhat chequered early career, the rupee settled down to a steady and useful existence with a relation to gold and sterling practically constant at 15 rupees to the pound. There was nothing sacrosanct about this ratio and it lasted for less than 20 years. But while it lasted it gave us that stability which we had previously sadly lacked. Then came the war and the ratio of 15 rupees to the pound was disturbed by an entirely unforeseen rise in the price of silver. The rupee became more valuable as silver bullion than as a silver coin. The moment was not propitious, if it ever could be propitious, for reducing the silver content of the rupee and thereby putting it into what some people regard as its proper classification—a purely token coin. The only alternative was to let the rupee rise above 1s. 4d., and as the House will remember it climbed steadily to 1s. 6d., 1s. 8d., 2s. and even for a few glorious moments to 2s. 10d. It certainly was not altogether to India's disadvantage that the ratio of 1s. 4d. had to be abandoned. Silver was not the only commodity which rose in value during and after the war. All other commodities rose very high in terms of gold and if the rupee had been maintained at 1s. 4d., India would have suffered very much more than she actually did from the rise of prices which was a feature of that period. Important as the exchange value of the rupee is, there can be no doubt that for the 320 million people of India or for the vast majority of them, the condition of internal prices is much more important than the condition of the exchanges. What people are interested is the power of the rupee to command the every day necessities of life in the bazaar. They are much more interested in this than in the number of pounds sterling or dollars or yen which a given quantity of rupees will obtain for them. If a choice has unavoidably to be made between keeping the value of the rupee stable in terms of gold or some other currency and keeping prices in India comparatively stable, there is no question that the choice must always be in favour of the latter alternative. We are all apt to suffer from the illusion that a sovereign or a rupee is something which is unchanging and always has a constant value. It is true that a given quantity of gold of a given fineness will always make a sovereign and a given quantity of silver of a given fineness will always make a rupee;

but when it comes to the value of a rupee in exchange that value is subject to constant fluctuations. A bale of cotton of a given quality will always make a certain number of *dhoties*. A maund of rice will provide a certain number of meals, whatever the price may be. The rupee in its quality as a measure of value is much more changing than a bale of cotton or a maund of rice and we shall never be able to think clearly on questions of currency if we do not get hold of this fact. It is the things which rupees buy which remain unchanging and it is the rupee which is always changing. It is subject to constant fluctuations due to causes internal and external. A good or bad monsoon, an earthquake in Japan, a revolution in China or Russia or Mexico or a change in the fashion of ladies' dress, all of them will change the value of a rupee. What the average man and woman in this country wants is a currency which will secure for as long a period as possible a fairly constant quantity and quality of goods in the bazaar and the rises and falls of bazaar prices are what we want to avoid. I shall illustrate the course of Indian prices in recent years shortly with certain figures. But first, I want to say something about the post-war period. The period since the Armistice was signed on November 11th, 1918, has seen unparalleled fluctuations in all the currencies of the world. Gold itself has fluctuated enormously in purchasing power. The French and Belgian francs and the Italian lira have fallen to about a quarter of their pre-war value in terms of gold and even further in regard to their purchasing power. The Austrian and Hungarian krone have felt themselves lucky when they were stopped by international action through the League of Nations in their headlong plunge at a figure at which 300,000 of them were required to do the work which 24 krone did before the war. The Russian rouble has ceased to exist and so has the Polish mark. The German mark has, it is true, recently, for the time being at any rate, recovered a constant relation to gold, but only by the device of making 20,000 million marks equal to 20 marks before the war, that is by the simple device of writing off the last nine ciphers. I notice that some gentlemen in India claim that the rise of the rupee from 1s. 4d. to 1s. 6d. means the loss to the Indian producer for export of— I think the figure is— 40 crores of rupees a year. I should like to ask those gentlemen how many marks the German produces for export have gained owing to the fall of the mark to one thousand millionth of its pre-war value. Is it 1,000 million times better? I would like to ask the same gentleman why if he prefers 1s. 4d. to 1s. 6d. so much and thinks that Indian producers gain 40 crores by that difference, he would not be logical if he followed his rupee down to 1 sh., for obviously the Indian producer would gain another 80 crores of rupees; and why stop at 1 shilling? It is the habit of some publicists in India to use the most opprobrious epithets when they talk of the Indian Government's policy in regard to exchange since the Armistice. I wish they would for a moment compare the history of Indian exchange during and since the war with the history of the franc or the mark. When they consider the franc or the mark they will surely see how modest have been the fluctuations of the rupee in comparison. India has suffered less than any country in the world in the matter of price fluctuations and in the matter of exchange fluctuations it has a very fair record. And, even if it is still subject to fluctuations, it is nevertheless regarded throughout the world as one of the few currencies which has remained sane and sound in an insane and disordered universe.

Let me now give the figures which I promised in support of my claim in regard to Indian prices. Taking the prices of July 1914 as 100, the

[Sir Basil Blackett.]

Calcutta index number of wholesale prices in India rose to 197 in September 1918 to 218 its maximum in January 1920. The lowest point to which it has since fallen is 170 in July 1923. Between January 1st, 1922 and the present date its range has been between 187 and 170, a range of under 10 per cent. At the end of December 1924 it stood at 180. Contrast the position in England. I take the Board of Trade figure. From 100 in 1913 it rose steadily till it reached 307 in 1920, a maximum nearly 100 points higher than the Indian maximum. Its lowest point since is 154 in September 1922. Between January 1922 and to-day its maximum movements have been between 154 and 170, a range much the same as in India. In the United States of America the corresponding figures are:

	1913	...	100
	1918	...	194
Maximum	1920	...	226

Minimum since the beginning of 1922, 145. Range since that date and to-day between 145 and 167, a larger range than we have experienced in India. It will be seen that, though the dollar has never been dissociated from gold, prices in the United States rose higher than the maximum Indian figure and have since fluctuated more violently than Indian prices. It is always a little dangerous to take Index figures as an infallible guide. Yet, I think, these figures are striking and I ask whether it can be maintained in face of these figures for a moment that India has suffered unduly through the rupee being divorced from gold in the period since the Armistice.

At the end of 1919 an attempt was indeed made to tie the rupee to gold. The Babington-Smith Committee presented its report and an attempt was made to fix the ratio of 2s. gold. We can say now that that attempt was premature, that it was too soon to try and restore absolute fixity to the exchange value. I have said more than once both here and outside that the Government of India regard the 2s. ratio, which is on the Statute-book, as entirely fictitious. It has become entirely fictitious. There is no intention to conduct our exchange policy with a view to recovery of the 2s. ratio. If the 2s. ratio still remains on the Statute-book it remains there because the time has not yet come at which we can usefully fix some other ratio and be sure that we can maintain it. Mistakes were certainly made in 1920. It is easier now after the event to say so. But we shall be wise if we study the history of 1920 carefully and learn what lessons it teaches us. Perhaps the most obvious criticisms of that attempt are that the attempt was doomed to failure at a time when the £ sterling rising from \$3.20 to \$4; that it was impossible to stabilise the rupee by selling sterling in exchange for rupees if these rupees had to be used to finance a budget deficit and an Afghan war; and generally that it is not of much use selling sterling reserves in exchange for rupees unless the rupees can be used for the purpose of contracting the currency in India. I can understand those who point out that mistakes were made in 1920 and are anxious to learn lesson from them. I cannot understand those who with a self-complacency, which is somewhat staggering in face of the clear lessons of 1920, assert confidently that 1s. 4d. gold is the obvious and immediate remedy for our present difficulties. Since the failure of the attempt to stabilise the rupee at 2s., we have seen the rupee fall to a lowest point of 1s. 2½d. It has since risen again. It has challenged the old ratio of 1s. 4d. and has now passed it. For the last three months its value has been fairly constant at or around 1s. 6d.

sterling. In the meantime sterling has been rising in terms of gold and to-day there is but little difference between 1s. 6d. sterling and 1s. 6d. gold. The extent of the rise in the rupee for the last months can best be observed by taking the quotation of the dollar, because that shows the rise not only in terms of sterling but also in terms of gold. On January 1st, 1924, 327 rupees were required to make \$100. The figure of July 1st, 1924, was 326—very much the same. To-day the quotation is Rs. 281 for \$100. In view of the rapid rise which had been taking place during the late summer in the value of the rupee and of the further rise that was taking place in its gold value owing to the rise of sterling, the Government of India took steps during October to prevent any further rise for the time being in terms of sterling. But this means they have been able to purchase at or above 1s. 6d. all the remaining sterling which they required for expenditure outside India during the current financial year and also to make provision in advance for some of their requirements for 1925-26. They could, by refraining from purchasing sterling to so large an extent, no doubt have allowed the rupee to rise possibly even to 1s. 7d. or even 1s. 8d. but we took the view that it was not in India's interest that there should be so large and rapid a rise in so short a time. It was felt that neither the interests of those who are primarily concerned with the exchange value of the rupee nor the interests of those who are concerned with the internal purchasing power of the rupee would be served by such a movement especially as there was no certainty that the rapid rise might not be followed by an equally rapid fall. The very fact that the Government of India have been able to provide against their future requirements with exchange not rising much above 1s. 6d. must tend to diminish the probability of its falling far below 1s. 6d. later on. And thus our action may be said to be a step in the direction of adding some stability to the exchange value of the rupee. But more important even from the point of view of the interests of Indian business and commerce, the purchases of sterling made by the Government of India have enabled us to secure the important object of diminishing stringency in the money market. As the House is aware, there was considerable anxiety some six months ago lest the winter of 1924-25 should repeat in an aggravated form the stringency which had been experienced a year before, when even those who desired to borrow for what may be called purely legitimate trade purposes sometimes found difficulty in obtaining accommodation. I was asked a good many questions on the subject. The usual Indian question was put, "What is Simla going to do about it?" But I took the view that things would probably turn out better in 1924-25 because the market was better prepared and general conditions were such that the stringency, if any, which would be endured during this season, would probably not be so great as the stringency a year ago. Thanks to the policy of the Government of India, working in close co-operation with the Imperial Bank, we have been able to get through the first part of the current busy season with the bank rate not hitherto above 6 per cent., and with very much easier conditions than a year ago. Our purchases of sterling have enabled us to ease the market in two ways. First of all the rupees which we paid out for purchases of sterling were available for the banks and others for the purpose of re-lending. Those who required funds in India obtained funds from us. In addition, in order to put the Government of India in funds with which to purchase sterling and also to increase the amount of currency available for general trade purposes in India, the Government of India have to the extent of six crores of rupees already added to the amount of currency in India by transferring money.

[Sir Basil Blakett.]

from the Secretary of State's balances to the Paper Currency Reserve in London and issuing rupees against it. At the beginning of the busy season the total amount of securities, rupee and sterling, in the Paper Currency Reserve was something over 71 crores. With the addition of the six crores I have mentioned, the figure to-day is something over 77 crores. We have therefore a margin of rather less than 8 crores between the amount outstanding at present and the maximum limit of 85 crores. This amount, together with the balance, at present, I think, 6 crores, of the emergency currency which can be issued against self-liquidating *hundis*, constitutes the whole of our available margin for the purpose of providing additional currency if and when it is required during the remainder of the busy season to meet legitimate trade demands. It is possible this amount will suffice, but it is necessary that we should be prepared in advance, and the purpose of this Bill therefore is to enable us to issue an additional 15 crores to extend the margin from its present figure of something under 7 crores to something under 22 crores. The form of the securities which we can deposit against this additional currency under the existing legislation might be either rupee securities or sterling securities, but in practice since October 1920 we have issued no rupee securities as cover for paper currency. On the contrary 11 crores 61 lakhs of rupee securities previously held have been paid off and cancelled. All further additions have been in the shape of sterling securities, and this for the very good reason that rupee securities in the Paper Currency Reserve of the Government of India represent merely I.O.U.s. of the Government of India covering I.O.U.s. already issued. There is no harm in covering a certain amount of your paper currency with such rupee securities. But they must be issued in strictly limited amounts and they are not ideal cover for additional currency. In the elegant language of the City of London, trade bills of somewhat similar character are known, I believe, as *pig on pork*. I hope I need not stop to combat the entirely unfounded belief that keeping a part of our reserve in sterling is due to a consideration for the London money market. India, following the example of a very large number, probably the large majority of the countries of the world, keeps a portion of her currency reserve in sterling because what she requires is reserves which can be rapidly converted in an emergency into international exchange. Let me give an example of this which happens to have been within my own experience. Just before the end of July 1914 arrangements were made in the ordinary course by the India Office to renew several millions of Treasury Bills which they hold for reserves. Then the war broke out suddenly and it became extremely inconvenient, in view of the situation in India and the demand for currency in India, *i.e.*, for cash and for sterling exchange, for the India Office to carry out its contract and pay for its bills. I was rung up on the telephone and within an hour arrangements were made to relieve the India Office of their liability, and the three or four millions of pounds were available in the form of cash for their proper use as a reserve. What would have been the position of India if that part of the reserve had been held in rupee securities? The intention of the Government of India therefore, is, subject always to unforeseen contingencies, that the additional powers now asked for to issue currency notes against securities shall not be used to issue notes against rupee obligations of the Government of India.

But what of the future? We are certainly not willing to contemplate an indefinite continuance of the present conditions under which the rupee has no stable value in terms of gold or other currencies. I have said that

throughout our policy has been to lay stress primarily on the prevention of undue fluctuations of internal prices in India if stability in the exchange value of the rupee seemed to us incompatible with stability in internal prices. Since 1920 this policy, as I have shown, achieved a very considerable amount of success. We have escaped a large part of the violent fluctuations of prices which other countries have suffered since 1919. From 1920 onwards world prices and sterling prices first of all fell rather violently and since then have risen again to some extent in an uncomfortable way. In the intervening period Indian prices have shown a tendency to be comparatively stable, and the fluctuations in prices abroad have been reflected in India in fluctuations in the value of the rupee in terms of sterling. I have no hesitation in claiming that this policy has been thoroughly justified by events hitherto; but it has not been without its critics both in Bombay and Calcutta. It is natural where so many people are directly engaged in the business of import and export that the continuance of fluctuations in the value of the rupee in terms of foreign currencies should be looked upon with growing exasperation, and that demands should be made for stabilisation, especially when there is stringency in the money market. But these demands have not, I think, always been very well considered demands. I do not think that if we had yielded to the demand for 1s. 4d. gold 18 months ago there would have been much appreciation anywhere of the kind of stability that we should have secured, and I am fairly confident that both Bombay and Calcutta would have been very much bothered by the accentuation which would have been involved of the stringency, already severe, in the money market last winter. Stabilisation in terms of gold would have involved at least as great, probably greater, fluctuations in terms of sterling, and in sterling I believe over 90 per cent. of all the exchange transactions of India are negotiated.

To-day there is undoubtedly a change in the situation. The recent improvement in world conditions has clearly brought the date at which we can in all probability look forward to a recovery of stability very much nearer. For the time being at least the acceptance of the recommendations of the Dawes Committee and the MacKenna Committee seems to have taken Europe over one of the worst fences which have to be taken by the runners in the Reparation Stakes. The pound sterling has practically recovered or very nearly recovered parity with gold, but it is still too early to speak with complete confidence as to what the immediate future may have in store. World prices are still fluctuating in relation to gold and in relation to each other. The disturbance in the relations between gold and commodity prices, between the price of one commodity and the price of another commodity, between wages and the cost of production and the value in exchange of goods, which the World War caused can hardly be got over completely in the short interval of only six years since the Armistice. The recovery of parity by the pound sterling, though very gratifying, is due in some part at any rate to an expansion of credit in the United States, and more or less speculative investments and purchases by the United States in European securities and currencies. Dollar prices have recently moved up somewhat steeply but there is reason to doubt whether as yet the rise has been sufficient to justify on the price level theory the parity of sterling with gold. It is still risky, as I said before, to tie the rupee to the chariot wheels of the Federal Reserve Board. That is what stabilisation in gold means. And it is equally risky to tie the rupee to the chariot wheels of the Bank of England—that is what stabilisation in sterling means—until we are sure that the recent recovery in sterling is one that is likely to be permanent or—another contingency—until we are sure

[Sir Basil Blackett.]

that it will not be followed by a rapid rise in gold prices. It is surely better to retain our freedom of action for the present in case prices move up very fast. Our successful effort for the last few years to maintain rupee prices fairly stable and avoid the social and industrial unrest which a rapid rise in prices involves would be frustrated if we were to tie the rupee either to gold or to sterling at the wrong moment and subject India to a severe rise in internal prices involving new demands for increased wages and increased emoluments from those whose salaries are fixed in terms of rupees.

It is also too soon to say what will be the effect of the cheapening of the rupee price of gold which has followed on the rise in the gold value of the rupee. The total imports of gold into India for the last four months amounted to the phenomenal figure of over 24 crores. Over 24 crores of gold in four months! No one has the right to prevent India from importing as much gold as India desires; and I recognise that some part of the gold is imported in order to be held as a reserve against bad times—a useful reserve—though perhaps not the most suitable or desirable form in which to keep a reserve, yet a natural form while the banking habit and banking facilities are as restricted as they are at present. But if we wish to import gold in large quantities we have to pay for it in commodities and I for one cannot but regret that India chooses to take gold and lock it up in an unfruitful form in return for so large a proportion of her exports. She would surely be richer if she took payment in some more useful form than gold or if she turned the gold into deposits at an Indian bank which would be just as useful as a reserve for the individual's needs while they would be available as capital for the development of India's economic resources and India's industries and communications. The net figure for imports of gold during the last three calendar years was roughly 100 crores. If this sum, which represents power to command wealth, instead of being kept simply as gold for the enjoyment which the possession of gold affords, had been invested in Indian commercial and industrial undertakings, India would have been poorer by a hundred crores of gold but she would have been richer by a hundred crores worth of capital usefully employed; and even at the low figure of 6 per cent. the people of India would be earning 6 crores a year as the income on that capital. By way of comparison with this figure of India's annual import, averaging over 33½ crores,—and adding 3 crores of gold produced in India, you get a total consumption of gold in India of 36 crores a year—well over a rupee for every man, woman and child of the population,—I tried to find figures for corresponding absorption of gold elsewhere. The best figure I could get for the United States, though I think it relates to the pre-war period, showed an average annual absorption of gold for other than currency purposes of about 20 cents—which is about 9 annas at the present rate of exchange—per head. The United States, the richest country in the world, therefore requires about half of what India is taking. For England I was able to obtain no exact figures but it is well known that since the War there has been a net export of gold from England to other countries in every year since 1914. This that I have said about gold is, however, by the way. The social and religious habits of the country and the remembrance of many centuries of uncertainty of life and property which preceded the establishment of British rule can hardly be expected to yield in a day or even in a generation or even in three generations, to the teaching of the latest economic thought; so further experience is needed, as I have said, before we can arrive at a final conclusion in regard to the exchange value of the rupee. There is no ideal ratio. The choice of a stable ratio depends entirely on what ratio is in fact easily attainable and

easily maintainable. The ratio of 1s. 4d. worked well enough in the years before the war, but it has less than 20 years, less than two decades, to its credit, and there is no reason to regard it as any more natural a ratio than, say, 1s. 6d. or any other figure. If any ratio is historic, it is perhaps the ratio of 2s. But as I have said that ratio is not at present in our thoughts. The final decision must be a matter for careful examination on no *a priori* grounds, but on the grounds of convenience and experience of what is possible. When the time comes, it will no doubt be desirable to appoint an authoritative committee, that is as soon as world economic factors appear sufficiently stable to justify the formulation of a new policy. The present intention of Government is, as announced two days ago by His Excellency, to appoint such a committee in due course, probably before the end of the present calendar year; but the exact date must be subject to factors not yet fully discernible. The time when a decision can be taken is obviously much nearer than it was six months ago. There are some, I know, who would like to see the committee appointed at once and who are impatient to see it get to work very soon; but after very careful consideration it has been decided that the time has not yet come at which a committee might usefully be assembled, and it is undesirable that we should attempt to prophesy too precisely at what moment that time will arrive. There will be many cognate questions to be dealt with by the committee besides the question of the ratio. We shall have the opportunity of considering what improvements can be made on the gold exchange standard system as worked up to 1914. The war and post-war period have taught all of us much that we did not know before about currency and exchange; and when the committee is appointed the Government of India will certainly not lose sight of the obvious desirability that it should be fully representative of Indian opinion. But it must also take into account international factors, which those who have followed my speech will realise to be of essential importance. The decisions reached must be reached on a consideration of India's interests and India's interests alone. The interests of no other country come into that question; it will be the interests of India alone which will determine the action of the Government of India; but our policy cannot be settled entirely by a consideration of internal conditions in India, and it will probably be desirable that some part of the inquiry should take place outside of India as well as within India.

In view of what I have said I hope that perhaps some Honourable Members who have motions down for a committee on currency and who have Bills which they propose to introduce to re-establish a 1s. 4d. ratio, will be willing to leave them aside till the time comes for a permanent settlement of the question. The time for further advance will come in due course, I am not myself enamoured of a gold currency in actual circulation. That seems to me to involve an entirely needless and wasteful use of gold; but I do recognise the desirability of a nearer approach to the gold standard than was actually attained prior to 1914. But these and similar considerations obviously cannot be taken up before the rupee is ripe for stabilisation. It would no doubt have been preferable that no new legislation should have been introduced at this stage on the subject of currency until the committee can be appointed and present its report; but this little simple Bill of mine cannot wait. We cannot risk being in a position in which we cannot meet legitimate demands for currency.

I should like to say a word about our intentions in regard to the creation of additional currency. The creation of additional currency is always a

[Sir Basil Blackett.]

matter which has to be dealt with circumspectly. Even under a system which works, as it is claimed, automatically, the authorities to whom the duty is entrusted watch with very jealous eyes any tendency to increase in the total circulating media and they take steps by their discount policy or other means to check any tendency to inflation with special reference to exchanges. It is necessary that the Government of India and the Imperial Bank should be equally cautious in the present transitional period. All suffer from inflation when it establishes itself; but there is a natural optimism in business circles in all countries which dislikes any check put upon movements which appear to promise increased business and increased profit. As I have heard it said the other day, everybody likes more money. In the first stage of expansion it is usually only in the teeth of opposition that the authorities can take the necessary steps to prevent a legitimate expansion converting itself into an incipient inflationary movement. With the experience of the last ten years behind them, the Government of India can, I think, be trusted not to misuse their powers in the direction of undue facility; and meanwhile the position of our currency is a very satisfactory one.

We have no floating debt properly so-called; it has all been paid off. We have over 73 crores of silver rupees in the Reserve and in addition we have 22½ crores of gold, which, being valued at 2s. to the rupee, is really worth considerably more than its book value if it came to be used for the purpose for which it is kept of securing the note issue. We have a total circulation of 182 crores and we have metallic cover to the extent of 103 crores nominally, but really more than 110 crores, allowing for the undervaluation of the gold. In addition the reserve in sterling amounts to 20 crores, again undervalued owing to the use of the 2s. ratio; and all this can be very rapidly converted into international currency and may be regarded as all but the equivalent of gold. The only merely fiduciary portion of the reserve is that which consists of Government of India securities, namely 57 crores in all, a modest and not unreasonable fraction. The maximum fiduciary issue allowed under the provisions of the Bill is 100 crores leaving out of account the special 12 crores of emergency currency against self-liquidating *hundis*; so there is not the slightest fear in present conditions that our reserve will be unliquid or that our metallic proportion will fall unduly low, even if for a time we found it necessary to use the full powers for which we ask in this Bill.

I know that I have the support of the whole of the business community and the whole of the business and commercial opinion in India in asking for this Bill and, in order that we may be in a position to meet any emergency the moment it arises, I recommend it to the House and ask them to pass it quickly.

Mr. President: Motion moved:

"That the Bill further to amend the Indian Paper Currency Act, 1923, be taken into consideration."

I understand there is a general desire in certain portions of the House to continue this debate and I propose therefore now to adjourn 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 in the Chair.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, it is in the fitness of things that the first official day at the session this time should begin with a debate on the much vexed question of currency and exchange. The Honourable the Finance Member began by saying that his Bill was a very short one and so simple that on the agenda he has had it put down that the Bill is to be taken into consideration and even passed to-day. If the mere length or shortness of a Bill, Sir, were to be the criterion of the importance or otherwise of it, I really wonder if the Honourable the Finance Member would agree that one small dot more or less in calculations and in figures would also matter equally little. But he himself has, in spite of pointing to the shortness of his Bill, given the Assembly a long and learned speech which for its length and also for the various topics touched upon by him can hardly be beaten by any Member in this House.

The Honourable the Finance Member, Sir, warned the Assembly that there are many who claim to know and there are very few actually who do know anything that is worth knowing about exchange and currency. I do not think there is anybody, Sir, within the four corners of this House who has the cheek to compare himself with the great knowledge which Sir Basil Blackett commands not only regarding Indian finance and currency but the authority that he commands in the international banking and financial world. If, therefore, I had to speak, Sir, on the question of anything further than the currency and exchange of India, I should certainly have been the first to keep quiet. If, further, Sir Basil Blackett had asked me to explain why the German mark, which has multiplied by 9 noughts or 6 noughts I do not know what he said—should not be compared with the Indian currency, I would like to put him the question whether Sir Basil Blackett thinks that he is presiding over a department of currency which can be compared to-day with the German mark. If Sir Basil's reply is "yes", I am afraid his reputation as an international banker is in great peril. The reply of Sir Basil even can be nothing other than a great and big loud "no". When, therefore, he asked the House to judge why the German mark, which had depreciated several times and perhaps thousands of times, should not be compared with Indian currency, I thought that the reply might have been given by himself. Though I do not claim either to be an expert or to know much about exchange and currency, representing as I do a commercial community and a commercial electorate in this House, I feel it my duty to use a little of the common sense with which I may be blessed to look on the problem, if not from the point of view of an expert or a savant, at least from the point of view of plain ordinary common sense. Sir Basil said that he was surprised at the staggering boldness of some who recommended a return to 1s. 4d. gold. As the House knows, I happen to be the unfortunate person who has, according to Sir Basil, that staggering boldness. But, Sir, if a suggestion that the Government of India might consider the advisability of return to 1s. 4d. gold can be qualified as staggering boldness, may I ask what adjectives one can aptly use for the policy which the Government of India have followed since 1919-20 in handling India's currency and exchange questions. I know that the Honourable the Finance Member himself was not in India nor was he at the helm of affairs in the currency department of the Government of India then. I also know that he does not like many

[Sir Purshotamdas Thakurdas.]

references to that very dismal chapter of the currency policy of the Government of India. I do not propose, Sir, therefore, to dilate on it, but, if any efforts of a non-official to suggest to the Government of India what the Indian commercial community and in some cases I may even say the Europeans, though may be, not collectively, I certainly know individually, think is the right step now, I should have expected from a great expert like Sir Basil Blackett to treat them with a little more consideration than calling it staggering boldness.

Sir Basil, Sir, has covered a very wide field in the course of his very learned speech. For instance, he referred to the location of currency reserves and the securities in which currency reserves may be held. I do not propose to follow him fully there but I feel that I cannot allow those remarks of Sir Basil's to pass unnoticed even at this stage when we are discussing something else without pointing out to Sir Basil that not only in this House but before now in the late Imperial Legislative Council there have been many very interesting debates in which his predecessors have taken very prominent part and wherein the opinions of the non-official community both European and Indian also are unmistakeably on record. But, Sir, there is one point which I must dilate upon for a few minutes. Sir Basil Blackett pointed out that, if all the securities in the Paper Currency Reserve were to be held in India, what would have happened when the war broke out? May I ask Sir Basil if all the countries in the world that were affected by the war had a Secretary of State in London who looked after their cash reserves and their securities and, if not, if in the world there are countries who keep their reserves in their own countries and manage the same themselves without the help of a Secretary of State in London, whether their currency policies were much worse managed and looked after when the war broke out than those of the Government of India? But, Sir, this is perhaps strictly beside the point. I only thought that I might tell Sir Basil what would strike an ordinary person with a little common sense, that the argument which he used in this connection cannot be conclusive.

Sir, the Bill before the House is a very short one. I think in proportion to the size of the Bill the notice given to us of the Bill has been extraordinarily short. The Bill was barely published late last week and I do not know, Sir, whether you were approached with the request to suspend the Standing Orders in order that the Bill may be taken into consideration to-day. But, whether you have given that permission or whether that permission was necessary or not, I wish to suggest to the Honourable the Finance Member that the time that he has given for carrying the Bill through is much too short and the importance of the Bill, although in his opinion it may be very very little, in the opinion of some of us in this House the importance is very great and of far-reaching results. When the Honourable the Finance Member recollects that the Government of India would not give even a special day for discussion of what at any rate a very important section of the Indian public clamoured for in and since last September, I think he will concede that at least more time is due to the Members of this House before they can take this Bill into consideration. I, Sir, therefore rise in the first instance to move that consideration of the motion be adjourned. I feel that those few words which the Honourable the Finance Member wants to be altered in the Act raise the whole question of a principle, and, as, once the Bill is taken into consideration and even though the first motion on the

amendment paper of my Honourable friend from Bombay, Mr. Jamnadas Mehta, namely, for the reference of the Bill to a Select Committee, may be accepted by this House, I think it may be ruled by you that, the principle having been accepted, the House cannot throw out the Bill later if they want to.

The Bill, Sir, as it is put before this House, can be said to be nothing less nor more than a last effort to patch up the garment of the Indian Currency Department. It is a big patch that the Honourable the Finance Member wants to be allowed to put in that garment and I therefore submit that in placing this Bill before this House the Finance Member is only trying to treat the symptoms of the wrong policy of the Government of India, since 1920, and overlooks the root cause of it. I make no apology, Sir, to this House for referring, if I may have to hereafter, to my Bills which suggest that the exchange ratio on the Statute-book may be put back to 1*sh.* 4*d.* gold. I would not have referred to it had not my Honourable friend in making his motion criticised it in the way in which he did. But when Government choose to avoid any discussion of this rather important subject of the rates on the Statute-book, it is well that we might have a free, full and very outspoken discussion on the whole question of currency and exchange on this very motion of the Honourable the Finance Member.

Sir, the insufficiency of adequate currency for India has before now been patently and very prominently brought to the notice of the Government of India by both sections of Indian trade and industry—I mean the Indian commercial community and also the British commercial community. Sir Edward Law, Finance Member in 1904, said that Government were responsible for the maintenance of a proper supply of currency which he fully admitted. I feel that all other resources of the Government of India for the supply of currency except the most natural one, namely, the automatic method of allowing gold to be tendered here to the currency office and issuing paper against it, having failed, the Honourable the Finance Member had no option but to come to the Assembly in order to ask that this particular section which it is now proposed to amend should be so amended that the Finance Member can draw 15 crores more than he can do at present. I wish to point out to this House in the course of my remarks that the unnatural, and what the Honourable the Finance Member himself admitted to be, the ineffective ratio that stands at present on the Statute-book practically covers up Rs. 30 crores and if only the Government of India will take action in the right direction, there should be no necessity to increase this figure from 85 crores to 100 crores. But, Sir, in that connection we are told that we must have patience. We are told that we must not rush to conclusions. After the Armistice the Government of India were first in the field in the appointment of a Committee in May, 1919, now known as the Babington-Smith Committee, to go into the question of currency and exchange. I am not aware of any other country which took the field so early to get its currency and exchange set right. That Committee, appointed in May, 1919, took evidence in London. It did not come out to India at all. It had only one Indian Member on it and issued a majority report within about six months of its appointment. The report, I understand, is dated some time in December, 1919. The majority report was accepted by Government. The minority report of the only Indian Member who knew more about the currency and exchange of India than perhaps several on the Committee was absolutely rejected. Forces of nature and the foresight which must come with the closest knowledge of the requirements of India—asserted themselves with the result that it is admitted

[Sir Purshotamdas Thakurdas.]

to-day that Sir Dadiba Dalal was the only one on the Committee who could see straight and correctly ahead and that the other Members of the Committee made, to say the least of it, errors of judgment. But, Sir, this rash and wrong step on the part of the Government of India so early as 1919 is now having its reaction. To-day, when many of the other countries of the world have returned to somewhere near their pre-war exchange points, we are told that we must wait. I was told so in September last. I was told that the pound sterling is still much below the pre-war parity. It may be a strange coincidence that just on this very day, when the Honourable the Finance Member asks to be allowed to put a patch on the garment which covers his Currency Department, the parity between the pound sterling and the dollar has returned, for I see from a cutting from a local paper that from to-day the post offices in America will return to the pre-war parity and that the rate of conversion of postal money orders payable in Great Britain, Ireland, Australia, New Zealand and South Africa from America will be 4·8 dollars per pound.

Still, Sir, the Honourable the Finance Member tells us that the man who suggests to-day that 1*sh.* 4*d.* gold should be reverted to shows staggering boldness.

The main point of the present Bill, as stated in the Statement of Objects and Reasons, is that "the Government of India, in the interests of trade, desire to raise the permissible limit of investment so that additional currency can be provided, if necessary, in order to prevent excessive monetary stringency." In a certain correspondence which the Government of India had with an Association representing commercial interests, the Association pointed out to the Government of India that the Bank of England, whenever they raise their bank rates, have as their motive either of the following, namely (1) either to restrict credit, or (2) to attract gold from abroad, which can be converted into sovereigns at the mint price of gold. The Honourable the Finance Member, who sent a detailed reply to that letter, took exception to this but admitted that the second, namely, the attraction of gold from abroad, was the result of the successful attainment of the purposes for which the bank rate was raised by the Bank of England. Here, in India, with the 2*sh.* rate on the Statute-book, we are in an artificial and unnatural position, in which the Government of India still persist that although so much gold is being imported, it is absolutely impossible to use that gold for purposes of tender at currency offices so that your paper currency may have what is looked upon everywhere as the most natural and the most desirable form of backing, namely, the precious metals. The rupee, Sir, still stands completely isolated. It is linked neither to gold nor to silver. India can claim neither a gold rupee nor a gold standard. In fact, the present state in India is completely undefinable. This is the condition in which we have been almost immediately after the Government of India accepted the Babington-Smith report, to say nothing of that disaster to which I just referred at the start; and I wish, when I make these remarks, Sir, to express what I consider to be the great appreciation of the commercial community in India, both European and Indian, of the very careful manner in which Sir Basil Blackett has managed the currency department since he took charge of it. Whilst I admit that he has not been responsible for the unparalleled disaster which befell India as a result of the reverse councils, he was in an unenviable position when he entered office and he has made the best of it under the circumstances under which he had to work.

There are two sections of the commercial community in India which have been pointing out the insufficiency of currency in India for some time now. The body which I have the honour to represent in this House was perhaps the first in the field; the other body, namely, the European commercial community, hesitated to follow us. But I see that last September even their patience was at an end and they had to write a weighty and important letter to the Government of India urging them, perhaps by some other method, perhaps in milder words, to the same goal which my Chamber have been pressing them to follow, namely, to ensure that there is more currency available. The difference between the Associated Chambers and my Chamber is this. My Chamber suggested that you must revert to the natural process which can allow the tender of gold to the Currency Officer. The other body recommended in that connection what I think has very aptly been called masterly inactivity. By the courtesy of the Honourable the Finance Member, I put to him a few questions by private notice at the Simla session last September. I wish to refer to one of those and to his reply as it has some bearing on what he said in the course of his speech to-day.

My question was :

“ Will Government be pleased to state when they expect :

(a) to take steps themselves to change the ratio in the Statute, or

(b) to give necessary facility for, and support to, a non-official Member suggesting a change from the two-shilling ratio? ”

The Honourable Member replied :

“ As regards (a) the Government, as has been stated more than once, regard the 2 shilling ratio as inoperative but harmless. They desire that in due course an effective ratio should be substituted for the 2 shilling ratio, but it is necessary first of all to be sure that whatever new ratio is decided upon can be made fully effective as well as to determine what the new ratio ought to be.

(b) The Government do not think that it will be in the interests of India to fix a new gold ratio for the rupee forthwith, at a time when countries like Holland, Switzerland and South Africa regard a return to the gold standard in their own case as a somewhat rash experiment until they are more certain of what will happen to sterling.”

Regarding the Honourable Member's reply to part (a) of my question he said that he thought that the ratio was harmless. May I ask that if that ratio drives him to ask for more powers for investment under the section that now requires to be amended, he still continues to think that the ratio is harmless? Regarding (b), Sir, has not South Africa now definitely made a declaration, and regarding the pound sterling, about which he said “ until they are more certain of what will happen to sterling ”, is not that very nearly now known and does he still think that it would be a rash experiment and would he still recommend this House to go on devising these patches until the time when the Government of India are convinced themselves or possibly convince the India Office, that they cannot carry on any more with this unnatural ratio on the Statute-book? Meantime, Sir, until the Government of India, absolutely, of course with the concurrence of the India Office, undertake this inquiry and make up their minds that it is not going to be rash to change the ratio from the artificial, unnatural ratio of 2 shillings, what happens, Sir? The gold that we have there continues to be valued at the rate of Rs. 10 per sovereign and with this valuation, Sir, there are 30

[Sir Purshotamdas Thakurdas.]

crores of rupees very nearly hidden back in the calculation which is printed and is available to the public from week to week. I have, Sir, in my hands a copy of the Abstract of the Accounts of the Currency Department as on 7th January 1925. The Honourable the Finance Member read out the figures contained in it in order to show how strong was the position of the Indian Currency Department. I suppose he then forgot that he had tried to compare this for some purpose or other with the German mark, but that is neither here nor there. Now, Sir, against a note circulation of 181 crores, we have in silver, gold coins bullion under coinage 102 crores, which is more than half. We have besides that securities. I will refer to the securities a minute later. But it has to be noted that the gold coin and bullion which is put down as worth 22 crores 31 lakhs and odd has got hidden in it value 50 per cent. of it, because all that gold has been valued at Rs. 10 instead of Rs. 15 to the sovereign, which indeed is approximately the value of that gold to-day either in England or here. There you have, Sir, 11 crores more which would be available for the Honourable the Finance Member if he wanted to use more paper currency and which he cannot do for the simplest of all reasons that he has got the ineffective—I wonder if he will still say harmless—ratio on the Statute-book. When you come to securities in England the securities held are for Rs. 19 crores 99 lakhs and 78,000. There again you have 50 per cent. of it, because the securities are all valued at the fictitious rate of Rs. 10 to the pound sterling, a rate which is good enough only for the Government of India to receive gold. If they paid out gold at the rate of Rs. 10, one could understand. But it is the rate only to receive, which practically means that gold is cut out for the purposes of tender to the currency office. I submit, Sir, that the ineffective rate on the Statute-book which the Government of India still persist in maintaining under the guise of not allowing anybody to make a rash experiment is not as harmless as it may look now that as it has put the Honourable Member to the necessity of moving the Legislature to amend the section which is under the consideration of the House. The root cause, therefore, Sir, to my mind of this stringency is mainly that the Government of India persist in keeping on that ineffective ratio on the Statute-book of 2 shillings to the rupee and will not consider the advisability of returning to that other ratio of 1s. 4d., which is a ratio which India did very well with as far as circumstances went until that ratio was disturbed.

The Honourable the Finance Member reminds us of the declarations made by His Excellency the Viceroy in this Chamber two days back that an authoritative Committee would be appointed in due course in order to go into this question. If I mistake not—I am speaking from memory because I have not a copy of the speech—if I mistake not, His Excellency the Viceroy said that the period for it may be up to a year. I do not know how many months this authoritative Committee may take in order to submit a report, nor am I aware of the period that the Government of India may take to come to a decision after the report is submitted. But, if, until all this somewhat tiring process is gone through, it is intended that this ineffective ratio on the Statute-book is to continue, I really wonder whether the Honourable the Finance Member thinks that even this 15 crores will go far enough. And if it does not go far enough perhaps he would come back to this House asking for a further increase. I therefore, Sir, come to the conclusion, which I submit to this House for its serious consideration, that in submitting this Bill to the Assembly the Finance Department are only deal-

ing with the symptoms and not with the root cause of the stringency in the money market which is the main reason put forward by the Honourable Member in his Statement of Objects and Reasons as leading to this Amendment Bill.

There are, Sir, one or two other points which I would like to mention to this House. The securities included or allowed under section 19 of the Paper Currency Act are of two natures—securities in England and securities in India and also what are called created securities or *ad hoc* securities. At present the Government of India have very nearly 50 crore rupees worth of securities which are created and *ad hoc* securities. They are nothing short of I. O. U.'s of the Government of India to the Currency Department promising to pay the Currency Department 50 crores. Those Members of this House who remember the Paper Currency Act as it exists at present will see that section 19 has the heading "temporary provisions", the idea being that on an appointed day the Governor General in Council may notify that that section shall cease to operate and section 18, which has been put down there, I understand, as being the ideal up to which the Government of

India would work up, would come into operation. Now, section
3 P.M. 19 cannot cease to operate and section 18 cannot come into operation until these 50 crore rupees worth of I. O. U.'s, which were issued during the war period, are paid back. If, therefore, the Assembly do not wish the Government of India to issue any more of these created or *ad hoc* securities, I would very seriously suggest that the Bill should certainly have a further addition, if the Assembly choose to pass it after a full consideration, to the effect that no more securities than 50 crores shall be *ad hoc* securities under the paper currency reserve. I know it to be a fact that these *ad hoc* securities do not add to the credit of the Currency Department of the Government of India either here or abroad and I have reason to know that the commercial community in India are not very fond of these *ad hoc* securities being put in and retained there as may suit the Government of India. I therefore feel that the Assembly would do well to insist that no more *ad hoc* securities should be allowed in the Paper Currency Reserve without further sanction of the Assembly itself. It would take a long time before these 50 crores *ad hoc* securities are paid back but it would take longer still if they were added to by another 20 or 30 crores of rupees for one reason or another. If we are anxious to retain a Currency Department which will command the best of credit which India needs, then, I think, this safeguard should be insisted upon by the Assembly when this further concession is made to the Currency Department.

The Honourable the Finance Member mentioned a few reasons which appeal to him as to why exchange should be higher than 1s. 4d. I do not propose to weary this House at this time with any lengthy remarks on that subject. I feel that if the Honourable the Finance Member is so sure of his grounds and thinks that they will also appeal to this Assembly, then let him give an official day for my Bills. Let him put his own case before this House and allow me also to do the same and I am quite prepared to take the verdict of the House on that question. If he makes out a strong case, which no doubt he will be able to do because of his long and varied experience, then I shall certainly confess that the Assembly is not with me but that it is with him. Until then I do not think any useful purpose will be served by mixing up the issues in this debate which are, I think, so important that they should be kept clear by themselves.

[Sir Purshotamdas Thakurdas.]

Towards the end of his remarks the Honourable the Finance Member threw out a hint that the Movers of one or two motions which happen to be on the paper of the Assembly regarding the appointment of a Committee and I, who have given notice of my two Bills, may rest satisfied with the announcement made by His Excellency the Viceroy and should think it fit not to press them even when the ballot box is more kind to me than it has been till now. As the Honourable Member himself has raised this question, I think I might say that, unless he tells me that he is prepared to give me a Government day for the discussion of my Bills and that he is prepared to take the verdict of the Assembly on them, if the Government of India are really in earnest to put the currency question of India on a sound basis, they might appoint a Committee within the next two or three months. The Committee might take up to six months to submit their report. The whole thing will then come up for discussion before this Assembly this month one year hence at the very latest. That is the longest period for which the Government of India would be justified in asking us to wait. If, on the other hand, as is usual with the Government when any assurance is asked for, we are only to get the ordinary assurance of "as early as possible" and "as soon as convenient", then I am quite prepared to take my chance with the ballot box and then appeal to the Assembly to hear the Honourable the Finance Member and myself and give their verdict as it may suit them. In the meantime, as far as the importance of the Amendment Bill which is before the House is concerned, I feel, Sir, that the policy of the Government of India has come to an end. We have a somewhat difficult problem facing us. On the one hand, there is this acknowledged stringency of the money market which everybody who understands and knows the situation would like to see avoided. Here, the Government have put before the House one method, perhaps the last method, which is now open to them, by which they can under certain circumstances avoid a great or excessive stringency of the money market. On the other hand, it must be said and I would repeat it that for this stringency the Government of India and their policy are mainly responsible to the House and to the country. Despite all the wise counsel and advice of caution which have been given to us, the Government of India might themselves now choose to follow in the wake of other countries in fixing our rates in the Statute, a question which they were rash enough today to handle immediately after the Armistice.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I have not the slightest wish to stray into the very difficult subjects which have been so very ably handled by the Honourable the Finance Member and my Honourable friend, Sir Purshotamdas Thakurdas. It is a subject on which I might amuse, but on which I should certainly not enlighten the House. The sole subject to which I wish to refer is this question of adjournment. I understand from my Honourable friend opposite (Sir Purshotamdas Thakurdas), that he complains that this Bill has been brought before the House without due notice. Well, Sir, that is a charge that I, as long as I am Leader of this House, would never willingly incur. It does occur to me, having listened to the able and lengthy speech from my Honourable friend opposite, to ask, if this is a speech that he had made without due notice, what should we have had if he had had due notice? Still, Sir, on the question of short notice of Bills I hold very strong views, and if the House really are of opinion that they have not really had sufficient time to consider the provisions of this Bill, I think my Honourable

friend will be willing to consent to the Bill being adjourned for the present and taken up some date next week, but that is subject to a condition. The Bill as I see it, not as I say being fully cognisant of this extremely difficult subject, but from the lawyer's point of view, is a comparatively simple one. It consists of one clause and it alters three words. Well, Sir, references to Select Committees are intended to deal with matters of detail. If the House passes a reference to Select Committee, it affirms the principle of the Bill, and I take it that in a Bill of this kind the only question would be the particular figure you wish to substitute or the rejection of the Bill as a whole. Therefore I submit to the House that there is nothing in this Bill which could possibly justify a reference to Select Committee. You may want more time to make up your minds whether to reject the Bill, or whether to move an amendment to the Bill. That seems to me quite reasonable, and if the House will agree that, when this Bill comes up for consideration next week, there shall be no motion for a reference to Select Committee, and the House will deal with the Bill on the floor of this House and will either reject it or amend it, or pass it, then I am prepared, and I think my Honourable friend is prepared, to agree to such a proposal.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural): Sir, I am sorry the Honourable the Home Member has made a stipulation on this point, and on that basis only he agrees to have the adjournment of this motion. I must at once say that I cannot vote on this proposition subject to that stipulation. It must have been apparent to the House that, although between the existing Act and the proposed Bill there is a difference of one figure only, i.e., that of a change from "85" crores to "100" crores, in order to justify that change, the Honourable the Finance Member has had to use 6,000 words. He spoke for a full hour and at least 100 words a minute, which makes 6,000 words to which a further 6,000 words have been returned by my Honourable friend Sir Purshotamdas Thakurdas; from the speeches that both these gentlemen have made, it must be clear that the matter is neither so easy nor so innocent as it looks. Sir, Finance Members are apt to think that questions of finance and exchange are their close preserve, and on this matter the speech of the Honourable Sir Basil Blackett cannot be said to have erred on the side of modesty. But after all every proposal, however ably sponsored, has to be justified in the interests of the people of this country and we, the representatives of the people, ignorant though we are, ill-informed though we may be, have a right to understand each proposal and to be satisfied about its usefulness before we give our consent to it. I say this matter is not merely a question of a change from "85" to "100" crores; the manner in which that addition will be made, the conditions under which that addition may be withdrawn are also matters of importance. The Honourable Sir Basil Blackett has admitted that the proposed addition is for two purposes, one of a permanent nature to meet the growing demands of trade, and the other to meet the seasonal demand for currency. During the last four years Government have suspended the automatic expansion of currency, have made additions to it not as required by trade and industry but according to their own discretion. And to-day Government, after four years, have to a certain extent admitted that the addition to the currency has not been equal to the demand for it; and by the Bill before the House they are going to remedy the complaint. The Bengal Chamber of Commerce in the letter referred to by Sir Purshotamdas have

[Mr. Jamnadas M. Mehta.]

made it quite clear that it is not the seasonal demand or the emergency currency to which they are referring, but that they want a permanent or quasi-permanent addition made to the currency. The resolution of the Associated Chambers of Commerce last month in Calcutta makes it absolutely clear that they want a permanent addition, not a mere seasonal addition when currency is required for the marketing of crops. We want to know quite clearly how far Government are agreed with that view or whether they want at their own sweet will and pleasure to withdraw wholly or partially the addition they might have made. Remember, Sir, this addition to the currency is to be made out of the balances of the Secretary of State for India; these balances are there for what are called "home charges." They are not intended to perform any currency function. Suppose the Secretary of State requires these moneys when the currency situation in this country is acute, and he is not going to wait until the currency situation becomes easier. If he needs 10 crores for his requirements, whatever may be the currency position in this country, he will withdraw it. Therefore we have to consider whether the right of the Secretary of State for India to withdraw the currency once added should or should not be hedged round with certain limitations so that he may not make it a mere question of his pleasure or of his own convenience. As I said before, the 15 crores are to be added only out of the remittances for "home" charges temporarily. They are temporary loans to the currency reserve which may be withdrawn when the Secretary of State wants them and we have to consider whether we will consent to give him an unlimited power to withdraw the whole of the 15 crores just at the moment when a currency crisis may be pending in this country. It is not a light matter, and it must be fully explored in the Select Committee. I cannot agree that a mere delay of eight days will make acceptable what is intrinsically wrong to-day; and if that is the only condition on which the Home Member will consent to postpone this motion I will have nothing to do with it. At the same time I may say that the reference to the Select Committee need not be for more than three days. I do not want to prolong this discussion. The matter can be fully discussed within three days and reported to the House. All we want is to examine it thoroughly; and, having made my position clear, I say again I cannot vote on this proposition if it is backed by this condition.

Mr. President: (After the Division was called) Before I put the question a second time the Honourable Member from Madras on my left (Mr. Shanmukham Chetty) has asked for an explanation of the situation in which the Assembly now finds itself. If the motion for adjournment is carried, the debate will be resumed on a subsequent date, on which date the Honourable Member from Bombay will have a full opportunity to move his original motion. And if I may add a further explanation, the announcement made by Government was simply a warning to him that he may expect opposition from the Government to the motion to refer to Select Committee. Some opportunity to consider the matter behind the scenes seems to be not inadvisable.

The Debate was adjourned.

The Assembly then adjourned till Eleven of the Clock on Friday, the 23rd January, 1925.

LEGISLATIVE ASSEMBLY.

Friday, 23rd January, 1925.

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

MEMBERS SWORN:

Sir Geoffrey Clarke, Kt., C.S.I., O.B.E., M.L.A. (Director-General of Posts and Telegraphs) and Mr. Andrew Gourlay Clow, M.L.A. (Industries Department: Nominated Official).

QUESTIONS AND ANSWERS.

COST OF DELHI AND SIMLA SESSIONS OF THE CENTRAL LEGISLATURE.

59. ***Mr. Gaya Prasad Singh:** With reference to starred question No. 620 of the 8th March 1924, regarding the autumn session of the Central Legislature, will the Government be pleased to give detailed information on the following points separately for both Houses:

- (a) The total cost of holding the last session at Delhi; and the cost of holding the last two sessions in Simla separately;
- (b) The total expenditure incurred in the Delhi session on account of (i) haulage of motor cars, etc., and (ii) conveyance allowance paid to Members.

Mr. L. Graham: A detailed statement is laid on the table to which is appended an estimate of the cost which would have been incurred if the two Simla sessions in question had been held in Delhi. The Honourable Member will observe that the holding of the May-June and September sessions in Delhi would have involved excess expenditure of approximately Rs. 34,600 and Rs. 49,000, respectively.

Statement.

	Council of State.			Legislative Assembly.			Total.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
<i>I. Delhi Session, 1924.</i>									
1. Travelling allowance of Members	22,983	14	0	47,956	8	0	70,940	6	0
2. Daily allowance of Members	41,860	0	0	1,35,695	0	0	1,77,555	0	0
3. Haulage of motor cars, etc.	16,196	14	0	33,672	9	0	49,869	7	0
4. Conveyance allowance	2,794	14	0	18,791	3	0	21,586	1	0
Total	83,835	10	0	2,36,115	4	0	3,19,950	14	0
<i>II. Simla Session, May-June, 1924.</i>									
1. Travelling allowance of Members	18,216	8	0	46,774	7	0	64,990	15	0
2. Daily allowance of Members	10,960	0	0	35,620	0	0	46,580	0	0
Total	29,176	8	0	82,394	7	0	1,11,570	15	0
<i>III. Simla Session, September, 1924.</i>									
1. Travelling allowance of Members	22,135	11	0	51,143	9	0	73,279	4	0
2. Daily allowance of Members	16,740	0	0	54,800	0	0	71,540	0	0
Total	38,875	11	0	1,05,943	9	0	1,44,819	4	0

APPENDIX.

Statement showing expenditure that would have been incurred on account of the sessions of May-June and September, 1924, respectively, had they been held in Delhi instead of in Simla.

I.—May-June Session, 1924.

	Council of State.	Legislative Assembly.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1. Travelling Allowance of Members	15,790 14 0	35,231 14 0	51,022 12 0
2. Daily Allowance of Members	10,960 0 0	35,620 0 0	46,580 0 0
3. Haulage of motor cars	12,627 4 0	27,247 6 0	39,874 10 0
4. Conveyance Allowance	1,787 8 0	6,942 8 0	8,730 0 0
Total	41,165 10 0	1,05,041 12 0	1,46,207 6 0

II.—September Session, 1924.

	Council of State.	Legislative Assembly.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.
1. Travelling Allowance of Members	20,009 2 0	41,281 6 0	61,290 8 0
2. Daily Allowance of Members	16,740 0 0	54,800 0 0	71,540 0 0
3. Haulage of motor cars	15,193 0 0	32,686 14 0	47,879 14 0
4. Conveyance	2,747 8 0	10,665 0 0	13,412 8 0
Total	54,689 10 0	1,39,433 4 0	1,94,122 14 0

Statement showing excess expenditure that would have been incurred on account of the above two sessions respectively, had they been held in Delhi instead of in Simla.

May-June Session, 1924.

	Rs. A. P.
Expenditure that would have been incurred if the session had been held in Delhi	1,46,207 6 0
Expenditure actually incurred for the session	1,11,570 15 0
Excess that would have been incurred if the session had been held in Delhi	34,636 7 0

September Session, 1924.

	Rs. A. P.
Expenditure that would have been incurred if the session had been held in Delhi	1,94,122 14 0
Expenditure actually incurred for the session	1,44,319 4 0
Excess that would have been incurred if the session had been held in Delhi	49,803 10 0

LOCATION OF TROOPS AT MUZAFFARPUR.

60. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1692 of the 8th September 1924, regarding the location of troops in Muzaffarpur, will the Government be pleased to state what were the events which led to the location of troops there?

(b) Are Government aware that in reply to a question on this subject in the Bihar and Orissa Legislative Council on the 20th August, 1924, it was stated on behalf of the Local Government, as reasons for the location of troops in Muzaffarpur, that "a factory was burnt down in a place called Chautarwa. Another incident happened at Chauri Chaura"?

(c) Are Government aware that the incident at Chautarwa, which is in the District of Champaran, and not in Muzaffarpur, actually happened after the troops had been located in Muzaffarpur; and that Chauri Chaura is not in the Province of Bihar and Orissa at all?

Mr. E. Burdon: (a) Local disturbances and threats of local disturbances of a kind with which the police by themselves could not adequately cope.

(b) Yes.

(c) According to the information in the possession of the Government of India the answer to the first part of the question is in the negative. As regards the second part, the Government of India, and presumably the Government of Bihar and Orissa also, know where Chauri Chaura is.

CALLING OUT OF TROOPS IN MUZAFFARPUR OR IN THE TIRHUT DIVISION.

61. ***Mr. Gaya Prasad Singh:** (a) Is it not a fact that ever since the dawn of British rule in this country, there was never any occasion for troops to be called out in Muzaffarpur, or in the Tirhut Division from elsewhere?

(b) If not, will the Government kindly state when and where, and on what occasions were troops requisitioned from outside the Tirhut Division?

Mr. E. Burdon: (a) and (b). As far as the Government of India are aware troops have not been called out in the areas mentioned in recent years preceding 1921.

Colonel J. D. Crawford: Are the Government aware that the presence of British troops in Muzaffarpur has given considerable satisfaction to most of the people in North Bihar?

Mr. E. Burdon: I believe that is the case, Sir.

LOCATION OF TROOPS AT MUZAFFARPUR.

62. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to give the date on which the troops were first despatched to Muzaffarpur; and also the date on which it was decided to retain the troops permanently in that town, as well as to give the name of the Governor who was at the head of the Province on the latter occasion?

Mr. E. Burdon: Troops were first despatched to Muzaffarpur on the 21st November, 1921. The formal decision of the Government of India to retain troops permanently at Muzaffarpur was dated the 4th April, 1922, on which date His Excellency Sir Henry Wheeler was Governor of Bihar and Orissa.

LOCATION OF TROOPS AT MUZAFFARPUR.

63. *Mr. Gaya Prasad Singh: Did the Government receive any representation from the planters of the Tirhut Division asking for the location of troops in Muzaffarpur? If so, will the Government be pleased to lay a copy of it on the table?

Mr. E. Burdon: The answer so far as the Government of India are concerned is in the negative.

LIABILITY OF THE BIHAR LIGHT HORSE TO QUELL DISTURBANCES
IN THE TIRHUT DIVISION.

64. *Mr. Gaya Prasad Singh: (a) Are the Government aware that in reply to a question "Had the Bihar Light Horse declared their inability to quell disturbances in the Tirhut Division, if any?" asked in the Bihar and Orissa Legislative Council on the 20th August, 1924, the Local Government stated:—"We have not approached them on the subject yet"?

(b) Will the Government be pleased to state if the Bihar Light Horse receive any sort of assistance, pecuniary or otherwise, from the Government; and if so, what is it?

(c) Will the Government be pleased to lay on the table a copy of the rules or regulations under which the Bihar Light Horse has been allowed to be formed; and the conditions under which they are liable to be called out?

Mr. E. Burdon: (a) Yes.

(b) and (c). The Bihar Light Horse is a unit of the Auxiliary Force, and the information which the Honourable Member desires to have regarding it will be found in the "Regulations for the Auxiliary Force, India, 1921", a copy of which is in the Library of the Assembly.

Mr. President: Question No. 65 has been answered.*

CAPITATION TAX IN BURMA.

66. *Mr. Gaya Prasad Singh: Will the Government be pleased to state if any correspondence has passed within the last 3 years, between the Burma Government, and the Government of India, on the subject of the agitation against the Capitation tax in Burma? If so, what objection the Government have to publishing the correspondence?

The Honourable Sir Basil Blackett: The reply to the first part of the question is in the affirmative. As the correspondence is confidential, I regret that it cannot be published.

REVENUE REALISED FROM THE TEA INDUSTRY OF ASSAM.

67. *Mr. T. A. Chalmers: What is the amount obtained in respect of the year 1923 from the Tea Industry of the Province of Assam by the Government of India in respect of:

(a) Export Duty on tea;

(b) Income-tax from tea concerns and tea planters salaries and commissions; and

(c) Import Duty on tea boxes.

The Honourable Sir Basil Blackett: (a), (b) and (c). The information is not recorded.

* On the 22nd January, 1925.

REVENUE REALISED FROM THE TEA INDUSTRY IN INDIA.

68. ***Mr. T. A. Chalmers:** What is the amount obtained in respect of the year 1923 from the Tea Industry in India by the Government of India in respect of:

- (a) Export Duty on tea;
- (b) Income-tax from tea concerns and tea planters salaries and commissions; and
- (c) Import Duty on tea boxes.

The Honourable Sir Basil Blackett: (a) The Honourable Member is referred to the Accounts relating to the Sea-borne Trade and Navigation of British India for the calendar year 1923.

(b) No figures are available.

(c) The Honourable Member will be able to calculate this by referring to the figures for value under the items "Tea chests entire or in sections" and "Metals—Lead sheets for tea chests" in the Monthly Accounts relating to the Sea-borne Trade and Navigation of British India and by taking the duty at 2½ per cent. of the total value for January and February, 1923, and at 15 per cent. of the total value for March to December, 1923.

SUBSTITUTION OF THE PROVIDENT FUND SYSTEM FOR THE EXISTING PENSION SYSTEM.

69. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state:

- (a) What action, if any, has been taken on the Resolution *re* substitution of Provident Fund system for existing Pension system passed by the Council of State on 18th February 1924?
- (b) If no action has yet been taken, when do Government propose to do the same?

The Honourable Sir Basil Blackett: (a) and (b). The question is under consideration.

CONTEMPLATED CLOSING OF THE POST AND TELEGRAPH OFFICE AT BELAPUR IN THE THANA DISTRICT.

70. ***Mr. N. C. Kelkar:** (a) Is it a fact that Government contemplate the closing of the post and telegraph office at Belapur in the Thana district?

(b) Is it a fact that this office serves an area of about 90 square miles and a population of about 8,000?

(c) Is it a fact that the area served by this office is studded with salt pans?

(d) If so, how will the requirements of the local population be satisfied without a post and telegraph office?

***Sir Geoffrey Clarke:** (a) As the combined post and telegraph office is not self-supporting the question of closing the telegraph branch and reducing the status of the post office to a branch office has been under consideration.

(b) and (c). Yes.

(d) The office will be continued as a combined office on the local public furnishing the necessary guarantee against loss.

GRANT OF A MILITARY PENSION TO SEPOY GANPATRAO PARASHURAM
MORE OF THE 103RD MARATHA INFANTRY.

71. ***Mr. N. C. Kelkar:** Is it a fact that Sepoy No. 4947, Ganpatrao Parashuram More, of the 103rd Maratha Infantry, was wounded in actual fighting in the year 1919? Is it also a fact that his left leg was amputated in the Marine Lines Military Hospital at Bombay? Further, is it a fact that his application for a military pension was rejected by Government? If so, are Government prepared to give redress or state full particulars which in their opinion may justify such rejection?

Mr. E. Burdon: Sepoy Ganpatrao More was wounded in Waziristan in December, 1919, in the *right* leg. His *left* leg was amputated in the Marine Lines Military Hospital at Bombay, and the medical board was of opinion that the disability which necessitated the amputation of the left leg was neither contracted on, attributable to, nor aggravated by field service or military duty. The man's application for a pension never came before the Government of India, but the local military authorities are now reopening the case, and I will inform the Honourable Member of the result as soon as possible.

POSTAL ENDOWMENT INSURANCE POLICIES.

72. ***Mr. N. C. Kelkar:** (a) Will Government state whether it is a fact that the holders of postal insurance policies are deferred in point of the actual payment of the endowment insurance amount for a period varying from one to eleven months after the last due instalment of premium is paid?

(b) If so, does not the mean loss to the policy-holder represent the amount of interest at at least 5 per cent. for six months on the due amount, that is to say Rs. 30 per thousand?

(c) Is it a fact that Government regard this as a negligible loss?

(d) Will Government state reasons for this state of things? Is it a fact that this state of things is unparalleled in the dealings of any other insurance company?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, except when the endowment assurance becomes payable on the death of the insured.

(b), (c) and (d). The policy specifically provides for the payment of the endowment assurance on the insured attaining a specified age or at his death; and the premia are calculated actuarially on the basis of this contract. There can, therefore, be no mean loss to the insured. A similar arrangement is followed by many insurance companies.

REFUSAL OF A PASSPORT TO DR. SUDHINDRA BOSE, LECTURER IN
THE STATE UNIVERSITY OF IOWA.

73. ***Mr. C. Duraiswami Aiyangar:** (a) Has the attention of the Government been drawn to an article in the *Swarajya* dated 1st October 1924, under the heading "Another Passport Scandal"?

(b) Will the Government be pleased to state whether it is true that Dr. Sudhindra Bose was not given a passport to return to India to see his mother who was on her death bed?

(c) Will the Government be pleased to state on what grounds a passport was refused to him and whether the refusal was at the instance of the Government of India?

The Honourable Sir Alexander Muddiman: I have already answered this question yesterday.

REFUSAL TO GRANT PERMISSION TO MAHATMA GANDHI TO VISIT KOHAT.

74. ***Mr. C. Duraiswami Aiyangar:** (a) Is it a fact that Mahatma Gandhi was prohibited from paying a visit to Kohat where he intended to bring about peace between the Hindus and the Muhammadans?

(b) Will the Government be pleased to state on what grounds Mahatma Gandhi was so prohibited?

Mr. E. Burdon: I have been asked to reply to this on behalf of Mr. Bray. (a) and (b). Mr. Gandhi was asked to defer his visit to a mere opportune season for reasons set forth in the correspondence between His Excellency the Viceroy and Mr. Gandhi which has been published in the press.

Mr. B. Das: Sir, is it not a fact that Government had no objection to the visit of certain non-official leaders of this House to Kohat?

Mr. President: I am not aware that Mr. Gandhi is a non-official leader in this House.

BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

75. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state if and when the Government of Bengal applied to His Excellency the Governor General to issue an Ordinance now known as Ordinance I of 1924?

(b) Will the Government be pleased to state whether the question of promulgating the said Ordinance was in contemplation during the month of September 1924, when the Assembly was in session? If so, will the Government be pleased to state why the said fact was not mentioned by the Honourable the Home Member or Mr. Tonkinson who on behalf of the Government opposed the Criminal Law Amendment (Repealing) Bill of Doctor Gour?

The Honourable Sir Alexander Muddiman: (a) The situation created by the existence of revolutionary conspiracies in Bengal and the measures necessary to deal with them have occupied the special attention of the Government of Bengal and the Government of India since the grave recrudescence of crimes of this character in 1923. I am not prepared to enter into any greater detail on the communications which passed and which were necessarily of the most confidential character.

(b) The situation was still under examination when this House was in session in September last. His Excellency the Viceroy has already dealt with the matter in a speech which was fully reported in the press and I have nothing to add to that.

Mr. Chaman Lal: Is it a fact, Sir, that in the original draft as prepared by the Government of Bengal mention is made not only of crimes anarchical but also of crimes political?

The Honourable Sir Alexandar Muddiman: I have already stated that I am not prepared to make any further statement.

REFUSAL OF A PASSPORT TO DR. SUDHINDRA BOSE, LECTURER IN THE
STATE UNIVERSITY OF IOWA.

76. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 3rd October 1924, page 3, under the heading "Another Passport Scandal"?

(b) If so, will the Government be pleased to state the facts of the case, namely, whether Doctor Sudhindra Bose was refused a passport, as referred to in the letter, and if so, under what circumstances?

The Honourable Sir Alexander Muddiman: I have already answered this question yesterday.

CLAIMS AGAINST THE GREAT INDIAN PENINSULA RAILWAY DURING
THE YEARS 1921, 1922 AND 1923.

77. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the reply of Government to unstarred question No. 808, in the last September session of the Assembly regarding claims against the G. I. P. Railway during the years 1921, 1922 and 1923, will the Government be pleased to state if the inquiry has been completed and if completed to furnish the information to the House?

Mr. G. G. Sim: The substance of the information asked for in Dr. Lohokare's question is given below:

The number of claims preferred was:

1921	...	...	...	...	34,144
1922	...	...	...	...	34,760
1923	...	...	...	...	24,035

The total amounts paid in settlement of claims was:

					Rs.
1921-22	...	...	...	...	28,11,000
1922-23	...	...	...	...	19,68,000
1923-24	...	...	...	...	16,17,000

PROVISION OF LATRINES IN THIRD CLASS CARRIAGES ON THE E. I.
AND B. & N. W. RAILWAYS.

78. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state:

- (a) the total number of third class carriages on the E. I. Railway and B. & N. W. Railway?
- (b) whether they all are provided with latrines?
- (c) if not, what is the number of carriages on each of the above lines which are not so provided?

Mr. G. G. Sim: A statement giving the information asked for by the Honourable Member is placed on the table.

Statement showing the percentage of third class carriages on the East Indian and Bengal and North Western Railways provided with latrine accommodation on the 31st March 1924.

Railway.	Total number of third class carriages.	Number provided with latrine accommodation.	Number not provided with latrine accommodation.	Percentage of those provided with latrine accommodation to total number.
East Indian	1,018	574	444	56.4
Bengal and North-Western	870	301	569	34.6

POLICY WITH REGARD TO THE RESTORATION OF THE GOLD STANDARD.

79. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that the Under Secretary of State for India made the following statement in May, 1924: "while effective restoration of the gold standard was the objective of Government policy, economic conditions throughout the world had not yet reached the degree of normality, which would justify at present an attempt to stabilise the gold value of the rupee"?

(b) If so, will the Government be pleased to give at least a rough idea of the time when we can expect that the policy of Government with regard to the effective restoration of the gold standard will be given effect to?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to the speech which I made yesterday, and if that does not satisfy him, to the speeches which I shall presumably have to make to-day. This answer may be taken as covering also the Honourable Member's question No. 140.

PROVISION OF WATER TAPS AT STATIONS ON THE E. I. AND B. AND N. W. RAILWAYS.

80. *Khan Bahadur Sarfaraz Hussain Khan: (a) What is the number of stations on the East Indian Railway and B. & N. W. Railway?

(b) What is the number at which water taps are provided?

(c) What is the number at which watermen are employed?

Mr. G. G. Sim: The numbers are:

(a) East Indian Railway, 481.

Bengal and North-Western Railway, 339.

(b) East Indian Railway, 68.

Bengal and North-Western Railway, 73.

(c) East Indian Railway, 340.

Bengal and North-Western Railway, 113.

HARDSHIPS OF INDIAN LABOURERS IN BURMA.

81. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the Government reply to unstarred question No. 333, in the last September session of the Assembly with regard to hardships of Indian labourers in Burma, will the Government be pleased (a) to state if they have received the report from the Government of Burma? (b) if they have received the report, will they please lay it on the table?

The Honourable Sir Bhupendra Nath Mitra: The Government of Burma have reported that they are placing an officer on special duty with a view to the examination of the question of establishing an agency for the collection of information relating to labour conditions. Until reliable statistical information is available, the Local Government are not prepared to publish statements of the kind suggested in the question asked in the September Session.

REGISTRATION OF COTTON GINNING AND PRESSING FACTORIES.

82. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state:

- (a) the number of cotton ginning and pressing factories in India,
- (b) the number of them which have been registered?

Mr. G. G. Sim: (a) The number of cotton ginning, cleaning and pressing factories, subject to the Indian Factories Act, at-work during the calendar year 1923, was 1,683. Information as to the number of such factories not subject to the Factories Act is not available.

(b) The nature of the registration which the Honourable Member has in mind is not understood.

COST OF INCREASED EMOLUMENTS TO THE INDIAN CIVIL SERVICE, ETC.

83. *Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government be pleased to state if the increase of emoluments to the Indian Civil Service, Indian Police Service, Indian Educational Service, British officers of Indian Army and British troops comes up to £2,540,000?

(b) If the figure quoted is not correct, what is the correct figure?

The Honourable Sir Basil Blckett: I understand from inquiries made by me from the Honourable Member that his question relates to the cost of the recommendations of the Lee Commission in respect of certain services, though if that is so I do not understand his reference to British officers of the Indian Army and British troops. An estimate of the cost of the recommendations of the Lee Commission will be found in Appendix VII at the end of their Report.

EASTERN BENGAL RAILWAY TIMINGS.

84. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the letter under the heading "Eastern Bengal Timings" published in the issue of the *Statesman* of the 7th October 1924, page 8?

(b) If so, will they please state if the statements made, are correct?

(c) If correct, will they please issue instructions to the authorities concerned to remove the inconvenience complained of?

Mr. G. G. Sim: Government have seen the letter referred to. It contains a complaint about a change in the starting time of a certain train from Dacca. The Government cannot undertake to interfere in a matter of this kind. It is essentially a matter for the Railway Administration.

AMALGAMATION OF ORIYA-SPEAKING TRACTS.

85. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Home Department Resolution, Public, dated Simla, the 1st October 1924, will the Government be pleased to state if they will consult the Legislative Assembly after the report of the officers appointed to inquire into the question of the amalgamation of Oriya-speaking tracts have been submitted to them, and before they pass orders thereon?

The Honourable Sir Alexander Muddiman: The report in question has just been received and the question of its publication and the method in which it should be dealt with is under consideration.

AMALGAMATION OF THE DISTRICT LOCOMOTIVE CARRIAGE AND TRAFFIC OFFICES ON THE EAST INDIAN RAILWAY.

86. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question 1659 *re: 'Amalgamation of the District Locomotive Carriage and Traffic Offices on the East Indian Railway'*, will the Government be pleased to state by what time the proposals under their consideration are likely to mature to enable them to give definite information on the subject?

Mr. G. G. Sim: It has now been decided to constitute four Divisions on the East Indian Railway, each under a Divisional Superintendent, in place of the nine districts under District Superintendents of the various Departments.

The Divisional officers at Allahabad and Dinapore were opened on 12th January 1925 and those at Asansol and Howrah on 19th January 1925.

PROVISION OF MORE WATERWAYS ON THE B. & N. W. RAILWAY.

87. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Are Government aware of the fact that in the course of a statement in the Bihar and Orissa Legislative Council on 29th August 1924, the Local Government stated as follows:

"Several telegrams have been received from the residents of Sabarsa, Maknabazar, Mansi, Pasraha, and Khagaria reporting that scores of villages were flooded, cattle were dying for want of fodder, and that people were in great distress. They prayed for more outlets in the B. & N. W. Railway line in various places".

(b) If so, have Government taken any action in the matter?

(c) If not, do they propose taking any?

(d) If not, why not?

Mr. G. G. Sim: (a) Yes.

(b), (c) and (d). No reference has been made to the Government of India by the Local Government in the matter.

RAILWAY CONNECTION BETWEEN MUZAFFARPUR AND SITAMARHEE.

88. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the replies of Government to starred question 1669 (a), (b), (c), (d) and its supplementary question asked in the last September Session of the Assembly, are the Government prepared to draw the attention of the Government of Bihar and Orissa to the fact that the question is urgent and that the travelling public are put to great inconvenience owing to the want of railway connection between Muzaffarpur and Sitamarhee and ask them to expedite the matter?

Mr. G. G. Sim: The project is not financially promising, nor is it considered to be of sufficient importance to be described as urgent. It has therefore been decided with the concurrence of the Local Government to postpone further consideration of the project.

Khan Bahadur Sarfaraz Hussain Khan: May I ask till what time it has been postponed? Has any time been fixed?

Mr. G. G. Sim: It has been decided to postpone the project at present as it is not considered to be of any urgency.

DEPUTATION OF SIR BHUPENDRA NATH MITRA TO LONDON IN CONNECTION WITH THE OUTSTANDING CLAIMS IN DISPUTE BETWEEN HIS MAJESTY'S GOVERNMENT AND THE GOVERNMENT OF INDIA.

89. *Khan Bahadur Sarfaraz Hussain Khan: With reference to question asked by Mr. A. Rangaswami Iyengar in the last session of the Assembly on 8th September 1924, *re*: Deputation of Sir Bhupendra Nath Mitra to London in connection with the outstanding claims in dispute between His Majesty's Government and the Government of India, its supplementary questions and the replies of Government to them, will the Government be pleased to state:

- (a) the exact amount of outstanding claims in dispute between His Majesty's Government and the Government of India?
- (b) the time that is expected to be taken by Sir Bhupendra Nath Mitra in settling the points at issue?
- (c) the amount that is likely to be spent on or that has been sanctioned for, his deputation?
- (d) whether the Assembly will be consulted before a final decision on the question is arrived at?

The Honourable Sir Basil Blackett: (a) The Honourable Member is referred to the statement laid on the table on the 1st February 1924, as requested by Sir Purshotamdas Thakurdas in his question No. 1.

(b) Owing to the intervention of a general election in England no settlement on the points at issue could be reached and Sir Bhupendra Nath Mitra was appointed to officiate as High Commissioner for India on the 6th November 1924. Much useful work was however done both in regard to these points and on the question of the capitation grant.

(c) The cost of his deputation was just under Rs. 4,000.

(d) I am afraid I cannot add anything to my previous statements on this point.

THE COAL COMMITTEE.

90. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 11th October 1924, page 3, under the heading "Contemporary Opinion" "The Coal Committee"?

(b) If so, will they please state if they have decided to appoint an Expert Committee; as stated in the paragraph?

(c) If so, when will the Committee be appointed, and what will be its function?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The Honourable Member's attention is invited to the Resolution appointing the Committee, which was published in the Gazette of India of the 20th September 1924.

SEPARATE COMPARTMENTS ON RAILWAYS FOR TUBERCULAR PATIENTS.

91. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 1711 and its supplementary questions, asked in the last September session of the Assembly, will the Government be pleased to state:

(a) if they are prepared to amend the Indian Railway Act in order that tuberculosis may be regarded as an infectious disorder, for the purposes of the Act?

(b) If not, will they make such arrangements that tuberculosis patients should as a rule travel in a separate compartment?

Mr. G. G. Sim: (a) Government do not propose to amend the Act, as tuberculosis is not considered to be in the same category, for the purposes of railway travel, as the infectious disorders already notified.

(b) Since tuberculosis does not come under the provisions applying to notified infectious disorders, Government are unable to make the arrangements suggested.

ARMING OF VILLAGERS AS A PROTECTION AGAINST RAIDS BY BORDER TRIBES.

92. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to the supplementary questions of Diwan Bahadur T. Rangachariar *re*: 'the arming of villagers to defend themselves', to starred question 1721 *re* 'Raids by Border Tribes', asked in the last September session of the Assembly, will the Government be pleased to provide the House with figures?

Mr. E. Burdon: Sir, I have been asked to reply to this question on behalf of the Honourable Member in charge. Up to the 1st January 1923, 11,482 Government fire-arms had been issued for village defence in the settled districts of the North-West Frontier; on the 1st January 1923 the number had increased to 11,692 and on 1st January 1924 to 14,758.

OUTPUT OF GOLD MINES.

93. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state:

(a) the number of gold mines in India?

(b) the output of these mines during the years 1921-22, 1922-23, and the quantity exported during the same years?

The Honourable Sir Bhupendra Nath Mitra: (a) There were four gold mines in British India and five in Indian States in 1921 and 1922.

(b) The output of gold in India was, in 1921,

British India	10,190 ounces.
Indian States	422,533 ..

and in 1922,

British India	8,455 ounces.
Indian States	429,560 ..

Gold bullion and coin are both exported from and imported into India and on the balance there is usually a net import of gold into India. The figures for the years specified in the question are:

1921-22 . Bullion net export	918,669 ounces.
Coined gold net import	668,313 ..
1922-23 . Bullion net import	4,257,764 ..
Coined gold net import	1,600,534 ..

INCREASE IN INDIAN SEA AND LAND CUSTOMS REVENUE

94. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that the total of gross Indian Sea and Land Customs Revenue (excluding Salt Revenue) during the month of September 1924 amounted to Rs. 468 lakhs as against Rs. 408 lakhs in the preceding month, and Rs. 340 lakhs a year ago?

(b) If so, will Government please state the cause of this steady increase?

The Honourable Sir Basil Blakett: (a) Yes.

(b) The increase is mainly due to (1) general improvement in trade, (2) imposition of duty on Government Stores from April 1924, and (3) imposition of special protective duties from June 1924.

EXPENSES OF MAHARAJAHS AND RULING CHIEFS APPOINTED AS INDIA'S REPRESENTATIVES TO THE IMPERIAL CONFERENCES AND MEETINGS OF THE LEAGUE OF NATIONS.

95. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 1726 and its supplementary question, asked in the last September session of the Assembly, will the Government please:

(a) lay the information on the table, if it has not been laid?

(b) state if Maharajahs and Ruling Chiefs who join the Imperial Conferences and the meetings of the League of Nations, as representatives of India, also charge the expenses of their journey?

The Honourable Sir Alexander Muddiman: (a) A statement giving the information desired is laid on the table. Expenditure in sterling has been converted into rupees at the rate of Re. 1 equals to 1s. 4d.

(b) The principle has been accepted that travelling expenses of Ruling Princes and Chiefs deputed as representatives of India on such occasions as the Imperial Conference, the meeting of the League of Nations, etc.,

should be debitable to Indian Revenues. Hitherto, however, there has been a general disposition on the part of the Princes concerned to defray such expenditure themselves and the cost to the Government of India has therefore been almost negligible.

Statement showing the expenditure incurred in connection with the deputation of the representatives of India to the Imperial Conference and the Assemblies of the League of Nations.

	Rs.	A.	P.
Imperial Conferences—			
1917	16,883	4	0
1918	23,491	14	0
1921	61,112	10	0
1923	16,638	6	11
League of Nations Assemblies—			
1920	58,122	5	0
1921	61,839	8	0
1922	24,029	5	0
1923	31,463	15	0

Mr. B. Das: May I know if the Indian Princes represented the Indian people or the Indian Princes only?

The Honourable Sir Alexander Muddiman: That does not arise, Sir, from the answer to the question.

ENCOURAGEMENT OF RAILWAY INDUSTRIES.

96. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply "but up to the last year just under 10 crores had been spent in India out of the 150 crores grant", to starred question 1740, regarding the amount spent towards the encouragement of railway industries, asked in the last September session of the Assembly, will the Government be pleased to state the major heads of the expenditure of the amount?

Mr. G. G. Sim: The expenditure in question was charged to the Major head "53—Construction of State Railways" in the accounts.

RAILWAY COLLISION AT HARAPPA ROAD ON THE NORTH WESTERN RAILWAY.

97. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the question *re* the Railway Collision at Harappa Road, North-Western Railway, asked by Diwan Bahadur M. Ramachandra Rao on the 10th September 1924, its supplementary questions and the Government reply, will the Government be pleased—

(a) to state if it is in a position to furnish full and complete information as asked for?

(b) If so, to furnish it for the information of the House?

Mr. G. G. Sim: The report is being printed and a copy will be placed in the Library in due course.

CLASSIFICATION OF RECORD SORTERS AS SUPERIOR SERVANTS.

98. *Khan Bahadur Sarfaraz Hussain Khan: With reference to my supplementary question to my starred question 2267 asked in the Assembly on the 19th September 1924 will the Government be pleased to state if they are prepared to regard the Record Sorters under the title of Superior Service?

The Honourable Sir Alexander Muddiman: The question of classing record sorters as "superior" servants has been considered by the Government of India three times within the last four years and on each occasion the decision has been that they should not be so classed. I am not prepared to re-open the question.

TRADES UNIONS AND TRADE DISPUTES.

99. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the Government reply to the last supplementary question to starred question 2279 asked in the Assembly on the 19th September 1924, will the Government be pleased to state:

- (1) whether they have received the replies to the letters circulated for public opinion regarding (a) Trades Unions and (b) Trade disputes?
- (2) If they have, whether they have considered the replies?
- (3) If so, will they please communicate their decision to the House?

The Honourable Sir Bhupendra Nath Mitra: (1) A number of replies have been received.

(2) and (3). The Honourable Member is referred to the provisions of the Trade Unions Bill which has already been introduced. The Trade Disputes Bill is under consideration and I suggest that the Honourable Member should await its introduction.

MONGHYR FERRY SERVICE.

100. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the letter published in the issue of the *Statesman* of the 6th November 1924, page 3, under the heading "Monghyr Ferry Service"?

(b) Are the complaints made therein correct?

(c) If so, do the Government propose to issue instructions to the railway authorities concerned to redress the grievances referred to?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The Honourable Member is referred to the answer given in this Assembly on the 15th September, 1924, to question No. 1848 asked by Raja Raghunandan Prasad Singh on the same subject.

ALLEGATIONS IN THE WEEKLY MAZDOOR OF LUCKNOW AGAINST THE RAILWAY ADMINISTRATION.

101. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2280 asked in the meeting of the

Assembly on the 19th September 1924 *re* "Allegations in the *Weekly Mazdoor* of Lucknow against Railway administration", will the Government be pleased to state:

- (a) if the question has been considered?
- (b) If so, will they please communicate the result to the House?

Mr. G. G. Sim: It was stated in reply to Mr. Joshi's question No. 2280 referred to, that the Agent was being addressed in regard to proposed action to be taken against the Editor. Unfortunately all of the officers in question were on leave until recently and the decision in this matter has accordingly had to be deferred.

INDIAN PAPER MANUFACTURE.

102. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the Government reply to unstarred question 417 in the Assembly on the 19th September, 1924, will the Government be pleased to state:

- (a) if the question of Indian Paper Manufacture has been considered by the Tariff Board?
- (b) if so, will they please communicate the result to the House?

Mr. G. G. Sim: The Tariff Board is considering this question. Its report has not yet been received.

VACANCIES IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS,
SOUTHERN COMMAND AND POONA DISTRICT.

103. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question 2317 *re* vacancies in the Office of Controller, Military Accounts, Southern Command, asked in the Assembly on the 22nd September, 1924, will the Government please state:

- (a) if the information called for has been furnished to them?
- (b) If so, will they please communicate it to the House for its information.

The Honourable Sir Basil Blckett: (a) Yes.

(b) Acting promotions of Accountants in leave vacancies have been made in the office of the Controller of Military Accounts, Southern Command and Poona District during the period in question to the extent admissible within the strength of Accountants sanctioned for that office.

PURCHASE OF RAILWAY AND OTHER STORES.

104. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question 2322 (b) asked in the Assembly on the 22nd September 1924, *re* purchase of Railway and other stores through the Indian Stores Department, will the Government please state:

- (a) if the Railway Board has discussed the matter with the Agents of Railways?
- (b) If so, will they please communicate the result to the House?

Mr. G. G. Sim: The matter was one of the subjects of discussion between the Railway Board and Agents on the 6th October, but the discussion was mainly concerned with the details of carrying out the procedure

indicated in the letters to the Agents of Railways on the subject, which have already been laid on the table. It is not considered that any purpose would be served by giving the House a detailed report of the discussion.

BUS SERVICE FOR THE CONVEYANCE OF CLERKS FROM RAISINA TO THE SECRETARIAT IN DELHI.

105. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question 2324 asked in the Assembly on the 22nd September 1924, *re* Bus Service for the conveyance of clerks from Raisina to the Secretariat in Delhi, will the Government be pleased to state:

- (a) if they have been able to collect the information?
 (b) If so, will they please communicate it to the House for its information?

The Honourable Sir Bhupendra Nath Mitra: The information asked for in Mr. Kumar Sankar Ray's question No. 2324 on the 22nd September 1924 is as follows:

- (a) Government entered into a contract in 1921 with the Gwalior and Northern India Transport Co. Ltd., Delhi, for the running of a bus service for the conveyance of Government of India clerks from Raisina to Delhi for 3 years. This contract continues in force beyond this period until due notice of its termination is given to the company.
- (b) (i) The amount spent on the New Delhi Motor Bus Service during each of the last three years is as follows:

	Rs.
During 1921-22 	1,19,300
,, 1922-23 	80,426
,, 1923-24 	66,043

- (ii) Tenders were not invited when the agreement was first concluded but Government are convinced that no more economical arrangement could have been made that would have been as efficient and satisfactory.

- (c) (i) The service will continue for the winter season of 1924-25. Nothing has yet been settled about 1925-26.
- (ii) It is not now expected that the Government of India as a whole will be able to occupy the new Secretariat Buildings until November 1926.

- (d) and (e). The buses leave to scheduled timings in accordance with the time-tables published by the company at the commencement of the season. These time-tables are subsequently modified to suit the conveniences of the passengers. The original time-tables and modifications thereof are notified. Government have had no report that the company has failed to run to these time-tables.

INDIANIZATION OF VARIOUS CLASSES OF APPOINTMENTS ON THE EAST
INDIAN RAILWAY.

106. *Khan Bahadur Sarfaraz Hussain Khan: With reference to unstarred question 426 in the Assembly on the 22nd September 1924, re the Indianization of various classes of appointments on the East Indian Railway, will the Government please state:

(a) if the inquiry has been completed?

(b) If so, will they communicate the result to the House?

Mr. G. G. Sim: (a) Yes.

(b) A copy of letter addressed to Kumar Ganganand Sinha, dated the 10th October, 1924, giving the requisite information is laid on the table.

COPY OF A LETTER NO. 1191-E., DATED THE 10TH OCTOBER 1924, FROM THE SECRETARY, RAILWAY BOARD, TO KUMAR GANGANAND SINHA, M.L.A.

Number of Indians in certain services of the East Indian Railway.

With reference to the reply given to your question in the Legislative Assembly on the 22nd September 1924, I am directed to forward herewith a statement showing the number of posts specified by you (if any) which are held by Indians.

2. I am to add that there are other posts held by Indians which are similar in status and pay to those mentioned by you. For instance, in the Traffic Department there are 54 posts on Rs. 200 and over, and 527 posts on salaries over Rs. 100 but below Rs. 200 which are held by Indians.

Statement showing whether or not certain specified posts on the East Indian Railway are held by Indians.

Appointments.	Number held by Indians, if any.
District Inspector	Nil.
Travelling Ticket Inspector*	Nil.
Luggage Inspector	15
Detention Inspector	Nil.
Inter class Hall Supervisor	Nil.
Platform Assistant	23
Loco Inspector	Nil.
Loco Foreman	Nil.
Permanent Way Inspector	Nil.
District Carriage and Wagon Inspector	Nil.
Block Signal Inspector	1
Signal Inspector	Nil.
District Superintendent	Nil.
District Engineer	Nil.
District Loco Superintendent	Nil.
District Carr. and Wagon Superintendent	Nil.
Station Masters drawing over Rs. 200	Nil.
Assistant Station Masters drawing over Rs. 100 except Cabin Assistant	3
Guards drawing over Rs. 100	Nil.

* The services of Travelling Ticket Inspectors are under revision, and if this is sanctioned, the service will include Indians.

RECONSTITUTION OF THE CALCUTTA UNIVERSITY.*

107. *Mr. Kamini Kumar Chanda: (a) Is it a fact that after the publication of the Sadler Commission Report about the Calcutta University, Lord Chelmsford's Government considered the question of reform and reconstitution of the Calcutta University an urgent matter and accordingly drafted a Bill for that purpose which was submitted to the Secretary of State for sanction but the questions of finance and detail stood in the way of its introduction in the late Imperial Council?

(b) Is it a fact that shortly thereafter the Government of India Act, 1919, having come into force education and control of Universities among other things became a transferred subject rules made under the Act providing, nevertheless, that the Calcutta University and the control and organisation of secondary education in the Presidency of Bengal should be subject to legislation by the Indian Legislature for a term of five years from the commencement of the Rules?

(c) Is it a fact that differences arose between the Bengal Government and Legislative Council on the one hand and the Calcutta University on the other hand and two private Bills about the reconstitution of the University were introduced in the Bengal Council and a Bengal Government Bill was also prepared on the same subject and submitted to the Government of India for sanction but the University disputed the competence of the Bengal Council to legislate about it and the Government of Assam which Province is also included within the jurisdiction of the Calcutta University supported the contention of the University?

(d) Is it a fact that shortly thereafter some sort of a compromise was agreed to, the two private Bills were withdrawn, no Government Bill was introduced and His Excellency Lord Lytton in consultation with the Government of India called a conference of the representatives of the University, the Bengal Government and the Assam Government, respectively, to consider the question of the preparation of a Bill and the conference met in the Government House in Calcutta in July 1923 at which the Honourable Member for Education and the Educational Commissioner of the Government of India also attended, the proceedings of the conference being treated as strictly confidential; that there was a second sitting of the conference at the same place on the 26th January last and a third sitting notified to be held about August last but it was adjourned *sine die*; that meanwhile the Bengal Legislative Council has practically ceased to function and the Governor of Bengal has assumed charge of education among other transferred subjects in that Presidency?

Mr. J. W. Bhow: (a) to (d). Generally, the facts are as stated.

RECONSTITUTION OF THE CALCUTTA UNIVERSITY.

108. *Mr. Kamini Kumar Chanda: (a) What is the position and prospect of legislation about the Calcutta University under the present circumstances?

(b) Do the Government of India propose to take up the question of the reconstitution of the Calcutta University themselves and introduce a Bill for this purpose in the Central Legislature?

(c) If not, what do they propose?

Mr. J. W. Bhore: (a) The Government of Bengal have decided to proceed first with the more urgent legislation for the creation of a Board of Secondary and Intermediate Education and to postpone legislation for the reconstitution of the Calcutta University till this has been done. They hope to hold a conference with the University authorities early in this year in order, if possible, to find a basis of agreement on the subject of secondary education. The question of the reconstitution of the University will be easier of solution if and when the question of secondary education has been satisfactorily disposed of.

(b) No.

(c) The Government of India propose to await proposals from the Local Government.

ANNUAL REVENUE AND EXPENDITURE OF HIGH COURTS.

109. ***Mr. Kamini Kumar Chanda:** What is the annual revenue and expenditure respectively of the several Chartered High Courts for the last 3 years for which the figures are available?

The Honourable Sir Alexander Muddiman: A statement so far as the Calcutta High Court is concerned is laid on the table. Figures for the remaining High Courts with which the Governor General in Council is not primarily concerned are not available.

Statement showing the receipts of the High Court, Calcutta, during the calendar years, 1921, 1922 and 1923 as compiled from the Court's Register.

—	Receipts.		REMARKS.
	Rs.	Rs.	
1921.			
Appellate side . . .	2,44,231	} 17,87,787	These receipts include Rs. 9,27,570-12 received for Probate and Administration duty.
Original side . . .	15,43,506		
1922.			
Appellate side . . .	3,08,301	} 21,06,156	These receipts include Rs. 10,93,221 received for Probate and Administration duty.
Original side . . .	17,97,855		
1923.			
Appellate side . . .	2,98,879	} 27,52,355	These receipts include Rs. 13,66,659-4 received for Probate and Administration duty.
Original side . . .	24,53,476		

Note.—The figures are for the calendar years, 1921, 1922 and 1923.

U. N. MITRA,
for Assistant Registrar.

Statement showing the expenditure of the High Court during the financial years 1921-22, 1922-23 and 1923-24.

Heads. ^c	1921-22.			1922-23.			1923-24.			REMARKS.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
Judges . . .		7,93,625			8,34,797			8,07,286		
<i>Original Side.</i>										
1. Registrar . . .	4,14,820			4,67,291			4,56,457			
2. Official Receiver	21,699	4,36,719		20,104	4,87,395		22,311	4,78,768		
<i>Appellate Side.</i>										
1. Registrar . . .	4,78,438			5,36,073			5,05,518			
2. Refund of Court-fee stamp.	1,170			4,610			1,628			
3. Printing Charges	78,000	5,57,608	17,87,953	60,000	6,00,683	19,22,875	33,063	5,40,204	18,26,258	

Note.—The figures are for the financial year.

(Sd.) U. N. MITRA,
for Assistant Registrar.

REPEAL OF BENGAL REGULATION III OF 1818 AND OTHER REPRESSIVE LAWS.

110. *Mr. Kamini Kumar Chanda: Has any step been taken or proposed to be taken to carry into effect the Resolution which was passed without any division by the Assembly on the 20th March last recommending the immediate repeal of Bengal Regulation III of 1818 and other repressive laws and regulations that still exist on the Statute-book?

The Honourable Sir Alexander Muddiman: I invite the Honourable Member's attention to the reply given by me on the 11th June 1924 to a similar question (No. 1520) by Mr. Amar Nath Dutt.

ARRESTS UNDER BENGAL REGULATION III OF 1818.

111. *Mr. Kamini Kumar Chanda: (a) Will the Government state the number of persons arrested, between the 20th March 1924 and the date on which this question is notified to the Home Department, under the Bengal Regulation III of 1818?

(b) Is there anything on record to show on what occasions before 1908, were any persons arrested in Bengal under this Regulation? Will the Government kindly place the information before the House?

The Honourable Sir Alexander Muddiman: (a) Twenty-three.

(b) The periodical reports for the years 1868-75 indicate that the following numbers of persons were detained in Bengal under Regulation III of 1818. It is not suggested however that this information is complete as the records for the year subsequent to 1875 are not readily available.

Year.	No. of persons.
1868	4
1869	20
1870	7
1872	4
1875	2

ARRESTS UNDER BENGAL REGULATION III OF 1818.

112. *Mr. Kamini Kumar Chanda: (a) Is it a fact that 18 persons were arrested under Bengal Regulation III of 1818 on or about the 25th October including two Members of the Bengal Legislative Council and the Chief Executive Officer of the Calcutta Corporation?

(b) Are the Government aware that they all or most of them belong to the Swarajya party?

(c) What is or are the charge or charges against them respectively?

(d) Was or were any charge or charges communicated to them and their answer taken thereto before they were arrested?

(e) If not, is it proposed to let them know the charges against them and get their answers?

(f) At any rate is it a fact that the charge or charges against them, all "documents and evidence relating to, each of them have been or will be placed before two Judges of the High Court for the purpose of thoroughly sifting the material on which action was taken, of submitting it to the technical tests of judicial knowledge and experience, and of framing recommendations regarding each case", care being taken to see that it is High Court Judges and not any other authority to whom reference is made (*vide* the address of His Excellency the Viceroy before the members of the Imperial Legislature on the 31st January 1924 and subsequent admission by the Honourable the Home Member of the incorrect information given to, and repeated by, His Excellency that two High Court Judges were consulted in regard to the detention mentioned in his address).

(g) Have Government made or do they propose to make any adequate provision for their own maintenance during their detention and maintenance of their respective families and other persons dependent on them?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) Government are aware that some of the persons arrested claim to belong to the Swarajya party.

(c) I am not prepared to publish the charges.

(d) No.

(e) Charges have been framed against them and their answers have been taken.

(f) The papers are placed before two Sessions Judges.

(g) Yes.

ARRESTS UNDER THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

113. *Mr. Kamini Kumar Chanda: How many arrests have been made under the new Ordinance for Bengal which His Excellency the Governor General has promulgated?

The Honourable Sir Alexander Muddiman: Sixty-six.

HOUSE SEARCHES IN BENGAL.

114. ***Mr. Kamini Kumar Chanda:** (a) Have there been numerous house searches in Calcutta and other parts of Bengal in connection with rounding up of persons arrested or intended to be arrested under Regulation III or the new Ordinance?

(b) Have books and documents been seized during the above searches which are described as incriminating?

(c) Are the Government aware that even the Sri Bhagavad-Geeta is also looked upon as an "incriminating book" by the police and occasionally seized as such? Are the Government aware that the Geeta is one of the sacred books of the Hindus?

(d) Has the attention of Government been drawn to a Press interview said to have been given by Mr. Tegart of the Calcutta Police and published in the *Friend of India* that no fire-arms were found in the course of the above searches? Is it true?

The Honourable Sir Alexander Muddiman: (a) and (b). Yes.

(c) "Sri Bhagavad Gita" is not regarded by the police as an "incriminating book". No copies of this book were seized during the searches under reference.

(d) Government have seen the statement, which is correctly reported.

PROTECTION OF THE INTERESTS OF INDIANS IN EAST AFRICA.

115. ***Mr. Kamini Kumar Chanda:** (a) Has the attention of Government been drawn to the Township Rules recently published in the Uganda official Gazette providing among other things, that the Governor may in the Gazette prescribe areas within which no piece or parcel of land may be occupied by any person not of European origin or extraction for the purposes of trade, residence or otherwise except with the consent or prior permission of the Governor in writing?

(b) With reference to the above rule do the Government of India propose to take any action to protect the interests of Indians in East Africa?

Mr. J. W. Bhore: (a) and (b). The Uganda official Gazette containing the new township rules has not yet been received by the Government of India but copies have been cabled for and the matter will be looked into as soon as they are received.

AUDITING OF THE ACCOUNTS OF THE GOVERNMENT AGRICULTURAL FARM AT TARNAB.

116. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to my starred question 1905 (b), asked in the last September Session of the Assembly re "Auditing of the Accounts of the Government Agricultural Farm at Tarnab", will the Government be pleased:

(a) to state if they have obtained all the facts of the case?

(b) if so, to furnish the information to the House?

Mr. J. W. Bhore: No. The matter is still under inquiry.

Khan Bahadur Sarfaraz Hussain Khan: May I ask by what time the inquiry will be finished?

Mr. J. W. Bhore: I cannot say. The matter is under inquiry by the local Administration and I can give the Honourable Member no intimation as to when the inquiry will be completed.

Khan Bahadur Sarfaraz Hussain Khan: Will Government ask the local Administration?

Mr. J. W. Bhore: We have already asked that the inquiry should be expedited.

THE RANCHI RADIUM INSTITUTE.

117. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the last portion of the reply of Government, namely: "They have however drawn the attentions of these Governments to the passage in question, and asked for an expression of their views on the suggestion made therein" to my starred question 1794, asked in the last September session of the Assembly, *re* the Ranchi Radium Institute, will the Government be pleased to state:

(a) whether they have received the views of the Governments consulted?

(b) if so, will they please lay a copy of the same on the table?

Mr. J. W. Bhore: (a) and (b). The replies of all the Local Governments and Administrations, who were consulted, have not yet been received. When they are all in I shall be glad to place a copy of them in the Library.

INDIAN FOREST SERVICE EDUCATIONAL STAFF.

118. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to my starred question 1795 *re* the Indian Forest Service Educational Staff, asked in the last September session of the Assembly, will the Government please state if they have arrived at any decision in the matter; and if so, will they please communicate it to the House?

Mr. J. W. Bhore: No decision has yet been arrived at as the question is a most difficult and complicated one. But I can assure the Honourable Member that the matter has not been lost sight of.

THE HESLA-CHANDIL CHORD RAILWAY.

119. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to my starred question 1805 (b), asked in the last September session of Assembly, will the Government be pleased to state by what time the Hesla-Chandil Chord Railway is expected to be completed?

Mr. G. G. Sim: The Hesla-Chandil Chord is expected to be completed by May 1926.

INDIAN ARMY SCHOOLS OF EDUCATION.

120. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they have considered the question of establishing an Indian Army School of Education for the training of Indian officers and non-commissioned officers as Instructors in any other place or places besides the one at Belgaum, in such a big country as India?

(b) if not, will they please give reasons?

Mr. E. Burdon: (a) Government have considered the question, but have decided not to establish any other schools of the kind at present.

(b) The reason for this decision is that more Indian Army Schools of Education are not at present required.

POSTAL DELAYS.

121. ***Khan Bahadur Sarfaraz Hussain Khan:** Has the attention of Government been drawn to the letter published in the issue of the *Statesman* of the 17th October 1924, page 4, under the heading "Postal Delays"?

(b) If so, will Government please state if the statement made therein is correct?

(c) If correct, do they propose to take action in the matter with a view to prevent the recurrence of incidents such as have been complained of?

Sir Geoffrey Clarke: (a) and (b). My attention has been drawn to the letter in question, and I have had an inquiry made into the complaint, which was found to be well founded.

(c) Disciplinary action has been taken in the matter.

NUMBER OF QUESTIONS ASKED, RESOLUTIONS MOVED AND NON-OFFICIAL BILLS INTRODUCED IN THE FIRST SESSIONS OF THE FIRST AND SECOND ASSEMBLIES, RESPECTIVELY.

122. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state the total number of questions asked, the total number of non-official Resolutions moved and the total number of non-official Bills introduced, in the first session of the last Assembly and the first session of the present Assembly, respectively?

Mr. L. Graham: I lay on the table a statement which gives the information asked for by the Honourable Member.

Number of questions asked, non-official Resolutions moved, and non-official Bills introduced during the first session of the First Legislative Assembly and the first session of the Second Legislative Assembly.

First session of the First Assembly. (February to March 1921).		First session of the Second Assembly. (January to March 1924, May 1924, and September 1924).	
Questions asked	695	Total	2,365 (starred). 470 (unstarred). <hr/> 2,835
Non-official Resolutions moved	38		20
Non-official Bills introduced	4		13

INCREASE OF STAFF ON THE EASTERN BENGAL RAILWAY.

. 123. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 1887, *re* increase of staff on the E. B. Railway, asked in the last September session of the Assembly, will the Government be pleased to lay the result of the inquiry on the table for the information of the House?

Mr. G. G. Sim: The inquiry showed that additional traffic was being temporarily diverted over the Parbatipur-Kaunia-Santahar section owing to the extension of the broad gauge to Parbatipur and that arrangements would be made to post additional staff if this were found necessary.

GRIEVANCES OF THE EASTERN BENGAL RAILWAY INDIAN EMPLOYEES' ASSOCIATION.

124. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to the second supplementary question to starred question 1892, *re* the grievances of the Eastern Bengal Railway Indian Employees' Association, asked in the Assembly on the 15th September 1924, will the Government be pleased to state as to what was the "Gross discourtesy by the people present at the meeting"?

Mr. G. G. Sim: The Agent attended the meeting by request and opened it. The next speech that followed consisted mainly of an attack upon the Agent in which among other things he was accused of treating the staff with injustice.

ADMISSION OF INDIANS INTO VARIOUS BRANCHES OF THE INDIAN ARMY.

125. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to supplementary question to the starred question 1912, asked in the last September Session of the Assembly, *re* "Admission of Indians into various Branches of the Indian Army", will the Government be pleased to state whether they are carrying out the directions of the Statute referred to?

Mr. E. Burdon: The answer is in the affirmative. The Honourable Member is perhaps not aware that the King's commission held by an artillery officer is precisely the same as the king's commission held by an officer of cavalry or infantry and that the King's commissioned officer in Indian infantry and cavalry receives a higher scale of pay than the King's commissioned officer of Royal Artillery. Further, Indian candidates for the King's commission are required to qualify by what is on the whole a less rigorous test than British candidates.

126. (Will be answered at the next meeting.)

EXPENDITURE ON REPAIRS TO CHURCHES, TEMPLES AND MOSQUES.

127. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to the supplementary question to starred question 1951, asked in the last September Session of the Assembly, *re* "the principle on which money is spent for repairs to churches, and not to temples and mosques in the country", will the Government please state the principle asked for?

Mr. G. G. Sim: The Government of India are bound by the King's Regulations to provide religious ministrations for British soldiers serving in India, and since 1698, it has been the practice first of the East India Company and then of the Government of India to provide, within reasonable limits, for the ministrations of religion to British born European servants of the Crown.

I may point out that many temples and mosques in India receive indirect subsidies from Government in the shape of remissions of land revenues on land owned by them.

CONSTRUCTION OF A PASSENGER SHED AT DARBHANGA STATION ON THE B. AND. N. W. RAILWAY.

128. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Are Government aware that at Darbhanga railway station (B. & N. W. Ry.) there is no shed on the portion situated on the west of the railway line?

(b) If so, will they please state if they propose to consider the desirability of constructing a shed for the convenience of the third class passengers coming from Darbhanga City?

Mr. G. G. Sim: (a) The reply is in the negative.

(b) The policy of Government is to leave it to the discretion of Railway Administrations concerned to provide sheds for third class passengers at stations where the traffic offering justifies their provision, and the necessity for one at any particular station is a question that might suitably be brought to the notice of the Agent direct or through a member of his Advisory Committee.

PAY OF HOSPITAL STOREKEEPERS OF STATION HOSPITALS

129. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred question 1983, asked in the last September session of the Assembly, *re* the pay of Hospital Storekeepers of Station Hospitals, will the Government be pleased to communicate their decision, if arrived at, to the House?

Mr. E. Burdon: Orders on the subject have been issued in an Army Instruction (India), a copy of which will be furnished to the Honourable Member separately.

GRANT OF DUTY ALLOWANCE TO HEAD CLERKS OF POSTAL SUPERINTENDENTS.

130. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply "Government are not prepared to give effect to this recommendation", to my starred question 1990 (b), *re* grant of duty allowance to head clerks of Postal Superintendents, will they please give reasons?

The Honourable Sir Bhupendra Nath Mitra: The reason is that a special scale of pay higher than the scales for ordinary clerks is already sanctioned for Head Clerks of Superintendents of Post Offices.

COMMUNAL REPRESENTATION IN KENYA.

131. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply "The population of Indians is 22,822, and of Europeans 9,651 Indians are at present entitled to return 5 members and Europeans 11" to starred question 2019(b) and (c) asked in the last September session of the Assembly, will the Government please give reasons for such a discrimination unfavourable to Indians?

(b) If they cannot give reasons, offhand, will they please make an inquiry from the Kenya Government or the Colonial Office, and communicate the result of the inquiry to the House?

Mr. J. W. Bhore: (a) and (b). The Honourable Member's attention is invited to paragraph 4 of part II of the memorandum published with the Government of India's Resolution No. 733, dated the 18th August 1923 and to paragraphs 4 and 5 of that Resolution. They do not consider that any inquiry on the lines suggested by the Honourable Member is necessary.

EXPENDITURE ON THE COLONIES COMMITTEE.

132. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply "I shall consider that point", to the second supplementary question *re* expenses of the Colonies Committee to starred question 2022, asked in the last September session of the Assembly, will Government please state as to whether they have considered the point, and if they have, to communicate their decision to the House?

Mr. J. W. Bhore: A statement giving the information required is laid on the table.

Statement of accounts of members of the Colonies Committee.

	Rs.	A.	P.
1. Honorarium	15,677	7	0
2. Subsistence allowance	11,910	0	0
3. Travelling allowance	9,629	10	0
4. Miscellaneous charges	553	3	0
TOTAL	37,770	4	0

PROVISION OF A WAITING ROOM FOR INTERMEDIATE CLASS PASSENGERS AT PURI STATION ON THE BENGAL NAGPUR RAILWAY.

133. *Khan Bahadur Sarfaraz Hussain Khan: Will Government please state if provision of a waiting room for intermediate class passengers at Puri Railway Station (B. N. Ry.) has been made?

Mr. G. G. Sim: Yes. Government understand that the room will be brought into use about 1st April, 1925.

GRANT OF PASSES OVER FOREIGN RAILWAYS TO EMPLOYEES OF THE EAST INDIAN, BENGAL NAGPUR AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS.

134. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2043 *re* grant of passes over foreign railways, asked in the Assembly on the 16th September, 1924, will the Government please lay the information on the table for the information of the House, if the inquiry has been completed?

Mr. G. G. Sim: The result of the inquiry was communicated to Mr. M. K. Acharya and a copy is being sent to the Honourable Member.

THEFT OF INSURED LETTERS.

135. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2062 asked in the Assembly on the 17th September 1924, *re* theft of insured letters, will the Government please state:

(a) whether the value of contents lost, was paid to the sender?

(b) if paid, when was it paid, and how long after the letters were insured?

Sir Geoffrey Clarke: (a). Yes, in two cases. The claim in the third case was inadmissible.

(b) On the 21st February, 1924, and 2nd October, 1924; about 9 months after.

CAPACITY OF RAILWAY WORKSHOPS FOR GENERAL REPAIR AND REHABILITATION WORK.

136. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2080 (a) and (b) asked in the Assembly on the 17th September 1924, *re* the capacity of Railway Workshops, will the Government please also lay the information on the table, when received, for the information of the House?

Mr. G. G. Sim: A statement containing the information supplied to the Honourable Member, who asked question No. 2080 on the 17th September, 1924, in reply to parts (a) and (b) of that question, is laid on the table.

Capacity of Railway Workshops.

Serial No.	Railways.	The maximum number of Locomotives that can be repaired in the workshops per annum.	The maximum number of wagons that can be repaired in workshops per annum.	REMARKS.
1	North Western	*650	12,000	*In terms of heavy repairs 4 light repairs or 2 medium repairs = one heavy repair.
2	Oudh and Rohilkhand . . .	144	3,640	
3	Bengal Nagpur	†190	5,000	†General repairs.
4	Great Indian Peninsula . . .	‡440	10,000	‡First class repairs.
5	Nizam's Guaranteed State . .	80	1,658	
6	Bombay, Baroda and Central India. §	270	5,500	§Both B. G. and M. G. Systems.
7	South Indian	310	3,000	
8	Madras and Southern Mah-ratta.	250	2,700||	||Various repairs.
9	Eastern Bengal§	160	6,004	
10	East Indian	506	28,000	

ADMISSION OF STUDENTS OF THE ROYAL INDIAN MILITARY COLLEGE,
DEHRA DUN, INTO SANDHURST.

137. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government please state:

- (a) the period for which a student has to study in the Royal Indian Military College, Dehra Dun, before he is permitted to appear at the Entrance Examination, Sandhurst?
- (b) whether all the students who pass the Entrance Examination are entitled to study at Sandhurst, or whether there is any prescribed number?

Mr. E. Burdon: (a) Six to eight years. The student enters the Dehra Dun College at 12 years of age and appears at the Entrance Examination between the ages of 18 and 20 years.

(b) The Entrance Examination is competitive, and there are five vacancies allotted at the commencement of the spring and autumn terms at Sandhurst, that is, ten vacancies a year.

ALLEGED FATAL RESULT OF OVERCROWDING ON THE BENGAL NAGPUR
RAILWAY.

138. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of the 24th October 1924, page 9 under the heading "Overcrowding on B. N. Ry. " ?

(b) If so, will they please state whether the statements made therein specially regarding the death of a lower class passenger by suffocation near Balasore are correct?

(c) If correct, do they propose to issue instructions to the railway authorities concerned to make such arrangements that in future accidents such as that referred to may not take place again?

Mr. G. G. Sim: (a) Government have seen the paragraph referred to.

(b) and (c). Inquiry has been made and the Railway Administration state that they have no knowledge of any incident, such as described, having occurred.

PROVISION OF SERVANTS' COMPARTMENTS ON TRAINS ON THE B. AND N.
W. RAILWAY.

139. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it not a fact that servants' compartments are not attached to all trains on the B. & N. W. Ry. ?

(b) If so, do Government propose to draw the attention of the authorities concerned to the urgency of the matter with a view to remove the complaints of the 1st and 2nd class passengers who travel with servants?

Mr. G. G. Sim: (a) Yes.

(b) Government understand that a servants' compartment has been provided in the latest design of upper class carriages and that new upper class carriages will be built to this design in future.

GOLD STANDARD.

140. † ***Khan Bahadur Sarfaraz Hussain Khan** (a) Was the gold standard ever introduced in India since the establishment of the British Government?

(b) If not, will the Government please give reason why it was not introduced?

(c) If it was introduced why was it discontinued?

REMOVAL FROM THE ANDAMANS TO INDIAN JAILS OF POLITICAL PRISONERS.

141. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to Government reply to starred question 2100 (c) asked in the last September session of the Assembly, will the Government please state if they have been able to remove to Indian jails the political prisoners that remained confined in the Andamans up to the time when the question was asked?

(b) If not, will they please give an idea of the time by which they will be removed?

(c) Will Government also please state their names and the terms of their imprisonment respectively?

The Honourable Sir Alexander Muddiman: The names of the prisoners are Kapoor Singh, Hardit Singh, Kirpa Ram and Amar Singh who were convicted in the Mandalay conspiracy cases in 1916 and 1917 and are serving life sentences. Amar Singh was transferred to a jail in India in September last. Arrangements had been agreed upon between the Government of India and the Government of Burma for the transfer of the other three prisoners to jails in Burma, but it was found that these men had become self-supporting convicts in the Andamans and strongly protested against their removal from the settlement. Kirpa Ram has imported his family and Kapoor Singh has imported his wife, and he and Hardit Singh have a half share in a valuable plantation and state that they would claim Rs. 32,000 as compensation if disturbed. In these circumstances the Government of India are taking no further steps in the matter of their transfer.

REDUCTION OF FIRST AND SECOND CLASS FARES ON THE EAST INDIAN RAILWAY.

142. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government please state:

(a) If they propose to consider the desirability of reducing first and second class fares on the East Indian Railway, just as the Agent of the G. I. P. Railway has done on the G. I. P. Ry.?

(b) If so, from what date?

(c) If not, will they please give reasons?

Mr. G. G. Sim: (a), (b) and (c). I and II class fares were reduced from 1st April last over the East Indian Railway to the level that now obtains on the Great Indian Peninsula Railway.

DIMENSIONS OF FAMILY AND SINGLE QUARTERS ALLOTTED TO DAFTARIES AT RAISINA.

143. *Khan Bahadur Sarfaraz Hussain Khan: Will Government please state standard dimensions of both family and single quarters allotted to the Daftaries of the Indian Secretariat at Raisina?

The Honourable Sir Bhupendra Nath Mitra: The menials' quarters built at Raisina are of one type, and consist of a living room 10' x 10', a cooking room 10' x 5' with an open courtyard of about 10' x 11'.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

144. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2126, asked in the last September session of the Assembly *re* the separation of Executive and Judicial Functions, will Government please state:

(a) if they have come to any decision on the subject?

(b) if not, by what time is the matter expected to be disposed of?

The Honourable Sir Alexander Muddiman: (a) The question is still under the consideration of the Government of India, and they have not yet arrived at any decision.

(b) It is not possible to say when a decision is likely to be arrived at, as the matter is very complicated.

ALLEGED MALPRACTICES OF LABOUR RECRUITERS.

145. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to Government reply to starred question 2132 *re* alleged Malpractices of Labour Recruiters asked in the last September session of the Assembly, will the Government be pleased to state if the inquiries in the matter have been completed?

(b) And, if completed to communicate the result to the House?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) The report of the Local Government shows that Chottey Lal was not recruited under false pretences, nor was he kept in confinement against his will. After arrival at the Benares Depot he evidently visited some friends in the city and changed his mind about going to Mauritius. He was therefore allowed to return to his native place. It follows that the complaint of alleged illegal confinement was false.

RECRUITMENT OF LABOUR FOR THE ASSAM TEA GARDENS.

146. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to make a statement showing the manner in which the garden sardars do the recruitment of labour for the tea gardens in Assam, and the protection given to emigrants by the officers stationed at Calcutta, Goalundo, Naihati, Asansole and Kharagpur in Bengal and Dhubri, Gauhati, Tezpur and Dibrugarh in Assam?

The Honourable Sir Bhupendra Nath Mitra: Garden sardars are persons actually employed on estates who are deputed by employers to engage labourers. They are furnished with certificates specifying the limits within which they can recruit and the local Agents to whom they are subordinate,

the time within which they have to return and other details. These certificates are countersigned by an authority in the labour district. The garden sardar then proceeds to the recruiting area where he works under the control of the licensed local Agent to whom he is accredited. The main duty of the officers stationed at the places mentioned in the question is the protection of the health of the emigrants by supervision of the sanitary arrangements and in other ways.

ESTABLISHMENT OF A RATES TRIBUNAL.

147. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2139 *re* the establishment of a Rates Tribunal, asked in the last September session of the Assembly, will the Government be pleased to state:

- (a) whether they have received the reply from the Secretary of State?
- (b) if they have received it, whether they have considered the question?
- (c) if they have considered the question, will they please communicate their decision to the House?

Mr. G. G. Sim: (a) The reply from the Secretary of State has not yet been received.

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

APPEALS OF THE EMPLOYEES OF THE EASTERN BENGAL RAILWAY AGAINST THE ORDERS OF DISTRICT OFFICERS.

148. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2143, *re* appeals of the employees of the Eastern Bengal Railway against the orders of the District Officers, asked in the last September session of the Assembly, will the Government please state:

- (a) whether they have received the reply of the Agent?
- (b) if they have received it, will they please communicate it to the House?

Mr. G. G. Sim: The Agent's reply was to the effect that the answer to the first part of Mr. Joshi's question was in the negative.

ALLEGED ASSAULT BY MR. GASPER, LOCO FOREMAN, KATI HAR, ON PHOOL MOHAMMAD, PUMPING DRIVER, KATI HAR.

149. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to supplementary question to starred question 2148, *re* alleged assault by a Loco Foreman, asked in the last September session of the Assembly, will the Government be pleased to state if it is a fact that Phool Mohammad attended the local hospital, and produced a medical certificate from the local doctor which was not accepted by the Loco Foreman?

Mr. G. G. Sim: Yes. The Locomotive Foreman did not accept the medical certificate because it was not countersigned in accordance with rule by the Railway Medical Officer who had found Phool Mohammad fit.

WORKING HOURS OF THE TRAFFIC AND TRANSPORT STAFF ON INDIAN RAILWAYS.

150. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2152 asked in the last September session of the Assembly, *re* working hours of the Traffic and Transport Staff on Indian Railways", will the Government please state:

- (a) if the inquiry into the matter has been completed?
- (b) if completed, will they please communicate the result to the House?

Mr. G. G. Sim: (a) Yes.

(b) The following information was furnished to the Honourable Mr. N. M. Joshi in reference to question No. 2152:—

- (a) The transshipment staff at the stations named are not required to work 12 hours or more a day.
- (b) The 60 hours-a-week rule is observed. The question of the grant of extra allowances therefore does not arise.

PURCHASE OF LOCOMOTIVES FOR RAILWAYS.

151. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the unstarred question 351, in the last September session of the Assembly *re* "Purchase of Locomotives for the Railways" and the Government reply, to it, will the Government be pleased to state:

- (a) the cost of the 37 locomotives purchased?
- (b) the name or names of the firms from which they were purchased?

Mr. G. G. Sim: (a) The f.o.b. contract price of these 37 locomotives was £224,030.

(b) All the locomotives were purchased from Messrs Sir W. A. Armstrong Whitworth and Company, Limited.

ALLEGED FRAUDS ON THE OUDH AND ROHILKHAND RAILWAY.

152. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to unstarred question 355 in the last September session of the Assembly, *re* alleged frauds on the Oudh and Rohilkhand Railway, will the Government please lay on the table a brief summary of the cases referred to, after judgment has been delivered in the second case?

Mr. G. G. Sim: A brief summary of the cases will be laid on the table after judgment has been delivered.

PURCHASE OF MACHINERY FOR THE SUKKUR BARRAGE.

153. *Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government please state if the Sukkur Barrage Scheme and Lloyd Barrage and Canal Scheme are different or one and the same?

(b) Will they please state if the Government of Bombay have purchased or ordered to be purchased machinery for the Sukkur Barrage Scheme?

The Honourable Sir Bhupendra Nath Mitra: (a) The titles mentioned refer to one and the same project.

(b) Yes.

RETURN OF RAILWAY MATERIAL AND ROLLING STOCK SENT TO MESOPOTAMIA DURING THE WAR.

154. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2158, asked in the last September session of the Assembly *re* the Return of Railway material and rolling stock sent to Mesopotamia during the war, will Government please lay on the table:

(a) the list of the railway material sent to Mesopotamia which is available?

(b) the list of the rolling stock returned to India?

and state in what manner India has been compensated for such material as has not been restored to it?

Mr. G. G. Sim: (a) and (b). A list, showing rolling stock sent to Mesopotamia and retained there and also rolling stock sent to Mesopotamia but returned to India, is laid on the table. Detailed information regarding permanent way and other railway materials is not available and cannot be furnished.

For such stock and material as has been retained in Mesopotamia, Railways have been paid the actual or estimated cost of replacement of stock less a percentage for depreciation calculated on the cost of replacement, representing the proportion of service obtained before despatch to the total anticipated service.

In addition to this, Railways have been paid all incidental charges, to the extent of out-of-pocket expenses, in connection with the despatch of stock. They have also received 5 per cent. indirect charges on the net amount of the bills to cover supervision and other charges.

List showing rolling stock sent to Mesopotamia and retained there and rolling stock sent to Mesopotamia and returned to India.

Retained in Mesopotamia.		Returned to India.	
Locomotives	132	Locomotives	20
Coaching Stock	404	Coaching Stock	10
Goods Stock	3,846	Goods Stock	18
Special Stock	37	Special Stock	Nil.
Motor Trolleys	2	Motor Trolleys	Nil.

PROVISION OF LATRINE ACCOMMODATION IN SERVANTS' COMPARTMENTS ON RAILWAYS.

155. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to the last supplementary question to the starred question 2171 asked in the last September session of the Assembly *re* the provision of latrine accommodation in the servants' compartments, will the Government please state:

(a) if the inquiries have been completed?

(b) if completed, will they please communicate the result to the House?

Mr. G. G. Sim: Except for replies from three or four smaller Railways the inquiries have been completed. Government understand that the Great Indian Peninsula, Bengal Nagpur and Oudh and Rohilkhand Railways provide latrines in some of the servants' compartments of their existing upper class stock. On other lines such accommodation is not provided. Railways will be asked to give the matter consideration when constructing new stock.

EXPORT OF BEEF.

156. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the statement laid on the table, in reply to unstarred question 364, in the last September session of the Assembly, will the Government please state:

- (a) the reason why beef dried or otherwise was exported only from the port of Bombay and not from the ports of Madras and Calcutta during the five years mentioned in the statement?
- (b) the names of the Indian and Burmese ports to which dried beef was exported during the above period?

Mr. G. G. Sim: (a) Government do not know, and the amount exported from Bombay was so trivial in the years mentioned in the statement that it does not seem worth while to inquire into the matter.

(b) For all practical purposes it may be taken that the dried beef was sent from India only to Burma. The exact ports to which it was sent appears to be immaterial.

REPORT OF THE COLONIES COMMITTEE.

157. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Have the Government of India received the report of the Indian Colonies Committee?

- (b) If so, will they please lay it on the table?

Mr. J. W. Bhore: (a) and (b). No report has been received from the Colonies Committee as such. Two members submitted a memorandum and its publication is now under the consideration of the Government of India.

ADMISSION OF CANDIDATES FROM BIHAR AND ORISSA INTO THE ROYAL MILITARY COLLEGE, SANDHURST.

158. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government please state if any candidates from the province of Bihar and Orissa were admitted to the Royal Military College Sandhurst out of the 61 Indian cadets admitted since the commencement of the spring term of 1919?

- (b) if so, what is the number?

(c) if not, was it that the Local Government did not nominate any, or was it that the candidates nominated by the Local Government, were not selected by the Central Government?

Mr. E. Burdon: (a) Yes.

- (b) Three.

(c) Does not arise.

EMPLOYMENT OF INDIANS IN THE ROYAL INDIAN MARINE.

159. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact, that no Indians are employed in the Royal Indian Marine as executive and engineer officers?

(b) Is it also a fact that the entire cost of maintaining the Royal Indian Marine is borne by the Government of India, as well as by the Local Government so far as they are concerned?

(c) If the reply to (a) is in the affirmative, will the Government please state why no Indians are employed?

Mr. E. Burdon: (a) and (b). The attention of the Honourable Member is invited to the reply given on the 17th September 1924, to unstarred question No. 395. It has since been decided that His Majesty's Government will bear a portion of the maintenance charges of the Royal Indian Marine ship "Lawrence" in respect of her duties connected with lighting and buoys in the Persian Gulf. Orders to this effect will be issued shortly.

(c) No Indians possessing the necessary qualifications have offered themselves for admission.

SUPPLY OF SUITABLE INDIAN CADETS FOR SANDHURST.

160. *Khan Bahadur Sarfaraz Hussain Khan: (a) With reference to the reply of Government to starred question 2233 (3) in the Assembly on the 19th September, 1924, re Indian cadets for Sandhurst, will the Government please state if they have arrived at any decision on the subject?

(b) If so, will they please communicate the result to the House?

Mr. E. Burdon: No conclusion has yet been arrived at on the subject.

161—163. The Honourable Sir Alexander Muddiman: I regret, Sir, the Foreign Secretary is ill to-day, and the questions will be answered at the next meeting.

164. (This question was answered on the 22nd January, 1925.)

LORD MORLEY'S DICTUM RE DEPORTATIONS UNDER BENGAL REGULATION III OF 1818.

165. *Mr. Kamini Kumar Chanda: (a) Did Lord Morley as Secretary of State for India refuse to sanction the deportation of any one under Regulation III of 1818 "except for a man of whom there was solid reason to believe that violent disorder was the direct and deliberately planned result of his action"?

(b) Do Government accept the above principle as the basis of decision in sanctioning the arrest of any one under the said Regulation?

(c) Was the above test applied in the case of Mr. Subhas Chandra Bose, Babu Anil Baran Roy and Babu Satyendra Chandra Mitra who have lately been arrested and detained under the Regulation?

(d) If so, have the Government any objection to disclose what action of any of the above persons answers to the above description given by Lord Morley?

The Honourable Sir Alexander Muddiman: The Government of India did not receive from Lord Morley as Secretary of State for India any communication in the terms recited in the question. Murder and other crimes

of violence have been the direct and deliberately planned results of the terrorist conspiracies in Bengal and it was in respect of complicity in such conspiracies that action was taken in the cases referred to under Regulation III of 1818. The evidence has been submitted to two Sessions Judges whose finding is that there are reasonable grounds to believe that the persons named are members of a terrorist conspiracy.

ARRESTS UNDER BENGAL REGULATION III OF 1818.

166. *Mr. Kamini Kumar Chanda: (a) Does Mr. Subhas Chandra Bose's conduct or action which in the opinion of Government made it expedient that he should be detained under Bengal Regulation III of 1818 relate to any period prior, or subsequent, to sanction by the Bengal Government of his appointment as the Chief Executive Officer of the Calcutta Corporation?

(b) Were any arms, ammunition or explosive substance or any ingredient thereof found during the search in the house or office of the said Mr. Subhas Chandra Bose and Babus Anil Baran Roy and Satyendra Chandra Mitra?

(c) What, if any, revolutionary literature was found therein?

The Honourable Sir Alexander Muddiman: (a) The grounds upon which the Governor General in Council deemed it expedient to detain Mr. S. C. Bose under Regulation III of 1818, relate to his actions both before and after the Local Government sanctioned his appointment as Chief Executive Officer.

(b) and (c). I am not prepared to make any statement regarding the result of the searches.

EXODUS OF TEA GARDEN LABOURERS FROM ASSAM.

167. *Mr. Kamini Kumar Chanda: In connection with my question about the exodus of tea garden labourers from Assam, will the Government please find out from the Madras Government or the Assam Government which are the gardens where the labourers were as stated in the Government reply in the Madras Council getting Rs. 1/4 a day and had to work for 1½ or 2 hours a day?

The Honourable Sir Bhupendra Nath Mitra: As far as the Government of India are aware no such statement was made by any Government Member in the Madras Council.

168. The Honourable Sir Basil Blackett: I have already replied to this question, yesterday.

AMALGAMATION OF THE DISTRICT LOCOMOTIVE, CARRIAGE AND TRAFFIC OFFICES ON THE EAST INDIAN RAILWAY.

169. *Mr. T. C. Goswami: Will Government please refer to starred questions and answers, Nos. 1659 and 1660 (in the September session of the Legislative Assembly) and answer the following questions *seriatim*:

(i) Have the District Loco, Carriage and Traffic Offices in the E. I. Railway been amalgamated into Divisional Offices at Howrah, Asansol, Dinapur and Delhi? If not actually amalgamated yet, is such a scheme definitely sanctioned?

- (ii) Does that scheme mean the abolition of the Loop District which is one of the oldest Railway Districts in India, perhaps the oldest?
- (iii) Did the Railway Board receive petitions from merchants and the public of Sahebgunge and Bhagalpore, asking for official news of the scheme, which was then rumoured, and expressing apprehension at the possibility of great harm resulting to their interests? If so, did they receive it before Government answered the Honourable Kumar Ganganand Sinha's questions Nos. 1659 and 1660?
- (iv) Did the President of the Railway Board send a letter to the Agent, E. I. Railway, and did he write as follows:—"The Board fully appreciate the feelings of the staff concerned in the matter, but as the decision to place the headquarters of the Division in question at Howrah has not been arrived at until after careful consideration by the responsible officers of the Company, etc.?"
- (v) If the answer to (iv) is in the affirmative, was this letter dated, from London, the 2nd of October 1924? If so, how do Government reconcile this with Mr. A. A. L. Parsons' reply on the 8th September to Kumar Ganganand Sinha that "the proposals are not sufficiently mature to enable definite information to be given on this subject"?
- (vi) Have Government decided as to whether this new arrangement will continue when they take over the Railway on the 1st of January 1925; or is that a State secret?

Mr. G. G. Sim: (i) and (vi). The Honourable Member is referred to the reply given to Khan Bahadur Sarfaraz Hussain Khan's question No. 86 to-day.

(ii) Yes.

(iii) Yes. As stated in reply to question No. 1660 on 8th September 1924, the petition had been received by then.

(iv) and (v). No such letter was issued by the President, Railway Board, but the letter referred to is apparently one which was dated from London on 2nd October 1924, and was sent by the East Indian Railway Home Board to their Agent in India.

ABOLITION OF THE CAPITATION TAX IN BURMA.

170. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state (i) whether any representations have been made by the people of Burma either to the Government of Burma or to the Government of India for the abolition of the Capitation Tax? (ii) Whether the Government have called for any report in regard to the agitation in Burma about the abolition of the Capitation Tax? (iii) Will the Government be pleased to place the report on the table?

The Honourable Sir Basil Blackett: (i) The Government of India have not received any such representation and are not aware if the Government of Burma have received any.

(ii) and (iii). I would invite the attention of the Honourable Member to the reply given by me to-day to Mr. Gaya Prasad Singh's question on the same subject.

COMMITTEE OF INQUIRY INTO THE ECONOMIC ADMINISTRATION OF THE
POST AND TELEGRAPH DEPARTMENT.

171. *Mr. C. Duraiswami Aiyangar: (a) Will the Government be pleased to state why no non-official gentlemen were put on the Committee recently appointed for inquiring into the economic administration of the Post and Telegraph Departments?

(b) Will the Government be pleased to state why the said Committee is debarred from inquiring into the rates of pay of the establishment?

The Honourable Sir Bhupendra Nath Mitra: (a) The Committee is a purely departmental one, intended to investigate possible methods of economy in the Post and Telegraph Department, more particularly to report whether economy can be effected without loss of efficiency by internal re-arrangement of the methods of working and re-distribution of duties. These points are of purely administrative detail, and in the opinion of Government the inquiry could best be conducted by a small committee consisting of an experienced postal officer, and an experienced telegraph officer, associated with a representative of the Finance Department.

(b) It will be clear, from what I have said, that the Committee has nothing to do with any general revision of rates of pay—a subject which in the opinion of Government does not require further investigation by a Committee at present.

PROFIT AND LOSS ACCOUNTS OF THE POST AND TELEGRAPH DEPARTMENTS.

172. *Mr. C. Duraiswami Aiyangar: With reference to the answer given to Sir Purshotamdas Thakurdas under question No. 2223, will the Government be pleased to state now at least how the profit and loss accounts of the Post and Telegraph Departments separately stand?

COMMERCIALIZATION OF THE ACCOUNTS OF THE POST AND TELEGRAPH
DEPARTMENTS.

173. *Mr. C. Duraiswami Aiyangar: Will the Government be pleased to state whether the Post and Telegraph Departments will be kept separate in the system of commercialization of accounts, and, if so, from what date?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to reply to questions Nos. 172 and 173 together.

As all the branches of the Post and Telegraph Department are administered by one authority a considerable portion of the expenditure is shared by two or more branches and an absolute separation of the accounts is not possible. In the commercial system of accounts which will be fully introduced from the 1st April 1925, there will, however, be separate Block accounts and separate Profit and Loss Accounts for each of the three branches—Post Office, Telegraphs including Radios and Telephones—designed to bring out the actual commercial profit or loss in each. A rough estimated profit and loss statement for the year 1925-26 will also be prepared and attached to the budget Demands for Grants for the Post and Telegraph Department for that year.

NUMBER OF FIRST CLASS POST OFFICES.

174. ***Mr. C. Duraiswami Aiyangar:** Will the Government be pleased to state the number of first class post offices and the number of Indians who are postmasters of such offices?

Sir Geoffrey Clarke: The number of first class head post offices is 37 of which 13 are in charge of purely Indian Postmasters.

OPENING OF A TELEGRAPH OFFICE IN BANGALORE CITY.

175. ***Mr. C. Duraiswami Aiyangar:** (a) Are the Government aware that a great deal of inconvenience is felt by the citizens of Bangalore for want of a telegraph office in Bangalore City?

(b) If so, do the Government propose to take steps to open a telegraph office in Bangalore City?

Sir Geoffrey Clarke: There is already a combined post and telegraph office in Bangalore City.

Mr. C. Duraiswami Aiyangar: May I know whether it is in the Cantonment or in the City?

Sir Geoffrey Clarke: In the City.

REDUCTION OF THE SALE OF OPIUM.

176. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state what steps have been taken to reduce the sale of opium?

(b) Will the Government be pleased to state whether steps are taken or are proposed to be taken to see that wherever there are qualified medical practitioners or reputed Ayurvedic doctors the sale of opium is entrusted to them with instructions to sell the same for purely medicinal purposes?

The Honourable Sir Basil Blackett: (a) The policy of the Government has always been to reduce consumption, and with that end in view the issue price of opium has been increased progressively about three-fold altogether in the course of the last 10 or 12 years. There is a limit, however, beyond which such enhancement of prices defeats its purpose, as it induces smuggling and other illicit practices. I may point out that the consumption of opium in India which in 1912-13 was Mds. 12,753 had fallen by 1923-24 to Mds. 7,406.

(b) This question could only arise if the Government had decided to restrict the use of opium to its use for strictly medicinal purposes on the prescriptions of qualified medical practitioners. The Government are not satisfied that such a restriction is necessary, advisable or practicable.

RAILWAY CONNECTION BETWEEN ARSIKERI AND MANGALORE

177. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state whether any project of connecting Arsikeri with Mangalore by direct railway line is under consideration?

(b) Is there any proposal that a portion of that line at least will be taken up by the Mysore State Railways?

Mr. G. G. Sim: (a) No project for connecting Arsikeri with Mangalore by direct railway line is at present under consideration. The project for a

railway connection between Hassan and Mangalore was prepared in 1917 and its examination showed that its prospects were not good enough to justify construction.

(b) The reply is in the negative.

POLL-TAX IN FIJI.

178. *Mr. Kamini Kumar Chanda: (a) Is it a fact that Indians are refusing to pay the Poll-tax in Fiji and in consequence Indians including prominent merchants have been sent to jail?

(b) Will the Government be pleased to make a statement about the present situation there?

Mr. J. W. Bhore: (a) and (b). The Government of India understand that numerous protests were made by the Indian community in Fiji against the tax but they are not aware that payment was actually refused or that prominent merchants have been sent to prison. On the contrary it would appear that registrations for payment were proceeding smoothly last March. I may add for the information of the Honourable Member that the Governor has exempted from the tax persons having five dependent children under the age of 18. The whole question of the poll-tax formed the subject of representations by the Colonies Committee of the Government of India last July and the result of those representations is now awaited.

LEPROSY RESEARCH.

179. *Dr. S. K. Datta: Will Government state what has been done within recent years to promote research into the causes, dissemination and cure of Leprosy?

Mr. J. W. Bhore: The Mission to Lepers has kept the leper problem to the fore in India and for several years past researches into the causes, dissemination and cure of leprosy have been engaging the attention of medical and chemical experts working under the auspices of the Indian Research Fund Association, which is financed by Government and which has, since 1916, provided funds both for research and for modern treatment at selected centres. Extracts from the Annual Reports of the Association showing the work done in this connection have been placed in the Library.

In addition, an Indian Council of the British Empire Leprosy Relief Association has recently been formed by His Excellency the Viceroy for the purpose of stimulating interest in the problems connected with leprosy and for starting a campaign to stamp out the disease in India.

INSPECTORS OF LEPERS.

180. *Dr. S. K. Datta: Will Government state whether any Inspectors of Lepers, as contemplated under the Act of 1898 and amended by the Act of 1920, have been appointed in the administrations under the direct control of the Government of India and, if so, whether the reports of these inspectors show that the provisions of the original Act are adequate for its purpose.

Mr. J. W. Bhore: The Lepers Act has not been extended to the areas in question as the number of lepers in those areas is comparatively insignificant. No inspectors of lepers have been appointed in them.

CENSUS OF LEPERS.

181. ***Dr. S. K. Datta:** Have Government ever undertaken a census of lepers in India and, if not, whether any special steps were taken to ensure the statistical accuracy of the figures which formed a part of the general census of 1921?

Mr. J. W. Bhore: No special census of lepers has been undertaken by Government, nor have any special steps been taken to ensure the statistical accuracy of the figures obtained during the last ordinary decennial census in the case of lepers. The reasons for this, as the Honourable Member doubtless realises, are the difficulty of diagnosing the disease in its early stages and the powerful motives which operate to prevent individuals from admitting infection except when concealment becomes impossible.

RESTRICTION OF THE SLAUGHTER OF USEFUL AND PRIME CATTLE

182. ***Raja Raghunandan Prasad Singh:** (1) Will the Government be pleased to lay on the table a statement showing the number of the cattle under the different heads of (a) bulls, (b) bullocks, (c) cows, (d) he-buffaloes, (e) she-buffaloes, and (f) calves, slaughtered directly in Government butchereries as also the quantity of beef supplied by contractors for supply of food to the army?

(2) Have the Government of India consulted the Provincial Governments on the subject of restricting slaughter of useful and prime cattle? If so, will the Government be pleased to lay a copy of their replies on the subject?

Mr. J. W. Bhore: (1) I regret that it is impossible to obtain the information required by the Honourable Member. No such figures are on record. I may mention, however, that bulls, male and female buffaloes and calves are not slaughtered in Government butchereries at all; and that, under standing orders, slaughter is normally confined to bullocks unfit for work and cows no longer capable of yielding milk.

(2) The Government of India have not addressed Local Governments on the specific question of restricting the slaughter of cattle, but they have impressed on them the importance of improving the various breeds of Indian cattle and their number and they are themselves taking action in that direction.

ARRESTS IN BENGAL UNDER REGULATION III OF 1918 AND BENGAL ORDINANCE I OF 1924.

183. ***Mr. Kumar Sankar Ray:** (a) Will the Government be pleased to state under the authority of what law have Subhash Chandra Bose and 71 other persons been arrested by the Government of Bengal on the 25th October 1924 and whether the warrants under which they have been arrested were directed specifically for their arrest or not?

(b) Under what sections of the law have they been respectively arrested and for how long have they been kept in custody?

(c) Whether and if so when and under what provisions of the law are they going to be put on trial?

(d) Have the material facts and circumstances in the possession of the Local Government on which the orders have been passed against them been placed before any Judges, and if so, before whom?

(e) Whether any visiting committee has been constituted by the Government of Bengal under section 20 of the Ordinance No. 1 of 1924?

(f) What allowances, if any, are being given to them or their families and what arrangements have been made about their food and clothing?

(g) Will the Government be pleased to place before the Assembly a list of the incriminating articles found during the searches that led to their arrest?

The Honourable Sir Alexander Muddiman: (a) and (b). Mr. S. C. Bose and 18 other persons were arrested on warrants issued under section 3 of Regulation III of 1818. 63 other persons were arrested without warrants under section 14 of the Ordinance. The majority of persons detained were arrested on 25th October 1924. A few were arrested at later dates. Those arrested under the Regulation are still in custody. Of those arrested under the Ordinance some have been restricted to definite areas, others remitted to custody in jails.

(c) The fact that any action has been taken against any person under the Ordinance or Regulation III will certainly not preclude such persons from being brought to trial for any substantive offences regarding which Government are advised that a prosecution is in the public interest. The policy of the Government of India is to bring persons to trial for substantive offences wherever possible.

(d) All the cases have been placed before two Sessions Judges whose names I am not prepared to give.

(e) Visiting Committees have been constituted.

(f) Those persons detained in jails at present receive no personal allowance but are given special diet and clothing and personal comforts. For those detained within prescribed limits outside jails suitable allowances have been sanctioned with due regard to their station in life and the locality of their detention. Family allowances are given according to the station in life of the detinue and the extent to which the family were dependent on him at the time of his arrest.

(g) The answer is in the negative.

Mr. A. Rangaswami Iyengar: May I know whether of the two Judges who have been appointed to examine the cases any of them is an Indian?
12 Noon.

The Honourable Sir Alexander Muddiman: I should like to have notice of that question. This is a Bengal matter and I really do not know.

Diwan Bahadur M. Ramachandra Rao: I should like to know whether any charges have been framed against persons referred to in (a) and whether the persons concerned were informed of the circumstances appearing against them and whether any explanations have been obtained from them?

The Honourable Sir Alexander Muddiman: Does the Honourable Member mean persons detained under Regulation or Ordinance or both?

Diwan Bahadur M. Ramachandra Rao: Both.

The Honourable Sir Alexander Muddiman: The answer is the same. Charges have been framed.

Diwan Bahadur M. Ramachandra Rao: Have any explanations been taken?

The Honourable Sir Alexander Muddiman: They have been given an opportunity, as I have already stated in reply to questions, but in many cases they have not availed themselves of it.

Mr. A. Rangaswami Iyengar: With reference to the charges, may I know whether they have been told of the evidence that lies against them?

The Honourable Sir Alexander Muddiman: I am not prepared to make any other statement beyond the fact that they have been asked to reply to charges.

Mr. A. Rangaswami Iyengar: Am I to take it that it is useless to say what the evidence is against these people to which they might reply?

The Honourable Sir Alexander Muddiman: If the Honourable Member refers to the names of persons who have given evidence and desires this communicated to the world at large, it would result in immediate murder and I would not dream of it; but the purport of the charges have been communicated.

Mr. A. Rangaswami Iyengar: I am afraid my question has not been understood. I want to know whether the persons who are now under detention have been told of the evidence which is against them, so that they might be in a position to meet them.

The Honourable Sir Alexander Muddiman: They have been told of the charges brought against them and of the general scope of the case. They certainly have not been told of the names of persons who gave information, nor do I intend to tell them.

Mr. Chaman Lall: With regard to part (d) of the question, may I know whether the decision of the Judges will be available to this House?

The Honourable Sir Alexander Muddiman: The finding of the Judges would be available, not the terms of the decision.

Mr. Chaman Lall: Will the Honourable Member place it on the table?

The Honourable Sir Alexander Muddiman: I have already stated that the Judges found there was reasonable ground for believing that these detenues were concerned in a terrorist conspiracy.

Mr. A. Rangaswami Iyengar: May I know whether the Government have so far had any communication that it would be possible for them to put any of them on trial?

The Honourable Sir Alexander Muddiman: With reference to that question, it is obvious I cannot give a detailed answer, but I can give this assurance that, compatibly with the public interest, if we can bring these people to trial they will be brought to trial.

Mr. Chaman Lall: Arising out of the Honourable Member's reply, may I ask whether he will be prepared to make a statement before this House as to the evidence, leaving out the names of the witnesses who have given the evidence in each one of these cases?

The Honourable Sir Alexander Muddiman: Most certainly not. Disclosing facts would be as bad as disclosing names. To disclose facts would undoubtedly lead to outrages at once.

Mr. Chaman Lall: Will the Honourable Member give this House information as to the number of witnesses murdered in such cases?

The Honourable Sir Alexander Muddiman: The Honourable Member should put down that question.

RECOMMENDATIONS OF THE MERCANTILE MARINE COMMITTEE.

184. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what steps, if any, are the Government going to take to give effect to the recommendations made by the Mercantile Marine Committee in their report and when are they going to do it?

REPORT OF THE MERCANTILE MARINE COMMITTEE.

207. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to unstarred question 455 in the Assembly on the 22nd September, 1924, *re* "the Conversion of the Royal Indian Marine into an Indian Navy", will the Government be pleased to state:

- (a) whether they have considered the report of the Indian Mercantile Marine Committee?
- (b) If they have, will they please communicate their decision to the House?
- (c) If not, by what time is it expected that they will consider the Report?

RECOMMENDATIONS OF THE MERCANTILE MARINE COMMITTEE.

444. ***Mr. Ahmad Ali Khan:** Have Government considered the recommendations of the Indian Mercantile Marine Committee?

Are Government in a position to say which of the recommendations (if any) they are likely to adopt and put into effect in the immediate future?

The Honourable Sir Charles Innes: I shall take up questions Nos. 184, 207, and 444, together, for the sake of convenience as they relate to the same subject.

The Report of the Indian Mercantile Marine Committee is being considered by the Government of India, but no definite decision has yet been reached on the various recommendations made by the Committee.

TRIBUTES TO THE MEMORY OF THE LATE MR. EDWIN
SAMUEL MONTAGU.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, with your permission, I desire to make a reference to the loss sustained by this country in the sad and untimely death of Mr. Edwin Samuel Montagu and to pay a tribute of appreciation to his work and worth. India has had many friends and benefactors among Englishmen, but of none of them could it be said that he was a truer friend or a greater benefactor than Mr. Montagu. Since the assumption of the Government of India by the Crown there have been several Secretaries of State; there have been among them able men, upright men, men who strove to do their duty by this country to the best of their lights. But their lights were generally coloured by the atmosphere of English interests. In the history of Indian constitutional progress, two names will stand out as shining landmarks, the name of Lord Morley and the name of Mr. Montagu. But in the case of Lord Morley, philosophic radical as he was and the gifted man of letters that he was, he never succeeded completely in carrying out his own advice of getting into the skins of other people and understanding them. He confessed he could never be anything but an Occidental and he could never fully enter into the aspirations of the Indian people. He confessed that he could not visualise any date when Parliamentary institutions could be introduced into India. But in the case of Mr. Montagu, he loved India, and he understood India. The uplift and advancement of India in the path of political progress were the tasks which he set before himself and to which he dedicated his life. India filled and fired his imagination and absorbed his sympathy, as it did in the case of Edmund Burke. He believed in a noble destiny for India and he identified himself with that destiny. The sacrifice of his brilliant career was brought about by his desire to heal the wounded feelings of the millions of our Mussalman fellow-countrymen by procuring a revision of the treaty of Sevres. It is doubtful whether but for his masterful personality and his untiring championship the spacious promises which were made by British statesmen in the early years of the war would have been translated into action to the extent to which they have been. Opinions may differ as to the merits of the scheme evolved by Mr. Montagu, but there can be no doubt that the feet of India have been firmly planted on the path of constitutional progress and I would ask which constitutional experiment has been free from imperfections and whether it was possible to have introduced and carried through a measure of larger scope than the one which was carried through by Mr. Montagu. Sir, the term Empire builders has been applied to many who have extended the geographical boundaries of Greater Britain, but I think the term would be more truly applied to the statesman who strives to extend the hand of fellowship and the moral influence of Britain and draw together the hearts of people of distant countries and of different races and creeds. Such an Empire builder was the late Mr. Montagu. I would ask you, Sir, to convey to the members of his family our feelings of profound sympathy and sorrow and to express to them the sentiments of affection, admiration and gratitude with which the name of Mr. Montagu will continue to be cherished by the people of this country.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan): Sir, I associate myself and the members of my Party with the remarks which have just fallen from Sir Sivaswamy Aiyer. However much we may be dissatisfied with the constitution that the late Mr. Montagu gave us, there can be no doubt that he did his best and

that against enormous odds. We honour the memory of a friend; we respect his good intentions; we grieve at his loss, though, at the same time, we deplore the legacy he has left behind.

Sir Campbell Rhodes (Bengal: European): Sir, I desire to associate myself and my European colleagues with the tribute to the memory of Mr. Montagu. This is not the time to enter into the merits of his Reforms Scheme. Time will be the judge. But we have always felt that he was guided by a genuine desire to further the political progress of India and with that belief the community to which I have the honour to belong have done their best to make the Reforms a success. Surely, Sir, that is the finest tribute we can pay to his memory.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I beg to associate myself with this motion. We are not concerned so much on this occasion with regard to the achievements of Mr. Montagu. What we feel, Sir, is that Mr. Montagu was a statesman in the forefront of the statesmen of Great Britain. He was the Secretary of State for India and I am convinced from my own personal knowledge that he was a true and loyal friend of India. He endeavoured to the best of his ability to advance the cause of India. He was the Secretary of State for India who felt for India as much and as keenly as any Indian did. Sir, Great Britain has lost in him a great statesman and India has lost in him a true and a great friend.

The Honourable Sir Alexander Muddiman (Home Member): Sir, when the sad news of Mr. Montagu's premature death was received in India the Government of India despatched a telegram to the Secretary of State in which they expressed their deep regret at his death and their appreciation of his services. That telegram was published at the time and I will not detain the House by reading it. But I feel that, as the Leader of this House, I should say a few words on this matter. And if the House would give me a little indulgence I should like to deal with it from a somewhat personal point of view. At one period of my career I was somewhat intimately associated with Mr. Montagu. It was the period during which the Government of India Bill was being prepared at home and the period during which it was being passed through the Houses of Parliament. During the later period, at any rate, it was my duty to see Mr. Montagu at all times of the day and frequently late at night. I saw him under all the conditions of that very wearying time. I was very greatly impressed by his personality. I think anybody who was brought into that intimate relation would have been so impressed. He was a man of marvellous industry, of remarkable grasp, with a most versatile brain. It was said at the time that he could recite the amending Government of India Bill by heart. He certainly knew it better than any body else. He was often subjected to attacks of pain which greatly handicapped him. In spite of this he was always alert and always devoted to his task. I cannot help feeling indeed that his premature death was very probably hastened by the great strain which he underwent during those trying weeks. Honourable Members have said that the late Mr. Montagu was a friend of India. They have said less than the fact. No one who was associated with him could ever doubt that he had an enthusiastic devotion to India and to her interests which amounted almost to a religion. He lived to see the Act pass. He has not lived to see the final working of the Act. But I have no doubt that, when the time comes to write the history of India—and that history can be written judicially only when the dust of

[Sir Alexander Muddiman.]

debate has died down—the name of Mr. Montagu will be found written large in that history.

Mr. President: After what has been said it only remains for me to endorse the tributes that have been paid from all sides of the House. In view of the personal relation that I had with Mr. Montagu, perhaps the House will bear with me if I add a further word. The Honourable the Home Member's speech was more of a personal than of a political nature. I sat with Mr. Montagu in the House of Commons for 9 or 10 years. I had the interest and the pleasure of watching him serve his apprenticeship in Indian affairs when he was Under Secretary of State for India with Lord Morley as his chief in the office of the Secretary of State. At the end of the war, when many of us in England were casting about trying to find a clearer outlook into the future, Mr. Montagu was still then the Secretary of State for India and was devoting himself with a single mind and wholeheartedly to the interests of his great office. The particular personal interest that I have is that in the summer of 1920—and here I am revealing what I may call a public secret—it was on Mr. Montagu's personal recommendation to His Excellency the Viceroy that Lord Chelmsford invited me to take up the office which I now have the honour to hold. Therefore, in a special degree both as a friend and a colleague of Mr. Montagu in the House of Commons and as one who owes to him the nomination to a post which I regard as a pride and honour to hold, I think I am well justified in adding my personal tribute to the memory of the late Secretary of State. Many tributes have been paid to his memory, but the essential of his memory to India is that to which Sir Sivaswamy Aiyer and others have referred, namely that remarkable quality, which was more an instinct than an intellectual quality, which enabled him to appreciate the minds and thoughts and aspirations of men very different to himself, the proof of which we have seen to-day in the remarkable tributes which have been paid to his memory from all sides of the House. I shall make it my duty to send an early copy of these proceedings to his relatives, and accompany it with a letter in which I shall endeavour to describe the genuine sincerity and emotion which animated the speeches which have just been made. (Applause.)

ARRANGEMENTS FOR THE MANŒUVRES.

Mr. President: The House will remember that at the close of the questions yesterday, Sir Sivaswamy Aiyer invited me to address to His Excellency the Commander-in-Chief the appreciation and thanks of those Members of this House who witnessed the manœuvres and the review. I have received from His Excellency the following letter, which the House will be interested to hear:

“ ARMY HEADQUARTERS.

Delhi, 22nd January, 1925.

From—General Lord RAWLINSON, Commander-in-Chief in India,

To—The Honourable Sir FREDERICK WHYTE, Kt., President of the Legislative Assembly.

SIR,

I have the honour to acknowledge the receipt of your letter of to-day, and to express to you, and through you to the Assembly, my grateful thanks for their expression of appreciation in regard to the arrangements made for them to view the recent military operations.

I shall have great pleasure in conveying to those officers of the Army Department and Army Headquarters, who were responsible for the arrangements, the kind message of appreciation which your letter so courteously expresses.

I have the honour to be,

SIR,

Your obedient servant,

RAWLINSON."

I see His Excellency is present and I think we may repeat in his presence what we said behind his back, that we are very grateful to him.

Mr. Chaman Lall (West Punjab: Non-Muhammadian): May I take the opportunity of asking you, Sir, to convey the sympathy of this House . . .

Mr. President: Order, order

Mr. Chaman Lall: What I am about to say will appeal to His Excellency the Commander-in-Chief.

Mr. President: Order, order; if the Honourable Member is prepared to reconsider what he said yesterday, I shall be very glad to give him an opportunity.

Mr. Chaman Lall: I am merely requesting you to convey the sympathy of this House to the soldier who, I understand, was wounded during the manœuvres, and who is reported to have lost a limb as well as the sight of both eyes.

His Excellency the Commander-in-Chief: I am very grateful for the expression which has fallen from the lips of the Honourable Member who has just sat down, and perhaps it will be of interest to the House to know that the soldier who was wounded, and who it was stated in the press was likely to lose his sight, is progressing very favourably. One eye is quite right, and the other there is great hope of saving.

PANEL OF CHAIRMEN.

Mr. President: Under the Standing Order, I appoint the following Panel of Chairmen;

Mr. K. C. Neogy,

Mr. Muhammad Ali Jinnah,

Sir Purshotamdas Thakurdas, and

Mr. Darcy Lindsay.

SELECT COMMITTEE ON THE OBSCENE PUBLICATIONS BILL.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): Sir, I owe an apology to this House for not having been present yesterday, so that a slight dislocation of business seems to have been caused by this Resolution not having been moved yesterday. However, with this apology, I beg to move that the Select

[Mr. C. Duraiswami Aiyangar.]

Committee to which the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, has been referred, do consist of the following members, namely:

The Honourable the Home Member,

Mr. K. C. Neogy,

Pandit Shamlal Nehru,

Maulvi Abul Kasem,

Mr. K. K. Chanda,

Mr. M. C. Naidu,

Kumar Ganganand Sinha,

Mr. K. Venkataramana Reddi,

Pandit Shambhu Dayal Misra,

Pandit Nilakantha Das, and

my humble self,

and that the number of Honourable Members whose presence shall be necessary to constitute a meeting of the Committee shall be six.

The motion was adopted.

Mr. C. Duraiswami Aiyangar: I desire to add the name of Mr. K. Rama Aiyangar to the Committee.

Mr. President: The question is that the name of Mr. K. Rama Aiyangar be added to that Committee.

The motion was adopted.

(At this stage Mr. President vacated the Chair which was taken by Mr. K. C. Neogy, one of the Panel of Chairmen.)

RESOLUTION *RE* RE-TRANSFER OF SYLHET AND CACHAR TO BENGAL.

Mr. M. S. Aney (Berar Representative): Sir, I move the following Resolution:

"This Assembly recommends to the Governor General in Council to be pleased to take early steps to give effect to the Resolution which was passed by the Legislative Council of Assam in July last asking that the Districts of Sylhet and Cachar be re-transferred to the Bengal Presidency."

I will not detain this House with a very long speech in support of this Resolution. Many of my friends in this House expressed a surprise that I should be the person to move a Resolution in regard to a subject in which I am not personally interested, and which is not one of an all-India character, but I will say this much in regard to that. Barring the Members from Assam and Bengal there is probably none in this House who is better qualified to appreciate the feelings of the people of Sylhet and Cachar than I who come from Berar. The Members of this House probably know and

the readers of the Montford report must be fully aware of the fact that the people of Berar have been clamouring for the last twenty years against the very grievance under which the people from Sylhet and Cachar have been suffering. Thought or idea is something like a wave that runs through the ether and seeks to find its own station of sympathy, so similar ideas running through all the Indian atmosphere have found sympathy in Berar, as it is charged with a similar sentiment. So it is not inappropriate that the Resolution should be in my hands. Secondly, Sir, though the Resolution in its concrete form is no doubt of a somewhat local nature, the principle underlying that Resolution is of very great importance to the people of this country. The principle underlying it is this. In the form of this Resolution I am asking this House to consider the big and important thing on which the success of the Reforms was made to depend by those who were the authors of the Report. The principle was that for the success of these Reforms, the present arrangement of the Indian Provinces required to be changed. The present Provinces are more or less formed not on any scientific principle recognising the claims of racial or linguistic affinity, but they are mere groups put together in the name of Provinces on a principle which only recognises the claims of administrative convenience or financial expediency. In fact the formation of Indian Provinces had generally followed the lines of the military conquests of the British arms and the territorial achievements of the British people, that is diplomacy rather than any other well recognised principle. That being the case and the success of the Reforms to a large extent being dependent upon the creation of properly manageable units upon the principle of linguistic and racial affinity as well as consequential transfers of districts to different administrations on the principle formulated there, I think it is necessary that the Members of this House, when they have given their acceptance to the principle, should insist upon seeing that that principle should at least be given effect to as regards a territory where a clear case has been made out. Now, so far as these two districts are concerned, it is known to every one that long before the era of Reforms when Assam was not carved out of the Bengal Presidency, they formed part of the Province of Bengal. The facts are known to every Member of this House who is at all well informed. I will only say this much. These two districts were tacked on to Assam not because there was anything in common between them and Assam. There are two groups of districts there, one known as the hill tracts and the other which is called the Assam Valley. From these two tracts Sylhet and Cachar are separated geographically. They form a unit by themselves, and that is known generally by the name of the Surma Valley. The position of these two districts is entirely apart from the remaining districts of Assam which form a province by themselves. If you know something of Assam, as I have endeavoured to do during the last three or four days—and I must admit that my knowledge of Assam and its geography has very much improved during that time—you will know that, when the new province was being set up there, these two districts in the Surma Valley were naturally tacked on to it just to support the administrative machine newly set up. That was in 1874. But when that was done the people of these two districts had a very serious grievance against the Government. A deep injury, a deep wound had been inflicted on them; and although in those days of the early seventies public opinion was only half formed—we find that even in those early days the people presented a petition to the Viceroy asking, praying on their knees, that they should not be tacked on to Assam. They felt it a great grievance, and a great wrong had been done to them and ever since that time, since 1874, they have kept

[Mr. M. S. Aney.]

up this agitation to this day. Those who have followed the course of this agitation, the history of which is given in the pamphlet circulated to Meimbeis, know that for the last 50 years the people of these two districts have been continuously agitating over this question in one way or another, through the press, the platform, the Provincial Council, and the Imperial Legislature. The services of all these institutions have been requisitioned by them; and through all these various agencies they have been trying to convince the Government of India that the people of Sylhet and Cachar do not desire to remain as part of Assam. They want to go back to Bengal. What has been the historical position? I do not want to tire you with the arguments which make up the case of the Sylhet and Cachar districts or the grounds on which they seek reunion with Bengal. I will only read out to you one or two paragraphs from the little pamphlet I have here which is really more illuminating than anything I may venture to say:

“Sylhet contains full one-sixteenth of the total Bengali population. Its affinities, religious, social and linguistic with the Bengali-speaking population of Bengal are of the closest kind. Its ancient history and culture have from time immemorial been organically bound up with those of Bengal.”

They feel their present position very much. And not only that, but they are ethnologically and racially quite distinct from the rest of Assam, which has been practically conceded by the Government of Assam itself as also by the Government of India. The Government of India in their despatch of the 5th June 1919 gave expression to the following view:

“The problem is also complicated by the cleavage, geographical as well as religious, social and political, between two valleys which comprise the more advanced portion of the province. The Assam Valley is mainly Hindu and animistic. In Surma Valley, Muslims are in a majority. One experienced officer has indeed gone the length of advising that so different are the conditions and interests of the two valleys that separate administration appears necessary, if a real advance towards responsible government is to be made.”

Now that is the opinion of an experienced officer; and I have placed these extracts before you to show that the case for the re-transfer of these two districts to Bengal is very strongly made out. That is the position then; and after that the only thing that was necessary for the Government to do was to retain these two districts with the rest of Bengal when the partition was revoked in 1911; but unfortunately the Government did not want to do anything of the kind, although the principle behind their action at that time was this—that Government wanted to organise entire Bengal into a solid unit. Now, if they had been true to that principle, one of the things necessary was to retain the two districts of Sylhet and Cachar with Bengal and not to send them back to Assam again; but unfortunately that was not done. A very great agitation on the part of the people of those two districts was got up at the time and the Viceroy was petitioned; but to their great disappointment Lord Hardinge expressed his inability to do anything. However the people did not remain silent there. They went on agitating till the present reform policy was clearly enunciated. Honourable Members will find that in the Reform Act itself it has been recognised that the present Provinces are certainly not the proper sort of units for the purposes of responsible government. But what they declared was this, that the proper time to consider the question of the redistribution of provinces on a linguistic and racial basis was after the Reforms were introduced and not

before. That was the reason why the grievance was not considered and remained unheeded till the Reforms were introduced. After the Reforms were introduced, they made another effort and questions were put several times ; and at one time, Mr. Latthe moved a Resolution on this point, namely, the redistribution of provinces on a linguistic basis. The then Member for Assam in this Council had specifically urged the claims of Cachar and Sylhet ; but the reply then given by the Honourable the Home Member, Sir William Vincent, was that he was unable to understand that the public opinion of Cachar and Sylhet was just as was explained by that particular Member, that the Resolutions adopted by public bodies and in public meetings were vague and intangible and there was no substantial or real evidence on which he could act. He wanted it to be proved by some other method and the method he suggested was that the people of Assam should ask their representatives in the Assam Council to move a Resolution on the subject and that would be a proper occasion when he could take their verdict seriously into consideration. But, Sir, you can easily know the difficulties of people in a little tract tagged on to another tract who have a majority in the Council in securing the consent of those who are separated from them. The Joint Parliamentary Committee realised the difficulty of the position and they therefore specifically recommended, while dealing with the subject, that people who wanted to have a separate existence in a separate province or sub-province ought not to be kept dependent upon securing the consent of the other members who are probably interested in retaining them as part of their own province. The Committee said that their case should be considered and decided by the Government ; if they found that the representatives of the particular tracts who suffered under the evil were unanimous, or practically so, their wishes ought to be considered. That was the position taken up by the Joint Parliamentary Committee. The Home Member imposed a little harder test upon them. It was really the test imposed upon them by His Excellency Lord Chelmsford in his Goalpara speech. Now, you find that even this harder test the people of Cachar and Sylhet have faced. The debate that took place in July last in the Assam Legislative Council is very important. It was a full dress debate in which the question was thrashed out from all points of view and every point that was raised in opposition was fully met by the Mover of the Resolution. The Government tried to get behind the clear policy laid down in the Parliamentary Committee's Report and the repeated statements made by the Home Member in the name of the Government of India. The Finance Member of Assam tried to persuade the remaining Members to vote against the proposition ; but you will find that after all the majority carried that Resolution ; and one thing that you will particularly take note of is this, that the Muhammadan and Hindu Members were practically unanimous. The Assamese Members also gave their consent and they voted for the Resolution. The people of Sylhet and Cachar do not want to be part of Assam and the Assamese Members have no objection whatsoever to their being sent back to Bengal. That is the position. So far as the voice of the people is concerned, therefore, there is no difficulty in ascertaining their opinion. Public opinion has been so clearly stated and indicated that every possible condition that was imposed upon them to give proof of their genuine desire to go back to Bengal has been satisfied. What remains is this. There is what the Government of India have promised to do. The Government of India wanted them to fulfil these conditions. Those conditions have been fulfilled. It is now for this House to ask the Government of India whether they are going to take into consideration the

[Mr. M. S. Aney.]

views expressed by the people in so clear and unequivocal a manner or whether they are going to keep the question hanging like that. It is due to this House that the wishes of the people so clearly expressed must be translated into action and this House must therefore move the Government to take the necessary steps to translate those wishes into action and not merely give an academic assurance. The only matter which this House has to consider in a question like this is this. You need not go into the merits of the case at all ; those who are competent to form a judgment on this point, those who are most vitally interested in the question, have given their clear opinion on this point ; and after this opinion has been ascertained and unequivocally expressed the Members of this House must see that the partial principle of self-determination in the reform policy is translated by the Government of India into action ; it must not remain as a mere academic assurance which is not meant to be acted upon. The only principle which has received recognition in the reform policy is as regards the right of the people to form themselves into a sub-province or remain part of this province or that. In other matters of course we know what our position is ; but in this matter it has been accepted and recognised. Now it is for us to see that the Government of India do not at any rate go back on this partial principle that has been recognised, and that they make every possible endeavour to translate that principle into action. Nothing more has to be done by us in this matter. I hope, therefore, that the House will see every reason to carry this Resolution in the form in which I have put it and ask the Government of India to redeem their pledge given to the people of Sylhet and Cachar. You will also find, gentlemen, that

Mr. Chairman: Order, order. The Honourable Member should address the Chair and not the Members of this House.

Mr. M. S. Aney: Sir, Honourable Members will also that the claims of the people of Sylhet and Cachar have been practically recognised as perfectly justifiable by the Governor of Assam himself. After the Resolution was carried in the Assam Council, there was a speech delivered by His Excellency the Governor on the 17th September last and in that speech he stated that personally leaving sentiment aside there would be no difficulty from the financial or administrative point of view if Sylhet were transferred to Bengal ; so far as Sylhet was concerned, it was clearly recognised that there was a clear case and an undeniable claim. But it was the case of Cachar that gave rise to misgivings in the mind of His Excellency the Governor. But having read his speech I find there is really no substantial argument which he has given to exclude Cachar from the claim which he recognised and conceded in favour of Sylhet but only an apprehension that he had in mind that if Cachar goes away possibly another district would make a similar claim and Assam would gradually be depleted of its territory and reduced to a very narrow area, or at any rate to such a narrow area that it would not be able to sustain the status of a Governor's province, and the position of Assam would be one of inferior dignity. That is the sort of thing the Governor had in mind. As regards that I want to say with some degree of confidence that the existence of a Governor's province or no Governor's province ought not to be a criterion in judging the case on its merits. If there is justice in the demands of the people of Cachar, I am sure that it ought to be met ; and, secondly, his apprehensions are to my mind unfounded. The size of a province or the size of a tract or the numerical strength of a population is certainly not laid down anywhere. There is

no mechanical standard like that to fix the limit of an area of nation. A nation is a compact whole as it is. You cannot make any accretion to it and make it a mechanically bigger one. You cannot deny a people the right to autonomy. That being the case the right of Assam to existence as an autonomous province will be undeniable, whatever may be its numerical strength. It deserves to live as a nation. Are there not even smaller nations in Europe to-day? I am sure, whatever be the size of Assam, Assam will be several times bigger than those small nationalities whose existence has been safeguarded during the last few years in Europe. So the size of a nation should be no consideration in considering the rise of a nationality. Therefore, these apprehensions which were entertained by His Excellency the Governor and which alone were responsible for his not giving his consent to the motion passed by the House ought not to deter you from forming an independent opinion on this question. Let us give an assurance to the people of Assam that this House shall be the strongest bulwark to support their claim in any calamity that may befall them as a consequence of our act to do justice, namely, to have the two districts re-transferred to Bengal. I am confident that this House will carry the Resolution and compel the Government of India to redeem the pledge which has been given to the people of Sylhet and Cachar times out of number.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I must congratulate my Honourable friend on the result of his two or three days' study of the position as regards Sylhet and Cachar, and the admirable speech at such short notice which he has made in support of his motion. He mentioned that he had distributed a pamphlet to most Members of the House. He might perhaps have included me in the distribution list. I did not receive the pamphlet. I also notice that he drew some analogy between the Berars and the case of Sylhet and Cachar. I did not quite follow him on that point. We are fortunate in having in this House an officer who has not devoted two or three days' study to the question of Sylhet and Cachar but has served in one of those districts for many years, and I hope later he will be able to give you local information which may be useful in enabling this House to come to a correct understanding as to local conditions there.

Before I turn to the subject generally, I should like to take up one or two points. It has been said that the cry for the transfer of Sylhet and Cachar has been insistent for a number of years. It is undoubted that the Sylhet question has been mooted from time to time. But I am unable to find that the question of the transfer of Cachar has been raised. It certainly was not referred to by my predecessor, Sir William Vincent, when he dealt with the Resolution in which the question of Sylhet was brought up.

As regards Sylhet, the position is that, when the East India Company got the *dewani*, it passed into Bengal and there it remained till the province of Assam was constituted in September 1874. Sylhet was not first included in that province but it was included some six months afterwards. Cachar passed to the East India Company in 1826 and was included in Assam from the commencement of that Chief Commissionership. That is the position as regards the way in which these two districts have been treated in the past. When Eastern Bengal and Assam was constituted, the two districts went with that province. On the re-partition, Cachar and Sylhet again went back to Assam.

The main argument used by my Honourable friend was not based on local conditions but was of a general character. I do not propose to go

[Sir Alexander Muddiman.]

into that, because there is a Resolution on the paper which if discussed will give a more convenient opportunity for doing so. But I may point out in passing that the general argument he used would require the re-transfer to Bengal not only of Sylhet and Cachar but possibly also Goalpara. The question of Goalpara was raised at one period. I think it was raised in paragraph 13 of the despatch which the Honourable Member quoted. But in that despatch nothing was said about Cachar at all. So much on the points raised by my Honourable friend. Now as to the Resolution generally it is obvious that it raises a very serious question. We are asked to transfer from Assam, which has a total population of 7,600,000, these two districts. Sylhet has a population of roughly 2,500,000 and Cachar has a little over 500,000. The total population of these two districts is something like 3,000,000. That would mean the moving over of 3,000,000 and leaving the province of Assam with a population of about 4,000,000.

Then there is another point for consideration. You have to consider not only the people who want to go over but also the people who are to receive them. They may have something to say in the matter. One of course has to consider what they may have to say, particularly when, so far as I can gather from the figures, it will not be a profitable transaction for the Bengal Government to take over these districts as I fancy they are districts which may be regarded as minus from the financial point of view. That opinion I express with considerable diffidence because I am not quite sure that this has been exhaustively investigated.

I am well aware of the existence of a body of opinions in favour of the transfer and I think all officers who have served in Bengal have considerable sympathy with the desire that all Bengali-speaking people should be brought under one Government. There is undoubtedly a certain racial feeling in that direction and I am not one of those who undervalue sentiment in these matters. In connection with the argument based on language it is the case no doubt that the language of Sylhet is Bengali, though I am told—and I speak subject to correction—that the Sylhetee would find considerable difficulty in making himself understood in the Nadia district. The Sylhetee dialect, I am credibly informed, is a *patois* which is even more difficult than Chittagongee, which is, I am aware, not understood or only understood with considerable difficulty in the west of Bengal. Still there is that argument. It would of course carry us a long way if accepted as conclusive, for it would inevitably raise the question of Manbhum. There is a large Bengali-speaking population in Manbhum.

Mr. B. Das (Orissa Division: Non-Muhammadan): There is an Oriya-speaking population also in Manbhum.

The Honourable Sir Alexander Muddiman: No doubt. There were protests made when Sylhet was transferred back to Assam, but I find that they were not of such an insistent and important nature as my Honourable friend thinks, for I find a contemporary witness noted at the time that "not a single man came forward to raise the question". That is, I take it, when the then Viceroy visited Sylhet although it was put forward as a grievance. Undoubtedly, on the re-transfer in 1912 a considerable feeling existed in favour of retaining Sylhet in Bengal, and on that point, as I have said, I feel that there is a considerable amount of sentiment, but that it is anything like unanimous even in Sylhet itself is improbable. Indeed, I think if you consider the voting in the Assam Council you will see that that was not the case. The voting was 22 to 18

1 P.M.

in a Council of 53. There were quite a lot of abstentions. I had translated some speeches in Bengali of the Members of that Council, and they are rather interesting in the fact that they show that there is admittedly a considerable difference of opinion even in Sylhet and more in Cachar. However, the Government of India are not at present in a position to take any final view in this matter and they will be very glad to hear what the Assembly have to say on the question before coming to their conclusions. I have only had a preliminary report from the Government of Assam some time in December which clearly did not go into the matter in any detail and we have hardly had the time to have more than a brief statement from Bengal. But there are points to which I should like to draw attention which merit the consideration of the House.

One of the arguments I have always heard brought forward in favour of the transfer of Sylhet is that the revenue system of Sylhet is the same as that in Bengal, that is, there is a permanent settlement. It is quite true that a large portion of Sylhet is permanently settled. I have got the figures here. In Sylhet proper there are nearly 2½ million acres permanently settled, and there are 400,000 or 500,000 acres temporarily settled. But the permanently settled tracts are not in any way comparable in their revenue arrangements to the Bengal districts except to the neighbouring district of Chittagong. As you are aware, most of the Bengal districts are settled with big zamindars, whereas in Sylhet—I have not got the accurate figures here—there are something like 50,000 permanently settled estates. So you will see that the argument in regard to the permanent settlement is subject to a certain amount of discount and must be considered in the light of what I have said above. There is another thing. If you consider the case of Cachar, so far as I can gather from the papers that I have read and the discussions which have taken place, the inhabitants of Cachar are not so anxious to be transferred as that when Sylhet is transferred they should not be left behind. That is their point. They say "We do not want to be the only Bengali-speaking district left." They are much smaller in their population than Sylhet and they would like, if Sylhet goes, to go with it. Now, if you take away Sylhet and Cachar from Assam, anybody who looks at the map will see that you have to consider the question of taking away the Lushai Hills, because if you take those two districts you cut off Assam from the Lushai Hills. Whatever may be the financial position as regards Sylhet and Cachar, there is no question whatever that the Lushai Hills are a very expensive commitment. Whether the Government of Bengal and the people of Bengal would like that commitment is a matter that would have to receive consideration. It is certainly a matter for this House to consider whether it would be possible to administer districts of the character of the Lushai Hills when you interpose an intervening portion of another province between you and that place. That is a matter for consideration. Then of course the effect of the transfer on the great communities inhabiting those parts is a matter for consideration and the House may like to have some figures. The distribution of the population among the two great religions inhabiting those districts are as follows. They are in thousands. Muhammadans in Sylhet are 14,33 and in Cachar 1,71. The percentage in Sylhet is 56 and the percentage in Cachar is 32. As regards Hindus, the number is 1,100,000 and Cachar 338,000. The percentage is 43 in the case of Sylhet and 64 in the case of Cachar. I do not think I need go into the question of the redistribution that would have to be considered in regard to the legislatures, if any action was to be decided

[Sir Alexander Muddiman.]

on. That is a matter which obviously must wait till we are nearer a decision than we are at present. As I have said, the position of the Government of India is this. We should be very glad to hear what the Assembly has to say on the question. We shall consider it carefully. We shall naturally consult the Government of Bengal and we shall have again to consult the Government of Assam before we come to any final decision. I really do not know that I need detain the House any further but I hope the House will recognise that this is not a matter which can be disposed of offhand or without very good grounds for action. You cannot take away millions of people and make them part of another province, without asking that province whether they would like to have them. I do not think my Honourable friend did argue that there is a unanimous demand even in the districts concerned. But if he did I may inform him that I have received two strongly worded telegrams of protest. I merely mention this to show that there are at any rate some persons opposed to this proposal.

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. Chairman (Mr. K. C. Neogy) in the Chair.

Mr. W. A. Cosgrave (Assam: Nominated Official): Sir, as this is a matter vitally affecting the province of Assam of which I am the official representative in this Assembly, I desire to make some remarks on this Resolution. I hope the Honourable Mover of this Resolution, Mr. Aney, will not mind if I express my regret that the Resolution was not moved by my Honourable friend Mr. Chanda who, I think I am not exaggerating in saying, has been the brains and driving force behind this movement for the last ten years. I feel as an officer who has served in Sylhet some difficulty in following this Resolution which has been moved by a gentleman from Berar. I found it difficult to hear some of his speech, but as far as I could hear he was talking about the inclusion of Sylhet and "Kacha" in the province of Bengal. Well, Sir, we call it Kachár. I know the Honourable Mover has only had three days or five nights or something like that in which to prepare his speech, and though Assam may be a backward province we do not like to hear one of our districts which is to be transferred to Bengal described as "Kacha". Well, Sir, the Honourable the Home Member has pointed out already that the Resolution of the Assam Council to which it is now proposed to give effect was only carried by the narrow majority of 22 votes to 18. I would emphasise another point in this connection, namely, that the Resolution as originally proposed in the Assam Council referred to Sylhet only. An amendment was proposed after the luncheon interval against the protests of the Honourable the Leader of the House, the Honourable Mr. Webster, and the amendment was carried inserting the words "and Cachar" after the word "Sylhet". The consequence was that the Government representatives had no notice that Cachar was going to be debated on that day, and the representative of the Tea Association was not present, presumably because no mention of Cachar was made in the agenda for that meeting. Sir, the population of the Cachar

district is half a million. Half of that population is composed of Muhammadans and tea garden coolies in about equal shares, that is about 120,000 each. The Muhammadan Member for Cachar opposed and voted against the Resolution while, as I have said already, the Member who represented the tea industry was absent from that meeting. I understand, however, from various things I have heard that the tea industry are not in favour of this transfer. Sir, the tea industry in Cachar is of enormous importance, one-fourth of the population of that district being labourers and their dependants living on tea estates. The Muhammadans of that district also number one-fourth of the population, about 120,000 or 130,000, and I received a telegram from the Anjuman Islamia of Hailakandi, an important sub-division in the Cachar district, asking me to oppose this Resolution for union with Bengal. Sir, it is true that the two Hindu representatives from Cachar voted in the Assam Council in favour of this Resolution. I would however point out that most of the Hindus in Cachar are immigrants from Sylhet. The original inhabitants of Cachar were mostly Cacharis or Manipuris or the aboriginal and animistic tribes such as Kukis, Nagas and Mikirs who still live in the hills of the north Cachar sub-division. Cachar was only included for a short time in Bengal, and I submit, Sir, that there is no more reason to transfer it to Bengal on account of the Bengali immigrants settled in Cachar than to transfer to Bengal a district of Behar and Orissa where Bengalis have settled in large numbers. Sir, the Honourable the Home Member has already mentioned in his speech the difficulty of the Lushai Hills. I would like to emphasize that Cachar is a frontier district, being the base for the Lushai Hills. The Lushai Hills is an enormous sparsely-populated hilly area reaching down from Cachar to the Chittagong Hill Tracts. It is a most expensive district to maintain, as there is a battalion of military police, now known as the Assam Rifles, maintained at Aijal, the headquarters of that district. All stores, rations and other things for that battalion and for the civil population at the headquarters station have to come up from Silchar which is more than a hundred miles away from Aijal by bridle path. If therefore Cachar is transferred to Bengal, it would follow that the Bengal Government will have to take over the Lushai Hills, which, from the financial point of view at any rate is a peculiarly unattractive district. I do not know how my Honourable friends, financial experts from Calcutta like Sir Campbell Rhodes and Mr. Darcy Lindsay, will appreciate the possibility of such a district being included in Bengal.

Now, Sir, it may be thought by some Honourable Members that because I have not yet mentioned Sylhet, the Assam Government see no objection to Sylhet being transferred to Bengal and that they only object as regards Cachar. Sir, such an impression would be quite erroneous. The Assam Government realise that a considerable number of the educated people of Sylhet do desire re-union with Bengal, but they are not convinced that the mass of the people desire such re-union or that the mass of the people would benefit by any change in the present system of administration. Now, Sir, I have some personal knowledge of the Sylhet district, having served in that district for one year as Sub-divisional Officer, in 1905-1906 in the Habigunge Sub-division, where is situated the home of my Honourable friend Mr. Kamini Kumar Chanda. It is also the birthplace of another distinguished member of this Assembly, the Honourable Mr. B. C. Pal. I have also served from 1912 to 1916 as

[Mr. W. A. Cosgrave.]

Deputy Commissioner or additional District Magistrate of that district. So even if I have not been there for the last 8 years, I possibly may know a little more about the district than the Honourable gentleman from Berar. Now, Sir, I admit there is some force in some of the arguments in favour of the Resolution. Those are the arguments about the similarity of language and racial affinity. As the Honourable the Home Member has already pointed out the dialect spoken in the interior of Sylhet differs considerably from the classical language spoken in the villages of Nadia or Burdwan. In fact, I do not think that anybody can really understand the Sylhet language unless he lives there for a number of years.

I know, Sir, if I argue that the people of Sylhet will suffer materially by being transferred to Bengal that Honourable Members from the opposite side may retort that this re-union is a matter of sentiment and that it is their business if they suffer on account of exercising their right of self-determination. I would like, however, to ask my Honourable friends Mr. Chanda and Mr. Ahmad how the people of Sylhet and Cachar suffer by these two districts being in Assam. They enjoy the same privileges as the people of Bengal as regards the Calcutta High Court and as regards the Calcutta University. Further, last year the Assam Government spent more than 2 lakhs on the important project of converting the Murarichand college at Sylhet into a first grade arts college. Sylhet is a deficit district. The expenditure in 1923-24, excluding the expenditure of 2 lakhs on the Murarichand college, exceeded the revenue by more than one lakh. Sir, I would like to inquire whether the Bengal Government in its present condition of financial embarrassment would be able to finance this important educational project of the Murarichand college. Sylhet, unlike the neighbouring Bengal districts, has few rich zemindars who are able to endow schools, colleges and hospitals. The Sylhet district, therefore, stands to gain far more by being united with the temporary settled districts of the Assam Valley with their steadily expanding revenue than by being allied with the deficit permanently settled districts of Bengal. Now, Sir, I understand that one of the arguments in favour of Sylhet and Cachar being transferred to Bengal is that by being included in Assam the people have been deprived of the increased scope of self-evolution. I am not quite sure what that exactly means, but that was one of the arguments put forward by the Mover of the Resolution in the Assam Council. I would ask the Honourable gentleman to my left, the Honourable Mr. Chanda, how the people of Sylhet have suffered as regards self-evolution by being included in Assam. It is an accepted axiom that any sound form of self-government must be built up from below and not constructed from above. The Sylhet district at present is fully decentralised in respect of local self-government. Each sub-division has a Local Board, an independent unit, with a considerable income and real spending powers. On the other hand, in Bengal the Local Boards have little or no power for everything is concentrated in the District Board at the headquarters of the district. Sir, in a question like this, in which sentiment is admitted to be the main consideration, it is needless for me to explain in detail how far the district administration in Sylhet has been decentralised to the great convenience of the people. May I, however, give one example? In Bengal all land revenue has to be paid in at the headquarters of the district. In Sylhet, where there are no less than 50,000 permanently settled

estates paying an average land revenue of Rs. 7, land revenue is paid in the case of permanently settled estates at the five sub-divisional headquarters, while in the case of the temporarily settled estates the land revenue is paid at the Tahsil offices conveniently situated to the areas in which the temporarily settled estates are situated. Does the Honourable Mr. Aney from his experience of Berar think that the decentralised system of administration in Sylhet should be abolished so as to bring it into line with Bengal districts? I question very much if in this matter he would have the support of the innumerable holders of 50,000 permanently settled estates of Sylhet. On the other hand, if Sylhet goes to Bengal, can the Bengal Government be expected to maintain in the Sylhet district the Assam Land Revenue Regulation of 1886 under which the land revenue system is decentralised? Now, Sir, I venture to describe this movement for re-union with Bengal as an unreal agitation. I do not want to labour the fact that the only gentleman who has spoken so far on the non-official side was a gentleman from Berar and that so far no gentleman has spoken from Assam on this subject; but I cannot describe this as anything but an unreal agitation. If the Honourable Mr. Chanda really expects or desires Sylhet and Cachar to go to Bengal, then I would inquire why, after the Assam Council passed their Resolution in last July, does he correspond with Assam Government asking them for their support in his proposal to move the Railway Board at Delhi for a railway to connect Sylhet with Shillong? Again, why in the present month has he moved the Assam Government to participate in the Bengal project for the Grand Trunk Canal? Sir, it is argued that most of the elected representatives of the Sylhet district voted for the Resolution passed by the Assam Council. I would like to point out, however, that in August 1924, after the Resolution was passed in the Assam Council, there was so much difference of opinion between Hindus and Muhammadans in Sylhet on this question that the Surma Valley Conference, sitting under the presidency of Mrs. Sarojini Naidu, found it necessary to omit from its agenda a resolution for the re-union of Sylhet with Bengal.

To sum up, Sir, I urge that no case at all has been made out for disturbing the existing arrangements of administration as regards Cachar. If, however, the Bengal Government raise no objection to take over the unwieldy deficit district of Sylhet, then, Sir, I urge, that before any action is taken on this Resolution, an inquiry should be made in that district to ascertain the true wishes of the people.

Mr. Ahmad Ali Khan (Assam: Muhammadan): Sir, I rise to support the Resolution which has been so ably moved by my friend Mr. Aney. Before I proceed to deal with the subject matter of the Resolution, I desire to convey my thanks and the thanks of my friend, Mr. Chanda, to the Honourable the Home Member for the sympathetic way in which he has dealt with the subject matter of the Resolution. The Honourable the Home Member in the course of his speech practically admitted that the case for Sylhet stands unanswerable. He admitted that there has been agitation going on ever since 1874 against the separation of Sylhet from Bengal.

The Honourable Sir Alexander Muddiman: I am sorry to interrupt the Honourable Member, but I would like to say that I did not say the agitation had been going on from 1874 to 1912. What I did say was that there was agitation in 1874 and there was no recrudescence of that till 1912. That was my point.

Mr. Ahmad Ali Khan: Anyhow I can point to facts to convince the Honourable the Home Member that an agitation has been going on ever since 1874. I will refer him to the memorial presented to Lord Northbrook, the then Viceroy of India. Furthermore the press had taken up the matter, and I will quote just a small passage from the *Hindu Patriot*, voicing the feelings of the people on the question. The passage runs thus:

"The people of Sylhet, it seems, cherish almost the same feeling on the subject of the annexation of their district to Assam that the people of Alsace Lorraine did on the absorption of their country by Germany."

So both on the platform and in the press an agitation had begun as early as 1874, coming down to 1912. This is also by way of an answer to what Mr. Cosgrave says that the agitation is unreal and I suppose got up just for the occasion. In 1912 various meetings took place in Bengal and elsewhere, and as a result of various meetings held in the sub-divisions of Sylhet a memorial signed by all the members of the then Provincial Council was submitted to Lord Hardinge. That was in 1912. I will add that a Resolution for the inclusion of Sylhet was passed by the Indian National Congress in its session of 1911; and furthermore that the people of Assam also held a very important meeting with the object of supporting the Resolution for excluding Sylhet from Assam. So the position is this—that we are not anxious, we do not want to remain as a part of Assam nor are the Assamese very keen to have us in Assam. In December 1917, on the eve of the Reforms, a deputation waited upon the Viceroy and the Secretary of State to present an address renewing the prayer for re-transferring Sylhet to Bengal. These facts prove conclusively that an agitation had been going on, had been very insistent and do not substantiate what my Honourable friend Mr. Cosgrave said, namely, that the agitation was unreal. It is an agitation of long standing, supported by both Hindus and Muhammadans. There was a feeling, however, that if this question of separation unduly passed, there might be some difficulty in connection with the grant of reforms to Assam. I may be permitted to say that in a matter of territorial redistribution there can be only three tests. The first is whether the people desire a change; secondly, whether the people who desire it are sufficiently numerous; and, thirdly, that they speak the same language. I submit that all three tests have been satisfied in the case of Sylhet. My Honourable friend Mr. Cosgrave has drawn the attention of the House to the voting. He stated that whereas only 21 Members voted for the Assam Resolution in the Assam Council as many as 18 voted against it. The House must bear in mind that the 18 consist of the official Members barring three, of whom two are elected and one nominated; so I may say that the sense of the House was unanimously in favour of the re-transfer both of Sylhet and of Cachar to Bengal.

Certain points were raised by the Honourable the Home Member and by Mr. Cosgrave, and I desire to address myself to them next. The Honourable the Home Member stated that a large portion of Sylhet was permanently settled but there was a certain portion which was not permanently settled. I take it he refers to the Jaintia Hills. Well, those are hill tracts and I suppose they do not form an integral portion of the district of Sylhet though for purposes of administrative convenience they have been brought in as such. Further a great deal has been made of the fact that the people of Sylhet do not speak the same language as that spoken by my Bengali friends in Nadia. The same might be said about the Mymensingh and Tipperah districts also. The language spoken in Mymensingh is not the language spoken in Nadia; but the fact remains that the court language of

Sylhet is Bengali, whereas the court language in other districts in Assam is Assamese. It has nothing in common with the Bengali language. Furthermore, there is another point of difference over and above the difference in language between the people of Sylhet and the people of Assam and that is the administrative difference. Whereas in Sylhet we have subordinate Judges and Munsiffs, doing the work of the civil courts, in the Assam districts we have executive officers doing the work of the civil courts. It seems to me no great objection, if objection it can be called, to Sylhet being taken back into Bengal—but there has been an attempt to frighten my Honourable friends from Bengal by saying that if you take Sylhet back you will be taking a beggar into your fold. Well, I question that. Of course there has been a deficit of a lakh of rupees. What that is due to we do not know; it may be due to floods or any one or more of a variety of causes. I am informed by my Honourable friend, Mr. Chanda, that there has been a deficit in one year only, and it seems to me that a trivial matter like this ought not to be allowed to determine the main issue whether Sylhet should remain in Assam or go back to Bengal, simply because there has been a deficit in one year of one lakh of rupees. We are all aware that in Sylhet—and I am also speaking for Cachar—we suffer from great disadvantages in the matter of a University, High Court, Medical College and Engineering College. We have none of those things there; for all those purposes we have got to go to Bengal; and I believe there is no chance of ever having any University, Chief Court or High Court in Assam itself. The province as constituted now is too small and not sufficiently rich to indulge in the luxury of a Chief Court or a High Court or a University for itself

Pundit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): May I put a question, Sir? I want to know this: if it is a fact that there are no colleges in Assam, is it not a further reason that there should be no separation?

Mr. Ahmad Ali Khan: I only state to the House the difficulties under which we are labouring by being kept a part of Assam, difficulties from which we would not be suffering had we been a part of Bengal. The original purpose for which Sylhet was taken away from Bengal and joined to Assam and made a part of the newly created province of Assam was for financial needs. It was then felt that the newly constituted province consisting of unsettled tracts, vacant lands thinly peopled, could not support the burden of administration, the expenses of a costly administrative machinery, and therefore Sylhet being a contiguous district was joined to Assam. I submit that that reason no longer exists now. The Assam districts can very well stand on their own legs and they too like ourselves need to be constituted into a homogeneous administrative unit. It seems to me that the Honourable the Home Member and Mr. Cosgrave have not adduced any valid ground, not given to you any sufficiently strong ground, which would influence you against accepting the Resolution as it stands. I may say frankly that I have dealt exclusively with the case of Sylhet. I appreciate the difficulties that stand in the way of Cachar being also joined to Bengal, but the fact remains that Cachar is very closely allied to Sylhet. There is the hill portion there, peopled by hill tribes, in a very low state of educational development. That is a problem no doubt. But if Sylhet is to go to Bengal, as His Excellency the Governor of Assam has indicated, Cachar must also go along with Sylhet to Bengal, because Cachar's social and racial connections are with Sylhet and not with Assam. I admit that the case for Cachar is not so strong as the case for Sylhet.

[Mr. Ahmad Ali Khan.]

but nevertheless Cachar is in that peculiar position that it has to go where Sylhet goes.

May I, Sir, in concluding my speech say that, in addition to the advantages that I have enumerated from Sylhet being transferred to Bengal, we hope to have a bigger field for our activities. It may be pertinent to remark in this connection that not a single provincial officer to my knowledge has held charge of a district and I should be meeting the wishes of the Civil Services in saying that they too would welcome the change. In view, however, of what fell from the Honourable the Home Member's lips when he told us that he is not in possession of as complete a report as he would desire to have, I would ask the indulgence of the House to have the debate adjourned till the September session.

Mr. Chairman: May I take it that the Honourable Member moves that amendment formally:

“That the further discussion be adjourned till the September Session?”

Mr. Ahmad Ali Khan: I do so.

Mr. Chairman: The original question was:

“That this Assembly recommends to the Governor General in Council to be pleased to take early steps to give effect to the Resolution which was passed by the Legislative Council of Assam in July last asking that the Districts of Sylhet and Cachar be re-transferred to the Bengal Presidency.”

Since which an amendment has been moved:

“That the further discussion of the question be adjourned till the September session of this House.”

The question is that that amendment be made.

The motion was adopted.

(At this stage Mr. K. C. Neogy vacated the Chair, which was taken by Mr. President.)

RESOLUTION *RE* INQUIRY INTO THE QUESTION OF CURRENCY AND EXCHANGE.

Mr. B. Venkatapatiraju (Gunjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, the Resolution which I have the honour to place for the consideration of this Assembly runs as follows:

“This Assembly recommends to the Governor General in Council that a Committee with a majority of Indian non-officials on it, and with an Indian Chairman be immediately appointed to examine the whole question of exchange and currency in the light of the experience gained since the date of the publication of the Babington-Smith Report, and to make recommendations as to the best policy to be pursued to secure a system of currency and exchange best suited to the interests of India.”

Sir, yesterday the Honourable the Finance Member gave us a warning that laymen ought not to read where economic angels fear to tread in dealing with this thorny subject. I do not represent either a financier or an economist but I represent only the poor tax-payer of India. The poor tax-payer needs a good exchange—a good monetary standard—as much as the merchant who exports goods or the merchant who imports goods, as

well as the Government. As the currency problem is a vital problem in the interests of the country I do not propose to rouse the ire of my friends on this side or on the other side or to import passion into its discussion in any manner whatsoever but to place facts before the House whether we have had a satisfactory currency system at all since the year, 1893. Sir Basil Blackett started with 1912 yesterday. I would take the House to a much earlier period. Perhaps everybody is aware that till the year 1893 we have had some sort of standard which could be called the silver standard, when under the old Act of 1870 Government permitted the free coinage of silver and the people took the consequences of the rise in the

3 P.M. price of gold, and up to 1893 both the advantages and disadvantages were shared by the people as well as by the merchants. On account of the fall in the price of silver prior to 1893 Government thought that they could not get on unless some steps were taken to prevent the free coinage of silver so as to raise the gold value of silver and they have effectively done it after they stopped it. The people complained that the Government ought not to interfere with the monetary standard of the country by raising artificially its value. Merchants naturally complained that they must have a stable exchange in order to have monetary dealings with other countries, and the Government felt that in order to meet their own charges they could not afford to receive less value for their people's tribute which they had been accustomed to receive till then. But one thing is apparent from the speeches made by the Members in the old Imperial Legislative Council at Simla as well as by His Excellency the Viceroy then—and it is unfortunate that no additional Member was present on that occasion—that their objective was to have a real, effective, genuine gold standard followed by gold mint and gold currency. That was their objective and they have definitely stated it, but for the time being they were satisfied to raise the value artificially though they expected that one day or other they would reach that goal. Not only on that occasion but even later, even in the year 1910, Lord Meston used words to the same effect. Let me read what he said:

“ We have linked India with the gold currencies of the world. We have reached a gold exchange standard. The next and final step is a true gold currency. I trust that it will not be long delayed, for when it comes it will obliterate all the mistakes, all the inconveniences, all the artificialities of our present system.”

Now we have had a number of Committees beginning from the year 1866. We had the Mansfield Commission which recommended that gold coins should be made legal tender. Even then, though the Government of India were with the people and the people's representatives, somehow or other the people were not able to carry the sympathy or the support of the home authorities. Even in 1866 the Home authorities did not approve the proposal. Even later on, when the Government of India suggested in 1876 and also in the year 1882, the Home authorities did not agree. Even as late as 1902 when the Government of India strongly pressed for opening a mint, all sorts of imaginary objections were raised by the Home Government and it was shelved and ten years later again when it was moved by the India Government, then also the Home authorities objected to opening it. It was natural for the people to understand that there must be some underlying reason why the Home authorities are standing in the way in spite of the fact that European merchants and Indian merchants and representatives like Mr. Gokhale and Sir V. Thakersey pressed for opening the mint. The only reason suggested at that time in the papers was that financiers of those countries did not like that India should absorb all the gold as it would disturb the gold

[Mr. B. Venkatapatiraju.]

trade conditions in that country. How far that has got real foundation it is for Sir Basil Blackett to say. For my part it is enough to state that although European merchants who live in India and share our aspirations in some ways, Indian merchants and the people's representatives and Finance Ministers, one after the other have agreed to it that it is the home authorities that stand in the way of our realising our wish. When they appointed the Fowler Committee, even that committee stated the same thing. Then why should anybody object if we want to have a gold mint? The only thing suggested was that they wanted to adopt what was called Mr. Lindsay's scheme for the present gold exchange standard and they wanted to lull us into accepting it by stating that "not only you but several other countries have adopted it." I shall just mention what other countries have adopted it. The countries that have adopted it are only countries which have no independence and who are subject races. No country which can claim authority in its own domestic affairs ever had it. They referred us to the Phillipine Islands. Perhaps you are aware that the United States have control over the Phillipine Islands. The Dutch have control in Java and they have introduced it. The French have control in Indo-China and they have introduced it and in the Straits Settlements the colonial office have introduced it. Are we to be satisfied with this second-hand compliment of having a monetary standard which is adopted only in slave countries? Why should we not adopt what is in force in countries which are independent, who know how best to manage their own affairs? Sometimes it is stated that in Japan they have adopted this in practice though not in theory, which is different. But neither in theory nor in practice have we got any real standard at all. We have silver rupees circulating which have been coined to the extent I suppose of 600 crores in all these years which are full legal tender. I do not understand how any economist could approve of a token coin being of unlimited legal tender. It is a curious hybrid system which adopted a subsidiary coin for its unlimited legal tender. That has been the case in India. But can you find any real value in the rupee? Absolutely no, except what is dictated by Sir Basil Blackett or laid down by his predecessors in office. It has no other intrinsic value except the value of the silver, because they can put their own value and we have to look to its value in the sterling drafts which are sold in England. Perhaps that is suitable enough for trade purposes to a certain extent; it is suitable for home charge remittances to a certain extent. But is that our idea? Should we have currency only for those two purposes? Should we not have currency for internal purposes which do not depend upon the will of any executive officer? Formerly there was at least a silver standard. A man could purchase silver in the world's markets and take it to the mint and get it coined. Can we do it now? No. Can we do it even with regard to gold? No, for they have put an artificially high value on gold. They say they are prepared to give Rs 10 for a gold sovereign. I do not think anybody, at any rate at the present time, would be so charitable as to give a gold sovereign to the Government to secure Rs. 10. Perhaps we might have done so in the old days when the Government offered gold sterling drafts for Rs. 7. But that is another story, where by depleting 55 million pounds Sterling by the sale of Reverse Councils we have lost 35 crores. Sir Malcolm Hailey who once eloquently pleaded in support of Reverse Councils at last admitted that it would have saved the depletion of sterling drafts if they had adopted a different course than that actually adopted. That means they committed a mistake. I do not mean to say that nobody should commit mistakes.

To err is human, but our difficulty is that when people think that they never err and that whatever they consider right should be carried out, there it is that the danger lies. That danger is not confined only to administrators but also to experts. It is certain that we are liable to error and when so many factors have to be taken into consideration there are some that might escape our notice. But we are thankful even for little mercies. His Excellency the Viceroy the other day and Sir Basil Blackett yesterday stated that they are willing to appoint a Committee not later than a year, perhaps some day earlier than that even. We are thankful that they have felt the necessity of finding out by proper examination the real and appropriate nature of the currency that suits India after the short experience they have gained of the Babington-Smith Committee's Report. And we have seen a variety of things since that date. Perhaps that Committee never conceived that we would be driven to such an extent as not to be able to fix any ratio which is 'close to the marketable ratio. They have fixed it at 2 shillings, which is practically not at all within the marketable ratio. Perhaps the Government now think that it is better that a Committee should be appointed. But what we are anxious about is that in the statement made by Sir Basil Blackett it is stated—I will quote his own words:

"We will appoint an authoritative Committee fully representative of Indian opinion to consider an improved method of the gold exchange standard."

What I did not quite understand is whether Sir Basil Blackett means, "what improvements are to be effected in the gold exchange standard." Those were the words used. We felt and some of my friends who have given notice of various amendments felt a doubt whether the Government wanted to confine the reference, as they had done when they referred the matter to the Babington-Smith Committee, and that they should only consider the existing gold exchange standard system and suggest improvements, without giving scope to consider whether any monetary standard should be adopted—whether it should be gold, and whether we should have a genuine gold standard, whether there should be a gold mint at all, whether they should consider the feasibility of a gold currency, whether they should consider that the reserves of the Gold Standard Reserve should be kept in London or in India, whether the sterling drafts should be confined only to remittances for the Home charges or should also be utilised for the benefits of merchants—whether all these things should be considered by that Committee, or they should only report how best either to fix the ratio at 1s. 4d., as suggested by Sir Purshotamdas Thakurdas, or at 1s. 6d. as perhaps the Government might wish it, or whether we should ask this Committee to go into the question and come to a conclusion, if they desire it, that a genuine gold standard is absolutely necessary; whether there should be a gold currency in India, whether there should be a gold mint in India, and so forth. If the Government were to say, "We just wanted only an administrative recommendation in order to facilitate our work," I for my part would say, I have nothing to do with such a Committee. The Committee which I want should go into all these questions. We say we want a Committee, not because we have not made up our mind. If it is left to us, I am sure most of the Members, the majority, would certainly vote for a gold standard, a genuine and effective one, with a gold mint and a gold currency. But, as we have to carry the Government with us we suggested a Committee to consider all these points, and therefore I wish that there should be no restriction in the reference that is to be made to any Committee that the Government may choose to adopt. That is my main point. It is true in his yesterday's speech Sir Basil Blackett stated

[Mr. B. Venkatapatiraju.]

that there should be adequate and full representation of Indian opinion or in other words adequate representation is what he means. But there is this difficulty. On the last two occasions in previous Committees they had only a solitary Indian while the rest were Europeans. After all the persons who will be affected will be a few merchants and many millions of Indians. If a similar question were to be raised in Canada or in New Zealand or in Australia, how many Englishmen from England would be allowed in order to consider what sort of exchange should be introduced? In a Committee recently appointed in South Africa how many men from England were appointed? I think we must have the guidance of the best experts available. I do not dispute it; and that is what Government mean when they say that they want an authoritative Committee. But we want more than that. The world is not always controlled by experts. There is something like reality which will escape the attention of the experts. The persons who actually feel and suffer or take advantage of it are Indians. Should they not have a preponderating voice in the Committee? They cannot have a preponderating voice unless they have a majority. After all, the persons will be selected by the Government and not elected by the people; they will be selected by Sir Basil Blackett or by His Excellency the Viceroy. Does Sir Basil Blackett find it impossible to select 5 Indians, say for a Committee of nine, out of 300 millions? If so, the 150 years' rule has not produced even 5 capable Indians to serve on such a Committee. What is the difficulty for the Government to secure 5 such men out of 9? They can have 4 experts. After all, the Committee may recommend some measures and nobody will be bound till they examine them on the merits. It is for the Government to consider them before they place them before the Assembly. What is the difficulty in giving us a preponderating voice in that Committee? We felt that in spite of the recommendations of the Fowler Committee and as well as successive Finance Ministers from day to day we are adopting a policy of drift. We have not stuck to any policy. We want some effective opinion to be expressed by Indians. For that purpose we want a majority and we also suggested a Chairman. For my part I do not attach much value, because out of 9 members selected whoever is the best man might be selected for the chairmanship, whether he was an Englishman or an Indian. I do not mean to attach much value to it. But I attach much value to the fact that in the selection of persons the Government should give Indians a preponderating voice because it is Indians who will be mainly affected. I therefore appeal to the other side and to Sir Basil Blackett. We are thankful to him for inducing the Home Government to agree to a Committee to which but for his persuasion they would not have agreed. There is this difficulty. In spite of all statements to the contrary what would be the effect in other countries if we have gold at our command, if we have a gold currency and a gold mint? If we refer to the report made by Mr. A. V. V. Aiyar as Controller of the Currency for the year 1923-24, we find that except in two years when to the extent of 90 crores we had an adverse trade balance, on all the years we had a balance of trade in our favour. The average of the 5 previous years ending 1913-14 was 78 crores and odd, in 1918-19 76 crores, in 1920 125 crores; only in the year 1920-21 there was 77 crores against us and 20 crores against us in 1921-22. But in 1922-23 we covered it up by 90 crores and in 1923-24 we covered it up by 144½ crores. Supposing we have got the trade balance of, say, 76 to 100 crores, should we not insist on being paid in gold? We sell our articles and we must be paid gold. Those persons who are dealing in gold will naturally pay in gold. Even for those five years during the

war period we have got a trade balance in our favour to the extent of 380 crores. At that time gold was not allowed to be imported on account of the war. But what I say is this. What difficulty is there for India which is exporting so largely and whose trade balance is so favourable to have a gold standard? It has after all been accepted that what you want is about one-fifteenth of the present silver currency if in gold and it ought to be enough for our purposes. But we can command 100 crores of gold in any year. We maintain that we want that and nothing else. The required amount can be raised in a few years. I do not think that is an important point at all. The only thing which I do not want and for the matter of that no Indian would want is that there must not be an extravagant and wasteful luxury by circulating gold unnecessarily. I agree there. But what I say is that, if I want it, I must have a gold currency, not paper or silver. I may not use it because in all gold using countries they generally use paper. We are now using 185 crores of paper currency. It is not because we have not got silver rupees but because nobody cares to have this depreciated rupee in his store. We prefer paper because it is so easy to carry. Why should you carry these rupees which have not got real value? But supposing you have got an appreciated rupee, would anybody care to have paper? Then you will experience difficulty in purchasing silver from America or some other place. But all the same if the people want to have coin it should not be in the interests of Government to prevent them from having it. Let them have that privilege. You can, of course, suggest various methods of utilising their money. After all, the money hoarded in India is comparatively far less than what is hoarded in England itself. This fact was clearly proved when after the war England produced her gold sovereigns which were kept back from circulation for several years. I can therefore safely say that comparatively India has not hoarded as much as England has either in coin or art treasures. After all we have taken about 20 to 30 crores during the last few years and before that we took only 10 crores. You cannot possibly dictate the class of people who should use gold and in what form they should use it. We have used it for one purpose whereas the other countries are using it for a different purpose. But all the same, what we want is some stable standard, a gold standard preferably, and if we cannot have a gold standard, it is far better to have a silver standard than this hybrid standard. Nobody understands it and it depends on the sweet will of the executive. I wish the Government would impress upon the Home authorities to agree, if not now, at some future day, to have a gold standard and not merely to be satisfied with the gold standard but, as Lord Meston suggested, also to have a gold mint and currency. Give up all artificialities and coin gold and let the people have the satisfaction of knowing what they have really got.

Sir, I do not propose to take up any more time. I hope that the whole Assembly will carry this Resolution.

Mr. President: Before I call upon Members to continue the debate, I understand the Home Member wishes to take this opportunity of making an announcement.

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I am sorry to interrupt the business of the House, and I will ask your indulgence, Sir, and the indulgence of the House for doing so. I had hoped to make a statement at the proper time this morning, but was unable to do so. It

[Sir Alexander Muddiman.]

refers to the business of next week, and the reason I am making it now is that I understand later in the evening a large number of Members will not be here to hear it, so, with your permission, I will make it now. Honourable Members will remember that yesterday the Honourable Mr. Jinnah raised two points. He asked whether a date could be given for the discussion of the Bengal legislation and I promised then that I would do my best to secure an early date. The other request was a request that the business of the House fixed for Monday should be moved on owing to the Convocation of the Aligarh University. I also promised I would consider that. I regret to find that the two requests are mutually incompatible. If I did the one, I should not be able to do the other, and I think there is no doubt that the House really wants. Therefore, much as I dislike keeping to the business of Monday, I find I must do so notwithstanding the Convocation of the Aligarh University. I myself was invited to that and should have been very glad to have gone, but, in the circumstances of the business of the House, I regret I am not able to make any change as regards Monday. As regards the other matter, I propose to put down on Wednesday, which is an official day, a Resolution which stands in the name of my Honourable friend Mr. Duraiswami Aiyangar, which will enable the House to have the fullest discussion on the subject.

RESOLUTION *RE* INQUIRY INTO THE QUESTION OF CURRENCY AND EXCHANGE—*contd.*

Sir Campbell Rhodes (Bengal: European): Sir, I will endeavour to be brief and avoid those dangers of inflation which seem to affect speeches on currency matters. I regret that I cannot whole-heartedly support my Honourable friend the Mover. In fact, I have to oppose this Resolution on two grounds, the inclusion first of the word "immediately", and secondly, of the words that a Committee "with a majority of Indian non-officials" shall be appointed. I will take the latter first, because it is obviously the one in which the Mover himself has the most interest. He has told us he is not an expert, and he has indicated that his interest in currency matters is as remote as, say, Berar from Sylhet. I personally, Sir, have not the slightest objection to a Committee composed entirely of Indians, but I would like it expressed in the Resolution as a majority of experts and not as a majority of Indians, for I can only assume from the words and from what the Mover has said that what he wants is really a packed Committee to prejudge the issue and to write its report in accordance with the dictates of people outside. He has not told us what this Committee will consist of except that it will consist of nine persons. The majority of five—is it to be drawn from the Cotton Green of Bombay or from those erudite professors who write political diatribes under cover of what they call an economic journal? My Honourable friend has not told us. Now amongst the four members you will undoubtedly have to have, as the Honourable Sir Basil Blackett told us yesterday, an international expert from some part of the world outside India. You will obviously have to have one of the leading officials of the Imperial Bank and a representative of the Exchange Banks. Then Sir Purshotamdas Thakurdas will insist on a representative from the Bengal Chamber of Commerce (*Mr. M. A. Jinnah*: "Bengal Chamber of Commerce"?). I think so, because the whole of his speech

yesterday—at least the better parts of it—were culled, including a quotation, from a letter sent by the Bengal Chamber of Commerce to the Government of India last July. Mr. Jamnadas Mehta will insist on a representative from the Associated Chambers of Commerce for he quoted them last night as being the last word in everything financial. We shall have therefore no room for the Honourable the Finance Member (*Mr. Jamnadas M. Mehta*: “It may be better so.”) His Excellency the Commander-in-Chief, when he was very courteously discussing with one who was once a corporal in the Indian Defence Force, the position in front of us at the manoeuvres pointed out how dangerous would be a counter-attack on the flank by the Khaki Army if it were delivered at the wrong time and that the great danger usually was that the attack was launched too early. I am very sorry to say that even the Government, in spite of past unhappy experiences, want to legislate by the calendar, and have suggested that they can appoint their Committee within a year. I think probably that was only in order to conciliate the House, an attitude which I think is one of the most charming, but sometimes one of the most unfortunate attributes of the Government. But the Finance Member himself yesterday told us how dangerous it was to have your Committee at the wrong time and the Mover himself has hinted at the same fact in recalling the unhappy experiences of the past. The Mover has told us that he is not a commercial man. Well, Sir, I am. I know that these dangers are very real. I know what dislocation in the foreign exchanges mean. In the remote province of Madras they did not feel it very severely, but I remember those wholesale repudiations of contracts which caused loss to so many innocent people and which affected India's good name in the credit of the world; those numerous failures of many Indian firms, those heavy losses which Indian firms to their credit (as well as European) stood up to and were so crippled that even to-day they cannot stand such another shock. The Mover has suggested obviously that we ought to be back at 1s. 4d. He has not told us how we are going to get there. I listened very carefully to hear—and perhaps some of those who support the Resolution will give us some idea—how we shall get away from the present rate to 1s. 4d. without causing another serious crisis. The Mover suggested that he spoke as a poor tax-payer. Well, I must put one point before him. The reversion to 1s. 4d. will mean, I estimate, that we shall have to raise between 5 and 6 crores more in taxation to pay our foreign obligations, and I was listening hard to hear whether he proposed to meet that by a charge of about three annas per head on salt. He has mentioned that only subject countries have token coinage of unlimited tender. I think, if he will go to England, he will find token coinage of unlimited tender. He suggests that he ought to be paid in gold if he so desires. As the Honourable Finance Member pointed out yesterday, the unfortunate fact is that he does demand payment in gold and that he does get gold and the people would be very much better off if they brought in something more useful; but undoubtedly India does demand gold where it would be better demanding more useful things and undoubtedly it does get the gold. I am quite at one with my Honourable friend and Sir Purshotamdas in wanting to get away from 2s. If I saw a way of shifting my ground from 2s. to something else to-day, I would be glad to do it; but I do not know to what point I must shift and that is the difficulty. I quite agree with Sir Purshotamdas that our currency could be legitimately inflated if we could get away from that 2s. by the normal process of revaluing our securities in London. I do not like the present system any better than anybody else in this House. The Finance Member told us that but for

[Sir Campbell Rhodes.]

his operations during the year exchange would probably in his estimation be at about 1s. 8d. I fully agree. From my experience of the exchange market I should say that that statement was absolutely correct. But it just shows the danger we are in at present of being so largely at the mercy of the Finance Member. We cannot always count on having a man of his abilities as head of our financial affairs, and I am with the Mover in wanting to get back as quickly as possible to a gold standard. Evidently there is to be a battle between the 1s. 4d. man and the 1s. 6d. man. To-day, Sir, I could not come down on either side. Price parities at the moment between the two countries—and it is a very important aspect of the question—seem to indicate 1s. 6d., and I would like here to repeat some words I used at Bombay last year:

“A high exchange or a low exchange is merely a relative term; it is the process of rising and falling which causes dislocation. I suppose the price levels of any country theoretically at least could adjust themselves to any ratio you care to fix, but this question of readjustment has to be considered. Readjustment is a very easy term but you have got to consider what lies behind it. For example, the alteration of the family budget of every one of the 320 million people in India is a painful process and a process which would add to the distress in the country, which would cause unrest and might even cause worse troubles, because, as I recently said in quite another connection, people may not know who hit them but they will be fully conscious of the blow.”

I am not at all certain that exchange can be permanently kept at 1s. 6d. even if it is desirable to do so. Not only during the last three years have we had a very brilliant financial man as our Finance Member but Heaven has showered its blessings on him and given him three good monsoons. We are not at all certain that exchange can stand up against one or possibly two bad ones, and two successive bad monsoons are not an uncommon occurrence in the history of India. Sir Purshotamdas told us yesterday that the time was ready because sterling had reached gold parity and was now in definite relationship with the dollar. And he proved this by quoting from a circular issued by the Postmaster General in the United States. Certainly sterling has touched gold, largely helped however by sentiment, which is such a strong factor, as every commercial man knows, in temporary movements of the market. It may stay there. We hope it will. But if it does, it will not be because the Postmaster General has issued a circular. I doubt even if our own brilliant and be-knighted Director General of Post Offices could effect that result. It cannot be done by the *ipse dixit* of any man. Sir Purshotamdas told us yesterday and the Mover told us to-day that now is the acceptable time. I have heard that cry so often and we have thought we have had stability and we have found that our stability was only that of a performer on a tight rope. I do believe with the Finance Member that the time is coming, but I decline to work by the almanac. I believe the time will come within possibly twelve months to appoint a Committee. But in the interests of the country that Committee must contain the very best brains we have and it must not be assumed that because a man is not an Indian that therefore he is not a follower after the light and will not do his duty. I therefore ask the House seriously to consider this question. We are all wanting the same thing. We are all wanting to get back to stability, to that stability which is produced by the natural flow of economic forces, the inflow and outflow of gold, and which is not left to the manipulation of a Treasury Department. But if the attack is made just too soon, we may fail again as we failed in the past. And therefore I ask the House to exercise a little patience.

The Honourable Sir Basil Blackett (Finance Member): Sir, this is one of those Resolutions on which the general sentiment throughout the House, both on the Government Benches and among the non-official Members, is I believe, pretty nearly at one. But I am afraid that it is not within my power to accept on behalf of the Government this Resolution in the form in which it stands. The points in it which I should find difficulty in accepting are very nearly the same as those to which your attention has been drawn, Sir, by the last speaker:

"This Assembly recommends to the Governor General in Council that a Committee with a majority of Indian non-officials on it, and with an Indian chairman be immediately appointed

I share to the full the desire that has been expressed by the Mover of this Resolution to-day and by other speakers at other times that any Committee that is appointed to deal with this subject should be fully representative of Indian opinion, and if it is an expert Committee, it ought not to be a Committee of experts who have never been to India but should be a Committee composed mainly of people who know the Indian atmosphere and can visualize their expert problems in the light of Indian conditions. But I could not agree on behalf of Government that it should necessarily be a Committee consisting of a majority of Indians and still less that the majority of Indians should be entirely non-official. The Mover quoted from the Controller of Currency's report for the existing year. Those who know Mr. A. V. V. Aiyar know that there are few people in India who know more about Indian currency than he does, and yet this Resolution would exclude him, supposing he were available to serve. Similarly, when it comes to the question of chairman, the Mover himself recognised that the problem of the chairman depends on the sort of Committee you can get together. It would be unfortunate, I think, if you were necessarily tied in advance to exclude from the chair any but an Indian. Government, therefore, are not in a position to commit themselves to acceptance of a Resolution which contains those words. Then the other word to which Government must necessarily take exception is the word "immediately." You will remember that His Excellency the Viceroy three days ago made a clear statement in regard to the view held by the Government of India on the matter of the date at which such a Committee, if appointed, should be appointed. He said:

"It is the intention of the Government to appoint an authoritative Committee to consider the question as soon as world economic factors appear sufficiently stable to justify the formulation of a new policy. They anticipate that if the movement towards more stable conditions which has lately manifested itself continues, the appointment of such a Committee should be possible not later than twelve months hence."

I am afraid that the word "immediately" would not be possible of interpretation in the sense in which Government would necessarily require to interpret any Resolution they might accept. Therefore, as the Resolution stands, I am afraid that I have no option on behalf of Government but to express my regret that I must oppose it. But as I say that is largely a question of form. On the question of substance we are agreed, I think, very nearly throughout. I must confess that when Mr. Venkatapatiraju was speaking I was a little saddened, because I do honestly feel saddened when the sort of charge that is implied in some of the things that he said is made against the Government of India of the past or the Government of India of to-day. He spoke about the Indian Currency system as being a monetary standard adopted only in

[Sir Basil Blackett.]

slave countries. Why import that sort of thought into this sort of question? I deny absolutely that the gold exchange standard system as worked in India was a system which was worked only in dependent countries. The nearest parallel, as a matter of fact, to the Indian currency system before the war was, I always believed, Austria-Hungary, one of those autocratic empires which has been swept away by the war. It is largely, as usual, a question of words and in India we are sometimes, I think, inclined to get words on the brain. The real difference between a gold standard and a gold exchange standard is one which I should not feel myself competent to express: it depends entirely on how it is worked. As I said yesterday, I personally am not in favour of the use of gold as currency in circulation. If Lord Meston is quoted against me on that matter I must respectfully ask to be allowed to differ from Lord Meston. But a gold currency does not seem to me to be in any way an essential feature of the gold standard. As worked in the United States for many years, the gold standard was worked without gold appearing in circulation anywhere except, I believe, on the western sea-board. Throughout the east of the United States the country was content to accept bits of paper as legal tender. I would also like to quarrel for a moment with my Honourable friend, Mr. Raju, on his statement that there is something abhorrent in the thought of the rupee being an unlimited legal tender. The rupee, after all, is in essence a note printed on silver. It differs only in essence from a currency note in that whereas it is intrinsically worth a considerable number of annas, a currency note is intrinsically worth practically nothing at all. But in essence the two are very much the same. Therefore, I would ask what it is in the gold exchange standard as worked in India before the war that differs from the gold standard as desired by the Mover when he asks for an effective gold standard now. It is not, I claim, in the introduction of gold into the currency for the purposes of circulation. What I think is the essence of it is that the holder of a rupee or a currency note should be able on demand to obtain foreign exchange—that is much the same thing as gold for his purpose—should be able to obtain exchange at a fixed minimum rate or should be able to obtain rupees in exchange for a foreign exchange at a fixed maximum rate. If you have that, you have exactly the same position as that which arises if you can bring gold into the country and obtain rupees for it, or if you take rupees to the mint and get gold for them and export it. That is, I believe, the essence of the gold standard as desired in this country, that you should have an absolutely fixed relation to a gold currency or the currencies of gold standard countries. Practically that is the way in which the gold standard works throughout the world.

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In England the number of times people actually took gold to send abroad was negligible as compared with the number of times that they used the currency system to obtain foreign exchange at a point just above what is called the gold export point. There is really no essential difference between the gold exchange standard and the gold standard if there is a fixed minimum and maximum point at which you can get foreign exchange. The Mover of this Resolution has been regarded evidently by others as being insufficiently definite in the demand that he makes and there are amendments down (I do not know whether they are going to be moved) asking for a change in the wording. There is one by Sir Sivaswamy Aiyer which attempts to set out at length what is presumably the intended content of the phrase used by the Mover in regard to examination of the whole question of currency and exchange. For myself I can say at once that I see

very little difference between Sir Sivaswamy Aiyer's Resolution and Mr. Raju's. On the whole I should prefer the terms of reference as given by Mr. Raju because I think they are more comprehensive, and that brings me to the question asked by Mr. Raju as to what was the Government's intention in regard to this Committee. On that I have to say first of all that the exact terms of reference have not hitherto formed the subject of any discussion because it was our view that the time had not yet come at which a Committee should be appointed, but I can say for myself, as I said yesterday, that my view is this. I will read the words:

"When the Committee is appointed, the Government of India will certainly not lose sight of the obvious desirability that it should be fully representative of Indian opinion, but it must also take into account international factors. There will be many cognate questions to be dealt with by the Committee besides the question of the ratio. We shall have an opportunity of considering what improvements can be made on the gold exchange standard system as worked up to 1914."

When I used those words I had no intention to use them in a limiting manner. For myself I should regard the question whether a gold currency should be introduced at once as quite germane to the terms of reference of the Committee, though I hope that they would not come to that conclusion, and all the questions raised by Sir Sivaswamy Aiyer's amendment would be entirely germane so far as I can see. There is no desire on the part of the Government of India to limit the terms of reference of this Committee so as to prevent a full examination of what currency system would best suit Indian needs, whether it should be a gold currency in circulation or a genuine gold standard, which I believe to be identical with the gold exchange standard system if you carry it to its logical conclusion, or whether it should be the gold exchange standard system as worked before 1914. All these would be questions which would be naturally discussed by that Committee.

I will not attempt to follow Sir Campbell Rhodes in his discussion of the question of the ratio. We shall have another opportunity during this Session of discussing the ratio, as to whether the moment has arrived for introducing the ratio of 1s. 4d. at once. I will only say two things in regard to that. First of all I entirely sympathise with the desire of Sir Campbell Rhodes that the time during which the Finance Member is responsible for the rate of exchange from day to day shall be curtailed as soon as possible. It is not a desirable position, nor is it a position which I in any way covet. But as I said yesterday, I do not think that the time has come yet when any ratio can be finally fixed; nor has the time come when we can determine what that ratio should be. The other thing that I would like to say is that it has come to my notice that the fact that leave has been given to Sir Purshotamdas Thakurdas to introduce his two Bills fixing the ratio at 1s. 4d. has been taken in some quarters as implying that the Government of India are in agreement with those Bills. Sir Purshotamdas Thakurdas knows very well that the question of leave to introduce a Bill of this sort is a matter which is entirely in the hands of the Governor General, not in the hands of the Governor General in Council, and the reasons for which leave is given to introduce such a Bill can not be discussed here on the floor of the House. But I should like to say at once that they do not imply for a moment either that the Governor General or the Governor General in Council agrees with the contents of a Bill for which leave is given for introduction. The contents of that Bill may be violently opposed by the Government, but leave may still be given. I know Sir Purshotamdas realises this, but I have been told from one or two quarters that the

[Sir Basil Blackett.]

action of the Governor General in allowing these Bills to be introduced has been taken as indicating the intention of Government to accept them. I say that merely to avoid possible difficulties.

I do not know what action the Honourable Mover of this motion will desire to take in view of the statement that I have made. I should be loath to have to go to a division for a difference of words, but, at the same time, speaking on behalf of the Government, I must say again that as this Resolution stands it is not one to which the attitude of Government can be anything but that of opposition.

Mr. President: It may clear the position if I say something about all the amendments on the paper first. It appears to me that the amendment standing in the name of Sardar V. N. Mutalik is one which offers a more explicit alternative than any other to the Resolution. The Resolution itself is in wide general terms asking for an inquiry by a Committee of a certain character. I understand from the phrasing of the Sardar's Resolution that he proposes to commit the Assembly by this Resolution now to the principle of a gold standard. That is so? (Sardar V. N. Mutalik signified assent.) In that case it represents a most substantial amendment, whereas the amendment standing in the name of Sir Sivaswamy Aiyer, offers merely in one sense an alteration of phrases used in Mr. Venkatapatiraju's Resolution, and in another sense a certain limitation. Therefore I propose, if the Honourable Member wishes to move it, to call upon Sardar V. N. Mutalik to move his Resolution which is to commit the Assembly here and now to the principle of the gold standard and thereby to limit the inquiry into the examination of measures necessary in order to establish it. Does the Honourable Member wish to move?

Sardar V. N. Mutalik: (Gujrat and Deccan Sardars and Inamdars: Landholders): Sir, in view of the statement made by the Honourable the Finance Member, I do not propose to move my amendment and I think the question may be left over, for the present, to the examination of the Committee.

Mr. President: If that amendment is not moved, the amendment standing in the name of Dr. Lohokare offers another alternative in so far as it is an attempt to commit the Assembly simply to the basis of gold as the only unlimited standard of value in currency. I am not sufficiently expert to know the precise meaning.

Dr. K. G. Lohokare: (Bombay Central Division: Non-Muhammadan Rural): Sir, I beg to move the following amendment:

"That for all the words after the words 'to make recommendations', the following be substituted:

'so as to organize the currency system in India on the basis of gold as the only unlimited standard of value and currency.'"

Sir, the wording seems to be a little difficult and I would take the opportunity of explaining it, to begin with. Before I proceed, I should like to submit my apology for entering into such a field as that of economics and currency and for expressing views on a subject on which perhaps I might be thought not to be entitled to speak. As the Mover of the Resolution has just said, I would express the views more of a tax-payer and just an observer of the economic events in this country. It was after my university education in economics that I had a tendency to look into

it, though I do not profess to be a regular student or in any way concerned with commerce and other things. But I looked into these things more from the point of view of a general citizen. The words that I have incorporated in my amendment do appear to be rather a little more technical, but the necessity for putting them in this technical language has arisen out of the situation, out of the action taken by the Committees appointed to inquire into the currency question by the Government of India, now and then. The words "standard of value and currency", I may at once tell the House, may be replaced here by the words "legal tender". In common parlance, it would be just legal tender. That the medium of exchange need not necessarily be the standard of value is the view expressed by certain economists. What I wish here therefore is that the standard of value and the standard of currency should be the same, that is, in gold; in other words, it means gold currency. A gold currency should be the legal tender, the only unlimited legal tender. By these words I limit the reference to one fact, that the rupee should be a subsidiary coin. These are the two purposes that I wanted to serve, with the words that I have adopted. This fact of making the rupee a subsidiary coin arises out of the recommendations of the Fowler Committee in 1898, which failed in that respect, and consequently by simply introducing gold in the currency the purposes which Indians had really at heart could not be achieved. Therefore, I have translated the words, "an effective gold standard" into "the only unlimited standard of value and currency". In other words, it means simply this, that it should be an effective gold standard with a gold currency. That is first the meaning of the amendment that I have tabled. Secondly, my purpose in limiting the reference to the Committee is obvious. I do not hide that it expresses disbelief in the various Committees now and then appointed to inquire into the currency questions in India. The rupee began to fall in value from 1873, and from 1893, up to 1919, when there was the last Committee, so many despatches and other things have been written and said and so many Committees have been appointed but with an entirely different view to that held by Indians in politics and Indians in commerce. Indians in commerce and Indians in politics expressed one view and the Committee always came to another conclusion. It was as the records show tinged with not only the international feeling but with the feeling of the keepers of the British Treasury—I hope I shall be excused, but it is plain there—with an anxiety that they wanted to keep gold out of India. It has been plainly said even by Indian witnesses before the Currency Committees and it can be found even in the records of the various Committees as well as from the records or the correspondence regarding the subject from the Government of India, and the Secretary of State so far as they are available for perusal by other workers.

The short history of the whole thing is this. From 1873 silver began to fall in price as compared to gold. The fall necessitated so much taxation that not only the Government but people as well every now and then represented to the Secretary of State to take certain action which would definitely avoid this. I must at this stage give my tribute to those financiers of India who placed sincerely the cause of India before the Secretary of State and the British Treasury. But one way or the other from 1872 onwards, from the proposals of Sir Richard Temple in 1872 onwards, every now and then all these proposals have been tried to be shelved so as to make India refuse the share of gold that she would have in the world production in spite of her balance of trade in her favour. In 1872 there were Sir Richard Temple's

[Dr. K. G. Lohokare.]

proposals and at that time the demonetisation movement of silver had commenced. That was just the point when India could have taken to the mono-metallic gold standard without any appreciable loss to the Indian tax-payer, but the opportunity was anyhow lost. Then comes in the field the proposal of Colonel Smith, Mint Master of Calcutta, in 1876. He proposed to open a mint to free gold coinage and stopping the coinage of silver, that is, giving silver a subsidiary place since it had failed to keep up its value as currency. In 1876 the Bengal Chamber of Commerce and the then Finance Member practically supported Colonel Smith's proposal. But there, again, the Secretary of State set them aside. Government again proposed in 1878 another method of facilities for the introduction of gold coin. They however proposed unlimited silver coinage on terms not favourable to silver so as to put in gold coinage in more numbers and slowly come down to a gold standard. The Secretary of State rejected it and said, as my Honourable friend Sir Purshotamdas Thakurdas pointed out yesterday, that he would wait and see with a 'Masterly Inactivity' which the then Secretary of State and a series of Secretaries of State have every now and then advised the Government of India. Then came in the idea of bi-metallism. The Government of India clung to the idea that bi-metallism would come in to save the country. They expected this in vain and offered to do nothing to displease other nations if the bi-metallic system was established. Anyhow, all the four Conferences could not achieve anything in the matter. On the other hand, the British Treasury had on one occasion offered to prevent India from having any share of the gold in order that other countries in the world might not suffer. Thus, in short, the British statesmen have proved themselves, I may be excused if I use a stronger word, faithless to the cause of India. Then came in the proposals of the Herschell Committee in 1892. The mints were to be closed and gold was to be given in exchange of rupees at the rate of 1s. 4d. and the Government were to receive gold as well in satisfaction of their dues. But this, too, after a short time proved to be converted to a single-sided convertibility, Government only receiving gold and not giving back gold when rupees were tendered. In 1898, the Fowler Committee came in and they put in the proposals of a gold standard, but failed or rather had the intention of not limiting silver coinage at all, so that the token currency became an unlimited legal tender. Although the mints were closed, free coinage of token coins was raised to such an excess as to raise the price level and bring down the exchange, or rather keep the exchange and the price level to be manipulated in their own hands for the benefit much more of the British trade than of the Indian tax-payer. Then came the famous Chamberlain Commission. Till then, the Government of India's avowed goal was the gold standard. Somehow or other, in giving evidence before the Fowler Committee, the Lindsay and Probyn schemes came in. The Probyn scheme was to give gold in exchange for rupees, at least above a certain denomination. But the Lindsay scheme was meant to prevent an outflow of gold to India. He wanted to keep two funds, one in England and one in India in silver out of which he would balance, as it were, the foreign remittances. But he wanted to create these funds on loan bearing interest so that the rate of interest might control what amount might be set aside for the purpose of exchange. The Government of India, unawares, or even awares, I cannot say which, took the idea out of it that the profits of coinage should be set aside in the Gold Standard Reserve and the Paper Currency Reserve, and the currency reserves should form the basis of manipulating exchange. So the operations of exchange were behind

the curtain and even economists failed to realise what was being done behind the curtain. It is a fact that economics and the question of currency are not understood by many men, and yet behind the curtain the operations were to be conducted uncertain, hidden and unknown to the general public or even to the politicians of India. Anyhow the imitation gold standard, if you call it so, the gold exchange standard, came in by the year 1900-01. All along to 1908, though the gold exchange standard and the keeping of reserves in two countries was the practice in force since 1900, the Government said the gold standard was their goal. The Chamberlain Commission at last disavowed it, and now we find another Finance Member advocating the stability of prices standard. The present theory of stabilizing the prices is the purpose of the currency policy advocated now. Neither the stabilising of exchange nor the bringing of the currency to the gold standard is the object now ; both these have disappeared now from the official records and official statements, and the price level parity is the attempt now. One way or the other, it has come down to this and history shows it, that something comes in the way which prevents India from taking her due share of gold and utilising it for the sake of the currency. It is therefore that in my amendment I try to limit the powers of the Committee. It is not myself alone who has been proposing this. Many Indian politicians have in and out of season expressed themselves in its favour. Almost all professors of economics in India have done so. Economists in India who have issued books on the subject, have been unanimous in saying that the gold standard is the only cure of this evil. Even Professor Edward Cannan of Cambridge has supported the idea very strongly. I may at the same time mention the names of Sir Vithaldas Thackersey and Mr. Gokhale, and even men like Begbie and Reed. It is from the standpoint of the experience of the last 30 years, as we have been refused a gold standard, one way or another, even when our economists were sure that the gold standard was the only cure for the evils that I propose this limitation to-day when a reference is being made to a Committee. We are sure that a fresh Committee will decide again that gold should be set aside somewhere in a central reserve so that it might be more useful, reserves being placed somewhere else and utilised for others. These are the motives, possibly I say, which might have been coming in our way. It is therefore that I wish to limit the terms of reference to this Committee. Secondly, the argument

Mr. President: I draw my Honourable friend's attention to the fact that he has already exceeded his time, and I must ask him to draw his remarks to a close.

Dr. K. G. Lohokare: With your permission, Sir, may I continue a little longer as I have left out the establishment of one argument, that a gold standard is the only remedy?

Mr. President: I must point out to the Honourable Member that the time for the establishment of his argument is now very limited.

Dr. K. G. Lohokare: I will take only two or three minutes, Sir. I will cut short the rest of my arguments. We were told yesterday that utilising gold currency for our purposes would mean a dreadful thing. I put another question here. The profits of coinage are set apart to be utilised for the purpose of exchange. Now the total amount of profits of coinage from 1893 down to 1919 or 1920 would be something like 35 millions of pounds. If you add to this sum interest at a modest rate of 3 per cent. you will have

[Dr. K. G. Lohokare.]

got nothing less than 60 millions; while actually the Gold Standard Reserve to-day is 40 millions. Where are those 20 millions? The amount of gold that was set aside for the purpose of currency has not only swallowed the interest but a part of the saving as well. Consequently if it is said that that currency is cheaper, I should like to challenge it.

The second argument is that we have attained stability of prices. If you refer to Mr. Findlay Shirras's book you will see it clearly stated that the level of prices in gold-using countries is far lower than the level of prices in India. I will quote certain price indexes here. Taking the index figure for 1890 to 1894 as the standard, in 1897 India had 110 while England had 90. Coming to 1903 India had 108, while the level of prices in England and gold-using countries was 91. Then we come to a period when the exchange had absolutely failed and you find that the index figure for India going higher and higher till it reaches the figure of 140, while the English figure for the same period has been 112, 106 and 117. Apparently then, if the level of prices argument is to be used, I put it to the House whether India could maintain the level of prices by this mechanism of a gold exchange standard better than by actual gold currency. Silver is bad but that the gold exchange standard is not as good as the gold standard itself can be seen from this argument of the level of prices.

The third argument is the stability of exchange argument which for the sake of brevity I will leave out because my Honourable friend opposite does not assume it.

Lastly, there are certain objections to hoarding gold and such others. How much gold have we absorbed till now from 1835? The total production of gold is worth in this period 3,562 millions of pounds. The total amount of gold absorbed in the form of bullion and coin is 251 millions only—7 per cent. of the total production, not even 11 per cent. as some have tried to make out. The population of India is something between 17 to 20 per cent. of the whole world. The gold that India has absorbed, the hoarding of gold that is being so much made of, is only 7 per cent. In spite of a favourable balance of trade, the gold exchange standard has prevented the coining of gold to India and has prevented the country from taking her natural share in the markets of the world.

The Honourable Sir Basil Blackett: Will the Honourable Member tell me from what date he gives that figure 1835?

Dr. K. G. Lohokare: I take it from 1835 up to 1919. I therefore think and recommend it to the earnest attention of the House that the mechanism of the gold exchange standard has absolutely failed; it is not cheap; it is not automatic; it is not automatic in the sense that the sale of Councils and Reverse Councils does not have a greater effect in contracting the currency, it can contract currency only as far as the gold standard reserve is concerned; since the other reserves are appropriated reserves nobody can take out of it or add to it without having a corresponding replacement. Consequently the only thing that you have there is the Gold Standard Reserve that you can manipulate. The contraction of currency that can at most be effected is therefore only limited to the amount of the Gold Standard Reserve that you have with you. The automatic expansion or contraction of this inconvertible money is therefore not present here. For the trade

requirements you can put in money; you cannot take it out; as the Honourable Mr. Gokhale once said in his speech on a Finance Statement it is as it were a water-logged field—you can put in coinage in any way; you cannot take it out.

I am sorry that the limited time prevents me from developing the argument further, and I therefore say that the currency as it is to-day is neither cheap nor automatic nor stable in exchange; it cannot even stabilise the level of prices and cannot therefore be continued *ad infinitum* to the detriment of the Indian nation. I therefore appeal to the House to take up this point of limiting the powers of the Committee to recommend measures and ways and means for having a gold standard as early as possible, so that we may not find ourselves in trouble again and again. That is the experience of our past Committees, and I request my Colleagues not to be afraid of limiting the powers of this Committee in the manner I have indicated in my amendment.

Mr. President: Amendment moved:

“ That for all the words after the words ‘ to make recommendations ’ the following be substituted :

‘ so as to organise the currency system in India on the basis of gold as the only unlimited standard of value and currency.’ ”

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, the good example set by the Honourable the Finance Member yesterday in widening the field on which he was to address this House in connection with his Bill appears to have been fairly infectious even to-day. The Resolution before the House concerns two things, firstly, the personnel of the Committee which His Excellency the Viceroy has announced and, secondly, the time when that Committee may be set to work. Instead of restricting the discussion to these two points, I see that the Honourable Members who preceded me have taken the Assembly back to the year 1835 and even a little earlier. As I taxed the patience of the House fairly fully yesterday, I do not propose to follow the example of the Honourable Member who has just preceded me. I would like not to refer to any of the remarks from the Honourable Sir Basil to-day except to one with which he wound up his speech. The Honourable Sir Basil referred to the impression which he said appeared to him to have been caused by the announcement that His Excellency the Viceroy has been pleased to assent to my Bills being discussed in the Assembly. Some persons, I do not know whether they are Members of this House or not, apparently have informed Sir Basil that that announcement, which has come in the ordinary course by the way, has been construed as meaning that the Government of India are prepared to accept a 1s. 4d. gold basis. I do not know who those dignified persons are, to whose opinions or impressions the Honourable the Finance Member has given all that importance that he chose the floor of this House to make a statement in order to remove those impressions, but I cannot help feeling that those gentlemen whose impressions the Honourable Finance Member is anxious to remove must either be absolutely ignorant of the tendencies of the Government of India or must be great simpletons. For it is very rarely, Sir, that the Government of India take any cue from a non-official Member of this House, and it is still more rare for the Government of India in the Finance

[Sir Purshotamdas Thakurdas.]

Department to take a cue from a representative of the Indian commercial community. If the Bills were to be moved by my Colleagues from Bengal I could have understood that impression but most important of all, Sir, is that it was only yesterday that the Honourable the Finance Member criticised my Bills and I had the temerity to throw out to him a very mild but a very firm challenge that, if the Government of India thought the House would reject the 1s. 4d. basis, the Honourable the Finance Member may as well give me an official day for my two Bills. I therefore cannot have been a party to that impression which the Honourable the Finance Member was anxious to see removed, and I make this statement to begin with in my remarks because I feel it is in fairness due to me that nobody in this House should carry away the impression that I had anything to do with the wrong impression of the Honourable the Finance Member.

The Honourable Sir Basil Blackett: If I may be allowed a word of personal explanation, I desire to apologise at once to the Honourable Member if I have given the impression to him or to anyone else that he was in any way responsible for this rumour getting about. I had no desire to suggest for a moment that he was responsible for it, for the very good reason that I knew that he was not. And, if I have given that impression, I desire to apologise. The remarks I made were made as the result of hearing that the effect of this belief might be undesirable in the market.

Sir Purshotamdas Thakurdas: I very much appreciate what the Honourable the Finance Member has said and all that I will say, Sir, is that the same permission was granted to me by His Excellency the Viceroy last September and that impression somehow or other did not get about then. There is something behind this misimpression which I will try to unearth and tell the Honourable the Finance Member if I can.

Referring now, Sir, to my Honourable friend, Sir Campbell Rhodes, he generally speaks in this House, Sir, with a humour which is all his own. And his speech to-day was characterised by that special monopoly of his. I am afraid I cannot, and I have not the power to, follow him in that humour. But I do wish, Sir, to reply to one or two of his points. Sir Campbell Rhodes asked whether, when my Honourable friend Mr. Raju recommended this House to ask the Government to appoint a committee with a majority of Indians, he intended that the Government should appoint a packed committee. Now, Sir, the day is still to come when an Indian can expect to have a packed committee. The day, Sir, in the past has been when we have had packed committees from the other side. In fact, my acquaintance with my Honourable friend from Calcutta began in the Calcutta Club when I was on a committee, and the first question that my Honourable friend asked me as soon as we were introduced, was whether the report of my committee which had just begun its sittings in Calcutta was in draft, if not in print. If, therefore, of packed committees anybody knows anything at all, I submit that my Honourable friend from Bengal knows first hand about it and I am not sure that he perhaps has not been a party to some of these packed committees. But I will give him the benefit of the doubt, Sir, and I will only say that if my Honourable friend from Madras at all intended to recommend that there should be a committee packed with Indians, the example has only been set to us by similar appointments by Government in the past.

Sir Campbell also asks, Sir, in that characteristic humour of his which I cannot imitate, whether my Honourable friend wanted on that Committee which His Excellency the Viceroy may appoint within the course of a year from now a representative from the Cotton Green of Bombay. A reference, Sir, to the Cotton Green of Bombay, of all places in India, has its own significance. I do not propose to imitate my friend in that significance, but I do wish to ask my Honourable friend whether it is not a fact that in Committees in the past India has had the misfortune more often than the good fortune to have representatives from the city of London far too much. Has it not also been at times that India has had on these Committees a little too much of representation, if not from the Cotton Green of Bombay, from the Clive Street of Calcutta? I am sure, Sir, my Honourable friend from Madras had no intention of representation either from the Cotton Green of Bombay or from the Clive Street of Calcutta. All that the Resolution asks for is that Indians who have a stake, Indians whose interests are to be guarded, should have a substantial and a full say on that Committee.

My Honourable friend then referred, Sir, to my reference in the course of my speech yesterday to a letter that was addressed by the Bengal Chamber of Commerce to the Government of India last September in connection with the increasing monetary stringency. If those references from me to the Bengal Chamber of Commerce have in the slightest degree pleased my Honourable friend, all that I will say is that I am very pleased myself. However much I may differ from any person or any Association, I would be the last person not to pay them their just due of recognition whenever they say anything which is right, correct and in the interests of India. Just as I have been accused of being bitter against some interests more frankly than perhaps people like it to be, I also like, Sir, to be all the more cordial in paying my tribute of appreciation of and indeed even of admiration for those same interests whenever they speak correctly and in the best interests of India. But I think I owe an explanation why I did not refer to letters to Government from my constituency. To begin with, that may have been construed as a little of conceit, for it is that same constituency which I have the honour to represent here and it is possible that I may at times be connected with letters from that constituency to the Government of India. But there is a still more important reason which tempted me to refer to the communication from the Bengal Chamber in preference to any communication from my own Chamber. It has not been rare in recent years to run down anything said by my Chamber, which may not be congenial or may not be to the taste of the Government of India, as being dictated by political bias. What truth there is for such an allegation is not a question that I propose to go into to-day. But if I can find anything in the letters of anybody from whom the Government of India would take things as gospel truth, is there any reason why I should not use it? I will only say that I will repeat such references as often as I can, and I only wish that I could repeatedly refer to letters from the Bengal Chamber of Commerce to the Government of India more often than I have been able to do in the past.

My Honourable friend from Calcutta asked this Assembly to realise the crisis that might come on if exchange were to get back from 1s. 6d. to 1s. 4d. I really wonder if my Honourable friend could tell me, or any of his friends by his side could, in the course of the debate, let us know, if this same apprehension of his would not have been avoided in last September when I gave notice of my Bills and His Excellency had assented to their being

[Sir Purshotamdas Thakurdas.]

discussed in this House; if it is not a fact that 1s. 4d. gold then really meant round about the rate that exchange was then ruling in India—round about 1s. 5d. or 1s. 5½d. or 1s. 5¾d.; and if the Government of India had accepted it, *i.e.*, 1s. 4d. gold as the rates for the Statute then, whether exchange would not in normal course have come back to where it should be to-day in sympathy with the gold price. I therefore say that the question of time is of the greatest essence and the sooner the Committee is appointed the better, for, the more time elapses the apprehension which my Honourable friend from Calcutta has tried to put before the House will be more and more marked and the responsibility for it, Sir, can only lie with the Government and with the advisers of Government—my Honourable friend from Calcutta who advises Government still to follow a policy of wait and watch.

My Honourable friend further said that but for the very skilful handling of the whole situation by the Honourable the Finance Member exchange to-day might have been 1s. 8d. I will not differ from him. I paid my tribute of admiration yesterday to the skilful manner in which the Honourable Sir Basil Blackett has handled the whole department in that unenviable legacy which he got from his predecessor. But I will say this that it is not for my Honourable friend from Bengal to make much of this, for he at least should remember that, if the resources of India are to be frittered away in Reverse Council Bills to the extent of rupees 40 or 50 crores in making an experiment, the justification for any wrong step that you may now wish to take should not be laid at the door of India or non-official Indians. In fact, this is the main reason why my Honourable friend from Madras says or recommends to Government that the Commission or Committee should be appointed immediately, which means with as little delay as possible. The more time that elapses the greater will be the danger of disturbing the exchange situation whenever the Committee decide upon a lower figure in the Statute than the one which now prevails. And to-day what is it but the skilful manipulation of the Honourable the Finance Member which can prevent exchange from going high? Indeed, about two months back many parts of India apprehended that exchange might go to 1s. 7d. and even higher. Whilst I again repeat that the reason why the exchange situation has kept at the figure where it now is lies to the credit of the Honourable the Finance Member, the delay and loss that may ensue will always be quoted against the Government of India and against their advisers, or those who support them in this policy of do nothing at present.

My Honourable friend from Calcutta criticised my reference to the return of sterling to gold point. He referred to my Honourable friend who represents the Post Office in this Assembly and asked him about the post offices in America accepting money orders now to various parts of Great Britain on the pre-war basis. I would like the Honourable Member representing the Post Office in this Assembly to tell me if it is usual for post offices even in India, leave aside America which is a better organised country, to make a change to something which prevailed 10 years back for the purpose of changing again, or whether the post offices make a change in order to keep to that change at least for some years. The very fact that the post offices in the United States of America have determined or have notified that they will accept money orders at the old pre-war parity between dollar and sterling should, to my mind, I speak subject to correction by the Honourable international financial expert over there, give the

greatest confidence that the pound sterling will be tried to be maintained at that figure. If Sir Basil Blackett says "No" I will say that I may be mistaken, but I will not take that from anybody else but Sir Basil over there and Sir, that indicates the resolve of Great Britain and the United States of America to try and keep the pound sterling round about the pre-war ratio.

I expected Sir Campbell Rhodes to tell us something a little more substantial than humorous, a little more clearing the air than a few flings at the Cotton Green of Bombay. Whatever fling he may like to indulge in, I do not wish to refer to the happy jutewalla whose dictation is or at least used to be more or less accepted like *jo-hukum* by the Government of India in the past, although I cannot say that it is still to-day being accepted in the same spirit by the Honourable the Finance Member over there. What will help the Assembly to come to a correct decision is not personalities but more knowledge, clearer facts and logical facts. I hope that this will be the last time that I and my Honourable friend over there speak in this House either about the Cotton Green of Bombay or Clive Street of Calcutta.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, the Honourable the Finance Member has told us that on the general question raised by this Resolution the Government benches and the non-official Members are at one. He has told us that the differences on this Resolution between the Government and the Mover of the Resolution are limited to three facts, namely, firstly, that the Resolution asks for a non-official Indian majority, secondly, that it asks for an Indian Chairman, and, thirdly, that it asks for steps to be taken immediately to appoint a committee. Now, Sir, in view of the immense importance of the questions which have to be considered, is it not possible that the Government should reconsider their position? The proposal to constitute a committee is one which deals with the most vital interests of the country. The Resolution makes it clear that it wants that the Committee should examine the whole question of exchange and currency in the light of the experience gained since the date of the publication of the Babington Smith Report and to make recommendations as to the best policy to be pursued to secure a system of currency and exchange best suited to the interests of India. Sir Sivaswamy Aiyer in his amendment has amplified what the last sentence of the Resolution means and he has suggested that we should substitute for the words beginning from "to examine the whole question" the following words:

"To investigate, and report upon, the whole question of Indian Exchange and Currency, the question of the location and investment of the cash balances, the Currency Reserve and the Gold Standard Reserve of the Government of India and the Secretary of State, and the principles, conditions and limitations governing the issue of Council Bills and Reverse Council Bills, and to make such recommendations as may be best calculated to advance the interests of India, especially in the direction of industrial and economic development".

The Honourable the Finance Member has made it quite clear that the terms of reference of the Committee that will be appointed will not be narrow. In fact, if I understood him correctly, he accepted the view suggested by Sir Sivaswamy Aiyer in the amplification which is put in in his amendment. It is thus agreed that whenever the Committee is appointed it will deal with the questions which have been indicated in the amendment of Sir Sivaswamy Aiyer. If that is so, I ask the Honourable the Finance Member to consider again whether the proposal that the Committee should be appointed immediately is not one which the Government should accept.

[Pandit Madan Mohan Malaviya.]

I can understand a difference of opinion as to the time when the recommendations of a committee like the one proposed should be put into effect. I can understand the Government desiring to wait for a favourable turn of circumstances, for more stability to which the Honourable the Finance Member referred, in the world factors and to other conditions in determining the time at which the recommendations of a committee like this should be put into operation. But I do ask the Honourable the Finance Mem-

5 P.M. ber to consider whether, in view of the immensity of the problem, in view of the immensity of the interests involved, an investigation like what is proposed should not be commenced immediately or as early as may be practicable. I hope, Sir, that no one will argue that the conditions which are being looked for twelve months hence or within a year will be stable for any length of time. No one can feel certain that any conditions which may come into existence within a year will continue for even a month or for a year. Conditions which affect currency and exchange will continue to fluctuate more or less, and if we have to wait for a certain set of conditions being established in order that an inquiry might be inaugurated into the important problems which have to be dealt with, we might have to wait for a very long time. I submit that the inquiry is one which does not depend only upon the factors to which the Honourable the Finance Member referred. It will have to take into consideration so many ramifications of the problems connected with currency and exchange, that the inquiry will necessarily have to be a long one, and it is therefore desirable that it should be begun as early as may be practicable. And after all what does the acceptance of the word "immediately" commit the Government to? It certainly does not mean that the Committee will be appointed to-morrow. We understand that it may take some time to determine the personnel of the Committee. In determining the personnel of the Committee the Government may have to consult the gentlemen whom it wishes to ask to serve on the Committee. Some time must elapse, but is it necessary to refuse agreement, are the Government right in opposing the Resolution merely by reason of the presence of the word "immediately" in it? I hope the Government will reconsider this matter.

Then, as regards the question of a majority of Indians serving on the Committee, I ask the Government, and particularly the Finance Member, to remember the history of this question, to remember the feeling that has prevailed amongst Indians for a long time past, that the question of Indian currency and exchange has not been dealt with as well as it should have been dealt with. We do not wish to impute motives to any Honourable Members who at any time served as the Finance Member of the Government of India. They must have had very good reasons for the conclusions they came to and the course they adopted. But it is an unfortunate fact that the system of our currency has not been put on a sound basis. When we cast back our eyes to the huge losses that the country has sustained by reason of the want of a correct policy in currency and exchange, we feel staggered at them. We therefore desire that there should be an end put to the present system. We desire that we should have an examination of the subject by experts with the assistance of Indians who, though they may not claim to be experts, know where the shoe pinches, and will at any rate understand the general aspects of the problem which will be considered by the Committee. Indians as a whole should be able to feel that the matter has received that consideration at the hands of the Committee, which will certainly contain experts, which they think they are entitled

to ask for it. Suppose there is a majority of Indian members on this Committee, will the majority not represent the huge majority of the interests which will be dealt with by the Committee? Can any experts from London or can any experts in India represent the views and the feelings, the hopes and the fears, the various vital interests of the vast mass of the people as Indians can? We do not ask that there should be a majority of Indians on the Committee from any narrow racial point of view. We know that there are many Europeans in this country, there are many outside it, who are as honourable men as any in the world. We know that in the past we have had many friends among Europeans, even among the officials of Government, who served the people of India honestly, with care and anxious solicitude, and successfully. We honour them. There is no feeling in our minds that no European or no Englishman should sit on such a Committee. We have learnt a great deal from them. We have to learn a great deal more from them, and we are willing, perfectly willing, that they should guide us in our deliberations, correct our mistakes where we are wrong, show us our fallacies and try to convince us and carry us with them in dealing with a problem which is of the greatest interest to us people of India. But I do beg the Government, Sir, to consider whether the proposal that a majority of the members of the Committee should be Indians, and non-official Indians, is such a proposition that it must be rejected by the Government. The Honourable Finance Member mentioned one official Indian, namely, Mr. A. V. V. Aiyar, whom he would evidently like to see on the Committee. I join with him in paying the tribute he paid to him; but the acceptance of the view that there should be a majority of non-official Indians on the Committee need not prevent Mr. Aiyar being appointed to the Committee. Government will have the power to determine how many Members shall constitute the Committee. Government will decide it after considering what the need of the problem is, and they can certainly put in Mr. Aiyar if the Honourable Finance Member thinks his presence will help, and he can certainly put in other people whose presence he thinks will be useful. But a majority of Indians on the Committee is asked for to guard against a feeling which exists in the minds of many of us. I will be frank, I hope I will not be misunderstood. In the past when some Committees were constituted, there was an idea that the Committees were so constituted that it was assumed that their report would be what the Member in charge for the time being expected or wished it to be. Now here my Honourable friend, the Finance Member, has made no secret of the fact that he is opposed to a gold currency being introduced in this country. I do not quarrel with him. In fact he deserves to be honoured because he has frankly repeatedly stated his view that he does not believe in a gold currency. On the other hand, there is a vast body of Indian opinion which does believe in the advantages of a gold currency, which thinks that it has been a great wrong to India that a gold currency has not been adopted and that gold has been kept out of the country to the extent to which it has been. I know a great deal of gold has come into the country, but I wish, I certainly wish,—I may be wrong—but I do think that it is for the benefit of my country that a great deal more gold should come into this country; I think that a great deal more of gold should have come into this country. Everybody knows that if England did not possess gold to the extent it did during the last war, England would not have been anywhere. If the United States of America did not possess the amount of gold that they possessed, the United States of America would not have been able to help England and France and civilization. Knowing that, I feel, and many thousands of my countrymen feel, that it is an indisputable

[Pandit Madan Mohan Malaviya.]

advantage to have a large amount of gold in the country. Gold will always have a better value than silver. We know too to what condition silver has been reduced and we do not know to what further condition it will be reduced. If, therefore, there is a strong feeling in favour of a gold currency, the fact has to be taken note of. It may be that the feeling is based not upon reason but upon a wrong sentiment. The experts on the Committee to be nominated by the Honourable Finance Member and other officers of Government may be able to convince us, to persuade us, that we are wrong, that we are not asking for that which is for our good; but until the matter has been considered, until our arguments have been examined and answered, you will find that Indian public opinion will not be prepared to endorse the view of the Honourable Finance Member. Now, Sir, the Honourable Finance Member will have a great voice, naturally and rightly, in the appointment of the Committee. Will he guarantee to us that the Committee will be such that Indians need not have an apprehension that the conclusions arrived at will go against the views which they hold? They have that apprehension; and what will the Government lose by selecting a majority of Indians to serve on this Committee? With whom will lie the decision to take action upon the report of this Committee? It is not yet in the power of this Assembly to force the hands of Government by any Resolution that it may pass. Unfortunately it is not. Fortunately for those who differ from us the Government have the power either to accept or reject a recommendation made by any Committee. Assuming that a Committee such as my Honourable friend Mr. Raju has suggested makes a recommendation which the Honourable the Finance Member honestly considers not in the interests of India, I am sure that while he is the Finance Member his voice will prevail, His Excellency the Viceroy will rightly attach great weight to his opinion, and the Viceroy certainly, the Government of India certainly, will not attempt to force Sir Basil Blackett to accept the view of the majority of members of the Committee. On the other hand, the apprehension felt by us is that if the majority of members is of a different complexion, of a different view, the fact that the majority has reported against what is generally the Indian view will be used against our views when the matter comes to be discussed. I therefore request the Finance Member to reconsider this question also.

I now come to the third point, namely, the appointment of the chairman. I submit, again, that this is a matter upon which it should be possible for us to arrive at an agreement. I do not think my Honourable friend Mr. Raju will insist upon keeping the clause relating to it, namely, that the chairman must be an Indian. We should be prepared—I am sure, in saying what I say, I carry him with me—to agree that if the Honourable the Finance Member sees his way to accept the other two recommendations, the Honourable Mr. Raju will withdraw his suggestion that the chairman of the Committee must be an Indian. I recognise that the chairman of the Committee should be a gentleman who should possess expert knowledge, that he should be a man who should carry great weight with the Government and the Assembly, and we are prepared to have any gentleman, either European or Indian, whom the Government in their wisdom and with their larger knowledge, may select for the purpose. We should be able to arrive at an understanding on this point. We should on our side drop the question of the Indian chairman and the Government should accept the Indian majority in the Committee. It will be such a pity if when there is so much

of agreement in regard to all the essential points which are to be discussed by this Committee the Government should not be able to accept the proposal of my Honourable friend Mr. Raju. I hope the Government will reconsider this matter.

The Honourable Sir Alexander Muddiman: May I ask you, Sir, to adjourn the debate for this reason that we have an important meeting of the Executive Council fixed at half past five and there seems to be no prospect of the debate finishing this evening.

Mr. President: The proposal of the Home Member in this case must be regarded. He informed us yesterday, with the general assent of the House, that nothing should take precedence of the business of this House. I imagine that a debate on currency and finance conducted in the absence of the Finance Member would be a remarkable case of the play of Hamlet without the Prince of Denmark, and, therefore, in the circumstances, I propose now to adjourn and this debate will be carried over to the next day set apart for non-official Resolutions.

The Assembly then adjourned till Eleven of the Clock on Monday, the 26th January, 1925.

LEGISLATIVE ASSEMBLY.

Monday, 26th January, 1925.

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

QUESTIONS AND ANSWERS.

Mr. President: We omitted Mr. Bray's questions the other day which we will take up now. Question No. 126.

QUESTIONS RELATING TO THE NORTH-WEST FRONTIER PROVINCE.

126. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to Government reply to starred questions from 1918 to 1925, asked in the last September session of the Assembly, will the Government be pleased to state whether the inquiry from the Local Administrations has been completed and if completed to lay the information on the table for the information of the House?

Mr. Denys Bray: I am sorry, Sir, that the questions were not answered in the ordinary course on Friday last owing to my indisposition and oversight on the part of my office.

(1) The replies to questions Nos. 1918 to 1925 asked by Makhdum Syed Rajan Baksh Shah in the September session have been furnished to him direct.

(2) The questions to which my Honourable friend refers are largely concerned with the affairs of the little township of Kulachi, and I am afraid their public interest is not so great as to justify the cost of printing the answers. Should, however, any particular question be considered to have a wider appeal I will have the answer laid on the table of the House.

RIOTS AT KOHAT.

161. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state whether any inquiry has been undertaken by the Chief Commissioner of the N.-W. F. Province, regarding the Hindu Muslim riots at Kohat and also to place the report if any submitted by that Officer to the Government of India, on the table?

Mr. Denys Bray: The Honourable Member's attention is invited to the annexures to Government Resolution No. 598-F., dated the 9th December, 1924.

DEPUTATION OF THE HONOURABLE SIR CHARLES INNES TO INQUIRE
INTO THE KOHAT RIOTS.

162. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state the reasons which led to the deputation of the Honourable Sir Charles Innes to inquire into the Kohat disturbances and also to place the report if any forwarded by him to the Government of India on the table?

Mr. Denys Bray: As explained in a communiqué at the time, His Excellency the Viceroy requested the Honourable Sir Charles Innes, to confer with the Chief Commissioner on the results of his inquiry into the Kohat disturbances, and on the progress of his efforts for the resettlement of the Hindus and the restoration of harmonious relations in Kohat. Sir Charles Innes embodied the result of his discussions in a note submitted to His Excellency. It would not be in accordance with practice to publish a note of this character, but I may say that Sir Charles Innes' general conclusions coincided with those of the Chief Commissioner as set forth in his report which was annexed to the Resolution on the subject.

RIOTS AT KOHAT.

163. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state:

- (a) the value of the property that has been lost in the Kohat disturbances and the value of the property that has subsequently been recovered?
- (b) whether the local officials took any and what steps to prevent the looting of the property during the disturbances and whether any and what portion of the looted property has been recovered from the possession of the police in Kohat and from other local officials; if so, what is the extent and value of the property so recovered?
- (c) whether the Government are satisfied that the local officials have taken proper steps to prevent the disturbances and to prevent the looting of the properties?
- (d) the terms of the settlement, if any, that has been brought about between the Hindus and the Mohammedans and also to state the number of Hindus that have gone back to Kohat in consequence of such settlement?

Mr. Denys Bray: (a) to (d). The Honourable Member's attention is invited to Government Resolution No. 598-F., dated the 9th December, 1924.

As regards (a), the damage to house property has been estimated roughly at nine lakhs of rupees. Other losses and the value of property recovered cannot be accurately calculated.

As regards (d), a copy of the terms of settlement made by the leaders is laid on the table. So far few Hindus have returned to Kohat, but many are making arrangements to do so.

Agreement among the Muslims, the Hindus and the Sikhs of Kohat.

We, the representatives of the Muslim, Hindu and Sikh communities of Kohat, being desirous of effecting a settlement of all matters among the various communities connected with the Kohat disturbances of September 1924, hereby agree as follows :

- (1) All criminal cases connected with the Kohat disturbances of September 1924 be dropped and given up, and no criminal cases of any sort be put forward in the guise of a civil suit against one another either individually or as a community.
- (2) Hindus, Sikhs and Muslims will raise no objection and put no obstacle in the way of restoration and re-construction of their respective places of worship which existed before the disturbances provided that the Gurdawara at the springs near the Fort shall be re-constructed "Kacha", single-storied, on its old site and no encroachment or extension shall be made in its area. In future the building and use of this Gurdawara shall be subject to the orders which already exist.
- (3) Muslims, Hindus and Sikhs will give each other full and genuine assistance in restoring to its owner any property seen and clearly identified by the owner to be his, and for which he can offer clear and legitimate proof.
- (4) Muslims, Hindus and Sikhs sincerely assure one another that there will be no organised boycott due to the disturbances on either side either in Kohat city or its suburbs and that every effort will be made to maintain friendly relations with each other.

Notes.—1. The case of the pamphlet under sections 153-A. and 505 I. P. C., already taken up by the Government is left at the justice of the Government.

2. Case Crown through Muhd. Afzal Khan of Garhi, Nawaz Khan *versus* Jalal, Nisar, Naqshband, etc., of Bezadi Chikarkot and Kharmatu, under section 307 I. P. C. is excluded from this agreement and this case may be decided by a council of elders.

(*Sd.*) N. E. REILLY,

Deputy Commissioner,

and by the *Representatives of the communities.*

Diwan Bahadur M. Ramachandra Rao: May I ask, Sir, whether the Government have taken notice of the conduct of any local officials who have had in their possession some of the property which has been lost in the disturbances and to whom the property has been traced?

Mr. Denys Bray: If, I understand the Honourable Member aright, he is referring to certain members of the constabulary and police. Action has been taken against them.

Mr. Devaki Prasad Sinha: What action has been taken against them?

Mr. Denys Bray: The Honourable Member will find it in the Annexures to the Resolution. They have been put on their trial.

DECREASE IN THE EXPORT OF INDIAN YARN.

185. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that the exports of Indian yarn by sea from British India to foreign countries during the five months, April to August 1924, were 13,000,000 lbs., as compared with 18,000,000 and 29,000,000 lbs., in the corresponding period of 1923 and 1922 respectively?

(b) If so, will the Government please state the cause of this steady decrease?

The Honourable Sir Charles Innes: (a) Yes.

(b) The cause is the same as it was on September 10th last when I answered a similar question from the Honourable Member.

ADMINISTRATION OF SHIPPING, LIGHT HOUSES, MAJOR PORTS AND
QUARANTINE.

186. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that Central subjects include Shipping, light houses, major ports, and quarantine?

(b) Is it a fact that these are at present administered by Local Governments as agents of the Government of India.

(c) If so, will Government please state whether they are prepared to administer these subjects directly?

(d) If not, will they please give reasons?

The Honourable Sir Charles Innes: (a) and (b). Yes.

(c) and (d). The question of taking under the direct administration of the Central Government the subjects mentioned by the Honourable Member is at present under the consideration of the Government of India.

Mr. A. Rangaswami Iyengar: May I know when the decision on that matter will be reached?

The Honourable Sir Charles Innes: I am, afraid, I am not in a position to answer that question.

HOLIDAYS FOR MOHAMMEDAN OFFICERS IN THE SURVEY OF INDIA.

187. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 18th November 1924, page 9, under the heading "Grievances of Mohammedan Officers"?

(b) If so, do they propose to remove the cause of the-grievances of the officers concerned?

Mr. J. W. Shore: (a) Yes.

(b) The holidays referred to by the Honourable Member are special holidays and are additional to the ordinary public holidays enjoyed by all communities. The Government of Bengal themselves do not give special holidays to certain offices such as those of the Collector of Customs, Shipping Master, Collector of Stamp Revenue, etc., on account of exigencies of public service, and the Honourable Member will therefore recognise that they cannot be treated as of universal application. The Muhammadan employees of the Calcutta offices of the Survey of India, are largely occupied on map-printing, handling of machinery or similar other work and cannot be spared from it without necessitating a general closing for the day or days involved. Nevertheless, the Government of India have, after careful consideration, decided to instruct the Surveyor General to grant to these Muhammadan employees one day each for the *Akhiri Chahar Shamba* and *Shab-i-barat* and one additional day for *Id-uz-zuha*.

STRENGTH AND COST OF MAINTENANCE OF THE REGULAR FORCE LOCATED AT RAZMAK.

188. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the despatch of His Excellency the Commander-in-Chief published in the Gazette of India Extraordinary dated Delhi, the 18th November 1924, para. 23, will the Government please state:

- (a) the strength of the regular force located at Razmak (Waziristan);
- (b) the annual cost of the maintenance of the force so located?

Mr. E. Burdon: (a) 150 British Officers, 1,200 British other ranks, 7,000 Indian officers and Indian other ranks, and 1,050 followers.

(b) Rs. 82 lakhs approximately.

BRITISH EMPIRE EXHIBITION.

189. *Mr. C. Duraiswami Aiyangar: (a) Will the Government be pleased to state the entire expenditure incurred by the Government of India and the Local Governments on account of the Empire Exhibition?

(b) Do the Government propose to continue the Exhibition or has it closed the part of India in the said Exhibition?

(c) Will the Government be pleased to state the benefits reaped by India by the said Exhibition?

(d) Will the Government be pleased to state how many of the Indian articles exhibited there will be manufactured in the British Empire outside India and what will be the protection for the Indian industry in respect of such articles?

(e) What amount do the Government expect to recoup by the sale of materials used for the stalls, etc., at the Exhibition?

The Honourable Sir Charles Innes: (a) Figures of total actual expenditure are not yet available. The total estimated gross expenditure on the British Empire Exhibition for the three years ending 1924-25 from Central Revenues is as follows:

In England	...	...	...	£196,000
In India, including the estimated gross expenditure on account of various Railways	...	...	...	Rs. 5,05,000

The total estimated expenditure incurred by various Local Governments is as follows:

				Rs.
Madras	...	...	...	3,08,500
Bombay	...	...	...	72,058
Bengal	...	...	...	3,51,000
United Provinces	...	...	...	3,70,000
Burma	...	...	...	13,00,000
Punjab	...	...	...	3,50,000
Bihar and Orissa	...	...	...	50,000

Except in the case of Madras and Bihar and Orissa the above figures represent gross expenditure and take no account of recoveries.

The following recoveries have so far been made on behalf of the Government of India on account of rent, etc. :

In India	...	...	...	Rs. 4,00,000
In England	...	...	...	£ 30,000

(b). The question has not yet been finally decided.

(c) Reports show that most of the private exhibitors have been well satisfied with the result of their enterprise and several have applied to take part in this year's Exhibition. Some have opened branches in London, where previously they were not represented. Others have extended to the Continent. Many report a stimulation in interest in Indian products. The exhibits of the larger and better known products also attracted much attention and stimulated inquiries. The Honourable Member is referred for more details to the reports of Directors of Industries in the Provinces.

(d) The Honourable Member cannot possibly expect me to be able to answer to this question.

(e) The Government are not yet in a position to furnish the information.

Mr. R. K. Shanmukham Chetty: With regard to the question of India's participating in the Exhibition for the year 1925, will Government give an opportunity to this Assembly to discuss that matter before they come to any conclusion?

The Honourable Sir Charles Innes: I am afraid, I cannot give any undertaking on that point.

INTRODUCTION OF THE NEW MEASURED RATE SYSTEM BY THE MADRAS TELEPHONE COMPANY.

190. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state whether the Government of India have given their sanction to the new Measured Rate System proposed to be introduced by the Madras Telephone Company?

(b) Whether before giving their sanction they gave an opportunity to the public and to subscribers to express an opinion on the proposed charges?

(c) Whether it is a fact that bodies which represent the Indian public, such as the Southern India Chamber of Commerce and the Madras Corporation have passed resolutions disapproving of the new scheme?

(d) Whether the attention of the Government has been drawn to the numerous protests appearing in the columns of the *Swarajya* of Madras?

(e) Whether the Government are aware that only in July last the subscription rates were increased and that it is felt by the public that the Madras Telephone Company is abusing its monopoly by periodically increasing the rates to the great detriment of the telephone using public?

The Honourable Sir Bhupendra Nath Mitra: The answer to (a), (b), (c) and (d) is in the affirmative.

(e) No. Presumably the increase in the rates of subscription referred to is that which came into effect as from January 1st, 1923. This increase in rates was duly authorised by Government in an agreement, dated 10th October 1922, supplementary to the Company's license. Prior to this agreement being entered into between the Company and the Government;

the terms of the agreement were referred to the Madras Government, the Madras Chamber of Commerce, the Southern India Chamber of Commerce and the Madras Trades Association, all of whom approved of the conditions of the agreement.

INTRODUCTION OF THE NEW MEASURED RATE SYSTEM BY THE MADRAS TELEPHONE COMPANY.

191. *Mr. C. Duraiswami Aiyangar: Will the Government be pleased to lay on the table the correspondence between the Government of India and the Madras Telephone Company on the subject of the introduction of the Measured Rate System?

The Honourable Sir Bhupendra Nath Mitra: The correspondence is bulky and Government do not propose to lay it on the table. I shall be pleased to show it to the Honourable Member in my office, if he so desires.

MEASURED RATE SYSTEM FOR TELEPHONES.

192. *Mr. C. Duraiswami Aiyangar: Will the Government be pleased to state whether such a Measured Rate System for telephones is in vogue in any other part of India?

The Honourable Sir Bhupendra Nath Mitra: A Message Rate System is now operative in Calcutta.

THE MADRAS TELEPHONE COMPANY.

193. *Mr. C. Duraiswami Aiyangar: (a) Will the Government be pleased to state who are the Directors of the Madras Telephone Company?

(b) Its subscribed share capital?

(c) How much of the share capital is subscribed by Indians?

(d) How much is subscribed by shareholders resident out of India?

(e) What are the dividends declared so far from the starting of the Company?

(f) Whether any grants or special privileges have been granted by the Government?

(g) What is the kind and extent of control which the Government exercise over the working of the Company?

The Honourable Sir Bhupendra Nath Mitra: (a) Sir James Simpson, M.L.C., Mr. C. E. Wood, Dewan Bahadur Govindose Chathurbhujadoss, Mr. Hajee Mahomed Ebrahim Sait and Mr. G. W. Bromhead.

(b) Rs. 16,04,197-8-0.

(c) and (d). The Government have no information.

(e) 6 per cent. for the year 1923.

(f) and (g). The Company works under a License from the Government of India, dated 17th March, 1903, and also under two agreements, supplemental to the License, dated 10th October, 1922, and 10th October, 1924, respectively.

Copies of this License and the Agreements are placed in the Members' Library and the Honourable Member will be able to gather from them the kind and extent of the control which Government exercise over the working of the Company.

INTEREST-FREE HOUSE-BUILDING LOANS TO GOVERNMENT SERVANTS.

194. ***Shaikh Mushir Hosain Kidwai:** (a) Is it a fact that the Government of India used to lend money *without interest* to public servants for building houses, etc., but the concession of interest-free loans has been stopped lately?

(b) Are the Government aware that it was mostly *Indian* officials who profitted by the above mentioned concession of interest-free loans for building houses?

(c) Do the Government propose to reconsider the question of reverting to the old practice of advancing interest-free money to officials for building houses, etc.?

The Honourable Sir Basil Blackett: The answer to the first part is in the affirmative and to the last part in the negative.

With regard to the second part the Government have not the required information. These advances are sanctioned by various authorities.

ARRESTS UNDER BENGAL REGULATION III OF 1818 AND THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

195. ***Mr. Kamini Kumar Chanda:** (a) Has the attention of Government been drawn to a resolution said to have been passed at a meeting of the Calcutta journalists and published in the *Forward* of the 19th November, to the effect that the persons arrested under Bengal Regulation III of 1818 and the Bengal Ordinance are subjected to a severe cross-examination at the headquarters of the C. I. D. and that improper influences are brought to bear upon them to make incriminatory statements, and the remarks said to have been made by Mr. Nirmal Chandra Sen, Editor of the *Labour*, whose brother has been arrested under Regulation III and is said to have confirmed the same to his brother who interviewed him in jail?

(b) Under what provision of law can the police remove any such prisoner from their place of confinement to the C. I. D. Headquarters or to question them at all after their arrest?

(c) What remedy have the prisoners against such removal and cross-examination?

(d) Are the Government prepared to give them an opportunity of making their complaints, if any, to a mixed body of officials and non-official visitors?

(e) Have the grounds of determination by the authority of the Governor General in Council that the persons recently arrested under Regulation III should be placed under personal restraint otherwise than in pursuance of some judicial proceedings, been communicated to them in order that they may "be allowed freely to bring to the notice of the Governor General in Council all circumstances relating to either the supposed grounds of such determination or to the manner in which it has been executed", in

accordance with the requirements of the Preamble to the said Regulation? If so, when and in what shape were the said grounds communicated to them and have they been allowed to make any submission?

The Honourable Sir Alexander Muddiman: (a) Government have seen the statement which in some respects is entirely incorrect and in others a distortion of facts. No persons arrested under Regulation III have been removed from jail custody to be examined by police officers. Persons detained under the Ordinance have been examined with a view to the passing of orders either for their release or for further action under the Ordinance. No pressure of any sort has been placed upon détenus in order to obtain incriminating statements.

(b) I would refer the Honourable Member to the rules published with the Local Government's Notification No. 10569-P., dated the 25th October 1924.

(c) The orders of the Local Government are, subject to the provision of the Ordinance, final, but détenus are at liberty to make representations to the Local Government.

(d) Non-official visitors are specially appointed to visit the détenus who are free to make to these visitors any statements which they wish to make.

(e) Yes; in the form of written specific charges. Opportunities of making submissions have been afforded to the prisoners, most of whom have not availed themselves of them.

Mr. A. Rangaswami Iyengar: May I know whether any complaints have been received so far and how they have been dealt with?

The Honourable Sir Alexander Muddiman: I have received no complaints.

INCREASE OF STAFF IN THE RAILWAY BOARD OFFICE.

196. ***Mr. Kamini Kumar Chanda:** (a) Is it a fact that a large number of new appointments have recently been made at Delhi by the Railway Board and increments given to the staff who are not called upon to work more than they used to do—on the ground of increase of work for separation of railway from general finance?

(b) Is it a fact that in one department work which was done by seven men has now been distributed amongst twenty-two with 4 officers and an array of stenographers in addition?

(c) Will the Government say how many such appointments have been made, the qualifications of the persons appointed, stating if they have passed the examination of the Staff Selection Board, their previous service (if any), and the salaries on which they have been appointed?

Mr. G. G. Sim: (a) and (b). No.

(c) The reorganised Finance Branch of the Railway Board's Office consists of 24 posts of which 16 previously belonged to the Board's establishment and 6 were created for the performance of work transferred from the office of the Accountant General, Railways.

Only one additional officer has been appointed. Apart from the men taken over from the Accountant General, Railways, three persons were newly appointed to the Railway Board's establishment; particulars relating to the qualifications, etc., of the men are laid on the table.

Particulars of new subordinate appointments made in the Finance Branch of the Railway Board's Office.

Name.	Examinations passed.	Service.	Pay on which appointed.		REMARKS.
			Previous pay.		
(1) A. N. Sheopari (Assistant).	Bachelor of Arts, Punjab University. Has also passed the Staff Selection Board Examination for Upper Division of the Secretariat.	Two years in Army Headquarters (Q. M. G.'s Branch), Army Department and Military Finance.	Rs. 100 p. m.	Rs. 180 p. m.	Selected on account of his knowledge of financial work in the Military Finance Department. The pay given is the minimum pay of the grade to which he has been appointed.
(2) Jai Narain (Clerk).	Matriculation of Punjab University.	1½ years in a Bank	Rs. 45 p. m.	Rs. 75 p. m.	Selected on account of his experience in commercial accounting work in a Bank. The pay offered is the minimum pay of the lowest grade.
(3) Abdul Rahim (Stenographer).	Ditto. Has also passed Staff Selection Board Examination for Lower Division of the Secretariat and also as a stenographer.	4 years and 7½ months under:— Office of District Sessions Judge, Gurdaspur . . . 5 months. Mesopotamia . . . 4 years. Home Department, Government of India . . . ½ month. Office of Director of Public Information † . . . 2 months.	Rs. 150 p. m.	Rs. 150 p. m.	The pay offered is the minimum pay of the grade of stenographers.

ANNUAL AVERAGE VALUE OF EXPORTS AND IMPORTS FOR THE YEARS 1909-1913, 1914-1918 AND 1919-1923, RESPECTIVELY.

197. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government please make a statement showing the annual average value of exports and imports during the five years immediately preceding the war, namely, 1909 to 1913, during the war, namely, 1914 to 1918, and during the succeeding five years, namely, 1919 to 1923, respectively?

The Honourable Sir Charles Innes: A statement is laid on the table.

Statement showing the annual averages of the import and export trade of British India in merchandise (private and Government) for the years 1909-13, 1914-1918 and 1919-1923.

	1909-1913 (average).	1914-1918 (average).	1919-1923 (average).
	Rs. (lakhs).	Rs. (lakhs).	Rs. (lakhs).
Imports	1,47,71	1,58,33	2,34,15
Exports (including re-exports)	2,19,24	2,22,33	2,96,55

POSITION OF INDIANS IN SOUTH AFRICA.

198. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to (1) and (2) of the question of which the Honourable Dr. Sir Devaprasad Sarvadhikary had given private notice and which he asked on the 23rd September, 1924, in the Council of State *re* "Position of Indians in South Africa," will Government please state:

- (a) Whether they have received the text of the speech of the Secretary of State for the Colonies?
- (b) If so, whether they have taken or propose taking any action in the matter?
- (c) If so, what is that action?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) and (c). Government are in communication with the Secretary of State for India in the matter.

USE OF HEAD LIGHTS ON THE EASTERN BENGAL RAILWAY.

199. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the letter published in the issue of the *Statesman* of the 26th November, 1924, page 13, under the heading "Head Lights"?

(b) If so, will they please state if the statement made therein is correct.

(c) If correct, do they propose to instruct the Eastern Bengal Railway authorities to see to the matter referred to?

Mr. G. G. Sim: (a) Yes.

(b) and (c). On the broad gauge 3 and on the metre gauge 21 engines are already fitted with electric head lights. It is proposed gradually to fit head lights on all engines employed on the mail and passenger services.

INDIAN TRAFFIC INSPECTORS (TRANSPORTATION) ON THE NORTH-WESTERN, OUDH AND ROHILKHAND AND EASTERN BENGAL RAILWAYS.

200. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to question No. 428 asked in the Council of State on the 22nd September 1924 *re* "Indian Traffic Inspectors (Transportation) on the North Western, Oudh and Rohilkhand and Eastern Bengal Railways" will the Government please state:

(a) Whether the inquiry has been completed?

(b) If completed, will they please communicate the result to the House?

Mr. G. G. Sim: (a) and (b). The result of the inquiry referred to by the Honourable Member was to the effect that since the Honourable Rai Bahadur Lala Ram Saran Das's Resolution was adopted by the Council of State, 7 permanent vacancies of Traffic Inspectors (Transportation) have occurred on the 3 State Railways. Of these 7 permanent vacancies, 5 have been filled by Indians. In addition, an Indian was appointed to one officiating vacancy.

THE NATAL BOROUGHS ORDINANCE.

201. *Khan Bahadur Sarfaraz Hussain Khan: With reference to my starred question 2039, asked in the last September session of the Assembly, re "The Natal Boroughs Ordinance", and the reply of Government, will Government please state:

- (a) if the Bill has received the assent of the Governor, or is still waiting for his assent?
- (b) the result of their communication with the Union Government on the subject?

Mr. J. W. Bhore: (a) The Bill has received the assent of the Governor General.

- (b) The matter is still the subject of correspondence.

OFFICE FURNITURE AND FITTINGS OF BUILDINGS IN NEW DELHI.

202. *Khan Bahadur Sarfaraz Hussain Khan: Will Government please state if it is a fact that all the office furniture and fittings of buildings in New Delhi at Raisina are being made in Delhi and that the legislative buildings are to be panelled with ply wood made up in the plant at the Forest Research Institute at Dehra Dun?

The Honourable Sir Bhupendra Nath Mitra: The furniture is being made in India, but not all in Delhi. All fittings required which are made in India are being obtained in India, but not all in Delhi.

The ply panels required for the Central Buildings are being made up in the Economic Section of the Forest Research Institute.

EXPENDITURE ON THE CONSTRUCTION OF NEW DELHI.

203. *Khan Bahadur Sarfaraz Hussain Khan: Will Government please state:

- (a) if the total gross estimated expenditure on the entire scheme of the construction of New Delhi at Raisina is Rs. 1,372 lakhs, and that as much as Rs. 1,000 lakhs has already been expended?
- (b) if the provision for the Government House is Rs. 140 lakhs, for the Secretariat Rs. 160 lakhs, and for legislative buildings Rs. 83.5 lakhs?
- (c) the correct figures, if those given in (a) and (b) are not correct?
- (d) by what time the Government House, Imperial Secretariat and the legislative buildings are likely to be completed?
- (e) by what time the Government are likely to remove to New Delhi?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (c). The amount of the sanctioned gross estimate for the construction of the New Capital is Rs. 1,384 lakhs and of the net estimate Rs. 1,325 lakhs. The question of the revision of these figures is now under consideration.

The probable gross expenditure to the end of March, 1925, will be Rs. 1,136 lakhs and the net expenditure Rs. 1,102 lakhs.

The sanctioned provision for Government House, including the buildings on the Estate, is Rs. 147 lakhs; the provision for the Secretariats is Rs. 168 lakhs and for the Council Chamber Rs. 83.5 lakhs.

(d) It is hoped that, unless unforeseen difficulties supervene, the New Secretariats will be completed by the 1st November, 1925, excepting the Porte Cochieres Domes and Towers which will not be completed until 1926.

It is anticipated that the New Parliamentary Buildings and the New Government House will be ready for occupation by the autumn of 1926.

(e) The winter of 1926-27.

INDIAN PILGRIMS TO THE HEDJAZ.

204. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government be pleased to state the number of Indian pilgrims that proceeded to the Hedjaz during the last Haj season and the number that have returned to India?

Mr. J. W. Bhore: The number of pilgrims, who proceeded from India to the Hedjaz, during the last Haj season was 18,060. The number of pilgrims who returned to India during the same period was 15,758.

Khan Bahadur W. M. Hussanally: May I know, Sir, what number of pilgrims was expatriated from the Hedjaz during the last pilgrim season?

Mr. J. W. Bhore: I must ask the Honourable Member to give me notice of that question.

HARDSHIPS OF INDIAN PILGRIMS TO THE HEDJAZ.

205. ***Khan Bahadur Sarfaraz Hussain Khan**: Will the Government please state if Indian pilgrims to the Hedjaz had to suffer any hardships owing to the occupation of Taif and Mecca by the troops of Ibn Saud Sultan of Nejd, and if so, what kind of hardships had they to suffer?

Mr. Denys Bray: No authenticated cases of serious injury to them have come to the notice of Government. In fact the majority had left the Hedjaz before the capture of Taif.

REVISION OF RULES RELATING TO PAY, LEAVE, ETC., OF RAILWAY SERVANTS ON STATE RAILWAYS.

206. ***Khan Bahadur Sarfaraz Hussain Khan**: With reference to Government reply "The Rules relating to pay, leave, etc., are being revised on State Railways with the object of removing racial discrimination" to unstarred question 435 (a) asked in the Assembly on the 22nd September, 1924 *re* the scales of pay of European and Indian Loco running staff on the Bengal Nagpur Railway, will Government please state:

(a) if the Rules referred to have been revised?

(b) If so, will they please lay them on the table?

Mr. G. G. Sim: (a) Arrangements have already been made to eliminate racial distinctions in respect to rates of pay in all scales of the staff on the lines referred to in the reply previously given. No discrimination is made

in respect to regular leave. Inquiries have further been made in regard to all distinctions remaining in the rules and conditions of services based on racial considerations.

The inquiries show that very few distinctions and those of a minor character still remain and efforts are being made to get rid of them as soon as possible.

(b) It is not understood what the Honourable Member desires me to lay on the table.

207. (Answered on the 23rd January, 1925.)

KOHAT RIOTS.

208. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the settlement of differences which gave rise to the disturbance in Kohat been arrived at?

(b) If so, will Government please make a statement showing what the differences and causes were which gave rise to the disturbances?

Mr. Denys Bray: (a) It is hoped that the agreement just concluded by the leaders of the two communities will prove the beginning of a lasting settlement.

(b) The Honourable Member is referred to the Government Resolution on the subject.

GRANT OF A LOAN FOR THE DEVELOPMENT OF THE PORT OF CHITTAGONG.

209. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to unstarred question 336 (b) and (c) in the Council of State on 3rd September, 1924 *re* "Grant of a Loan for the development of the Port of Chittagong", will Government please state:

(a) if the exact terms of the loan have now been finally agreed to?

(b) If so, will they please state what those terms are?

The Honourable Sir Charles Innes: (a) No. The terms for the loan proposed by the Government of India have been accepted by the Government of Bengal but they have yet to be accepted by the local Legislative Council.

(b) Therefore does not arise.

VIZAGAPATAM AND COCHIN HARBOUR SCHEMES.

210. *Khan Bahadur Sarfaraz Hussain Khan: With reference to question 337 in the Council of State on the 3rd September 1924 *re* "Vizagapatam and Cochin Harbour schemes", will Government please state what further progress with regard to them has been made?

The Honourable Sir Charles Innes: The proposals of the Government of India regarding the Vizagapatam Harbour Scheme have been formulated and have been referred to the Secretary of State for India. As regards the Cochin Harbour Scheme the report of the Expert Committee referred to in the reply to question No. 337 in the Council of State on the 3rd September last has been received and is at present under the consideration of the Madras Government.

CREATION OF NEW POSTS IN CONNECTION WITH THE SEPARATION OF RAILWAY FINANCE.

211. *Mr. B. Venkatapatiraju: Will the Government be pleased to state whether any and what posts are newly created in connection with the separation of Railway Finance and the amount of salaries fixed and names of persons appointed and their respective qualifications?

Mr. G. G. Sim: A statement giving the information asked for is laid on the table.

Statement showing particulars of posts newly created in connection with the separation of Railway Finance.

New posts created.	Pay fixed.	Name of person appointed.	Qualifications.	REMARKS.
(1) Deputy Director of Finance.	Rs. 1,500—60—1,800 plus an allowance of Rs. 300 per mensem when an officer appointed to the Indian Audit and Accounts Service before the 4th of August 1920 is obtained on loan as Deputy Director.	Mr. A. M. Hayman, O.B.E.	Officer of the Indian Audit and Accounts Service.	This post is in replacement of the previous post of Joint Secretary to the Railway Board on Rs. 1,800—100—2,000 which, pending the reorganisation of the Finance Branch, lapsed on 1st April 1924.
(2) Assistant Director of Finance.	Rs. 1,000—50—1,250	Rai Sahib B. D. Puri.	Officer of the Railway Accounts Department.	Attention is invited to the reply to the question on this subject asked by the Honourable Mr. Kamini Kumar Chanda to-day.
(3) One Assistant				
(4) One Stenographer.				

RECOMMENDATIONS OF THE LEE COMMISSION.

212. *Mr. B. Venkatapatiraju: Will the Government be pleased to place on the table the views expressed by the Government of India on the recommendations of the Lee Commission after the adverse vote of the Assembly and the orders issued by the Secretary of State thereon?

The Honourable Sir Alexander Muddiman: The Government of India do not propose to place on the table their correspondence with the Secretary of State on the recommendations of the Lee Commission. The orders passed by the Secretary of State have already been published.

Dr. K. G. Lohokare: What about the Medical Services? Can the Government of India give any information on that?

The Honourable Sir Alexander Muddiman: That is not really my Department and I would prefer the Honourable Member to put down a question.

Mr. A. Rangaswami Iyengar: May I know with reference to the clauses of the Secretary of State's Rules depriving this Assembly of its powers in regard to passages and other matters, whether any opportunity will be given to this Assembly to discuss the position.

The Honourable Sir Alexandar Muddiman: I am not quite sure that I have understood the Honourable Member's point but he is aware of the rules and orders which enable Resolutions to be tabled.

PROTECTION AFFORDED BY THE STEEL PROTECTION ACT, 1924, TO THE
STEEL INDUSTRY.

218. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

- (a) how far the protection given by the Steel Protection Act has been helpful to the steel industry in India?
- (b) how much the country was taxed for the protection already given?
- (c) whether the bounty now proposed by the Government of granting 50 lakhs annually is compensated by ameliorating the condition of the operatives in the Tata Steel Industry?
- (d) whether the Tata Industry has effected any economy in reducing the salaries of highly paid officials and substituting Indians for aliens wherever feasible?
- (e) what profits were made after the inauguration of protection and whether the Tatas are prepared to give to the Government a reasonable share in excess profits when realised?
- (f) whether any and what other firms received benefit by this protection duty?
- (g) whether any and what improvements were effected by the Tata Steel Works in cheapening the cost of production?
- (h) whether the whole product of Tatas Company was purchased by the Railways or the Government and if so, to what extent since July last?
- (i) whether the Government appointed anybody, and, if so, whom, to watch the economic working of the Tatas Company?

The Honourable Sir Charles Innes: (a) This question is examined in the "Report of the Indian Tariff Board regarding the increase of the duties on Steel" which the Honourable Member has no doubt studied.

(b) Roughly 71 lakhs up to 31st December 1924.

(c) The conditions on which it is proposed to give the bounty are contained in the Resolution of which notice has already been given.

(d) The Honourable Member is referred to paragraph 55 of the Tariff Board's first report.

(e) The Honourable Member is referred to the Tariff Board's recent report, from which he will see that it is not a question of excess profits. The Government make no claim to a share in any ultimate profits.

(f) The Government have no information—presumably any firms which make the classes of goods which were protected in June last.

(g) This is a matter for the Company.

(h) No, not the whole.

(i) No.

THE KENYA IMMIGRATION BILL.

214. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state in what stage the Kenya Immigration Bill is?

Mr. J. W. Bhole: The attention of the Honourable Member is invited to my reply given on the 16th September, 1924, to Sir Hari Singh Gour's question No. 2021 on the same subject.

UNIVERSITY FOR RAJPUTANA.

215. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to question 339 in the Council of State on the 3rd September, 1924, *re* "University for Rajputana", will the Government please state if any further progress has been made than that indicated by the Government reply to the above question?

Mr. Denys Bray: The scheme is still under consideration locally. The Agent to the Governor General suggested in August last to the Darbars concerned that it might be desirable to ascertain more fully the conditions of affiliation with the Delhi University. It was also proposed that a representative deputation might be sent to wait on the University authorities. The replies of certain Darbars are still awaited.

Mr. E. F. Sykes: Will Government undertake not to set up any more Universities in directly administered areas until equipment of the Delhi University has been brought up to a reasonable standard? (Laughter.)

RETRENCHMENT IN AJMER-MERWARA.

216. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to starred question 2355 (b), *re* "Retrenchment in Ajmer Merwara", will the Government please state:

(a) if they have arrived at any decision on the question?

(b) if so, will they please communicate the result to the House?

Mr. Denys Bray: (a) Yes.

(b) A statement giving the information is laid on the table.

Statement showing the savings effected or anticipated in connection with Mr. Campbell's recommendations regarding Ajmer-Merwara.

	Savings effected.			Savings anticipated.		
	Rs.	A.	P.	Rs.	A.	P.
(i) Ajmer Treasury	8,503	8	0	...		
(ii) Honorary Magistrate's Court, Ajmer	1,464	0	0	...		
(iii) Education	1,440	0	0	3,795	0	0
(iv) Medical	2,196	0	0	...		
(v) Public Works Department (Civil Works, Ajmer-Merwara).	41,247	0	0	...		
(vi) Jails	3,000	0	0	...		
Total	57,850	8	0	3,795	0	0

STRANDED MADRAS COOLIES IN ASSAM.

217. *Khan Bahadur Sarfaraz Hussain Khan: With reference to Government reply to question *re* "Stranded Madras Coolies in Assam" in the Council of State on the 11th September, 1924, page 1008, will the Government please state—

- (a) if they have received the reply of the Local Government?
 (b) if so, will they please give the required information?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The information was given in this House by the Honourable Mr. A. C. Chatterjee on the 15th September 1924.

ADMINISTRATION OF PORTS BY THE RAILWAY BOARD.

218. *Khan Bahadur Sarfaraz Hussain Khan: (a) Will the Government please state if the Acworth Committee advised that the administration of ports should be entrusted to the Railway Board?

(b) If so, has the recommendation been carried into effect?

(c) If not, are Government prepared to take the matter into their consideration?

The Honourable Sir Charles Innes: (a) Yes.

(b) and (c). The question of bringing the major ports into closer touch with the Government of India is at present under consideration.

AMENDMENT OF THE INDIAN INCOME-TAX ACT, 1922.

219. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government please state if they are prepared to consider the desirability of amending the Income-tax Act, 1922, in order to admit of appeals to the Privy Council against the decision of High Courts on matters referred to them under section 66 of the said Act?

The Honourable Sir Basil Blackett: The Government are awaiting the result of an application to the Privy Council for leave to appeal against a decision of a certain High Court.

THE SUKKUR BARRAGE.

220. *Mr. B. Venkatapatiraju: (a) Will the Government be pleased to state how far the Sukkur Barrage Scheme in Sind is carried out?

(b) What amount has already been spent and what it would cost when completed and how many acres of land would be brought under new cultivation and the cultivation of how many acres would be vastly improved?

(c) Whether it is a fact that it would cost 18 crores of rupees and irrigate $3\frac{1}{2}$ million acres of new land to be brought under cultivation and 2 million acres of land would have improved facilities for irrigation?

The Honourable Sir Bhupendra Nath Mitra: (a) Good progress has been made with the survey work and investigations which must necessarily precede the construction of a large project, and the alignment of the canals, branches and distributaries is being settled. Some of the buildings required

in connection with the scheme are in hand, and the preparation of plans and estimates for others is well advanced. Proceedings for land acquisition are in progress, work on the railway communications and quarry sidings is progressing satisfactorily, and plant and machinery are being received and erected.

(b) Rs. 62 lakhs had been spent up to the end of September last, the latest date for which figures are available. The remainder of this portion of the question is correctly answered by the Honourable Member himself in part (c).

REDUCTION OF POSTAL RATES.

221. *Mr. B. Venkatapattiraju: Will the Government be pleased to state the actual income and expenditure as far as figures are available of the Postal Department:

- (a) since the postal rates have been increased as compared with the accounts for a similar period prior to the increase;
- (b) the number of letters and postcards posted during the aforesaid period;
- (c) whether it is not possible to reduce the postal rates to the old level or even on the alternative of $\frac{1}{4}$ anna postal card $\frac{1}{2}$ anna for half a tola and one anna for $2\frac{1}{2}$ tolas without impairing the condition that the Postal Department should be self-supporting?

The Honourable Sir Bhupendra Nath Mitra: I lay on the table a statement giving the information asked for in parts (a) and (b) of the question. In regard to the figures of expenditure relating to part (a), I may explain that the figures are those appearing in the published accounts of Government, but that they do not make full allowance for items like interest on capital, pensionary charges, provision for a depreciation fund, etc., which should correctly be debited to a commercial concern. The financial result of the Post and Telegraph Department according to accounts prepared on a commercial basis will be brought out in connection with the Budget for 1925-26.

The reply to part (c) of the question is in the negative.

Statement showing the information asked for in parts (a) and (b) of the above question.

	Year.	Income.	Expenditure.	
		Rs.	Rs.	
(a)	Prior to the increase made from 24th April 1922.	{ 1920-21	5,35,68,686	5,83,06,049
		{ 1921-22	5,82,74,673	6,41,27,154
	Since the increase made from 24th April 1922.	{ 1922-23	6,56,61,076	6,80,37,237
		{ 1923-24	6,78,54,237	6,55,16,139
		Letters.	Postcards.	
(b)	Prior to increase	{ 1920-21	612,213,587	630,401,432
		{ 1921-22	613,921,337	618,470,932
	Since the increase	{ 1922-23	512,851,067	523,623,419
		{ 1923-24	519,939,442	531,906,208

REVENUE FROM CUSTOMS EXPORT DUTY ON JUTE.

222. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state what is the amount realised from the customs export duty imposed on Jute manufactured and unmanufactured during the last three years as far as figures are available?

The Honourable Sir Basil Blackett: The Honourable Member is referred to the monthly Accounts relating to the Sea-borne Trade and Navigation of British India which are available in the Library.

ABANDONMENT OF THE ANDAMANS AS A PENAL SETTLEMENT.

223. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state when do they propose to abandon the Andamans as a penal settlement and whether alternative accommodation had been constructed in India to accommodate all those who had been and who will be sentenced to transportation?

The Honourable Sir Alexander Muddiman: It is impossible to fix any date from which the Andamans will cease to be a penal settlement. The process of transformation is in progress. The transportation of convicts has been practically closed. The number of the convicts in the Settlement on the 31st March, 1919, was 12,471, and the number on the 1st November, 1924, 8,297. Of this number 2,564 men and 215 women were self-supporters, *i.e.*, agriculturists, shopkeepers, village functionaries or menials (and also convicts in private service). They are for all practical purposes free. Of the remaining 5,518 there were (a) 1,288 "Government self-supporters", *i.e.*, men and women working in the different departments on a cash wage and freed from many restrictions, and (b) 4,230 labouring convicts. Men belonging to the latter class are still grouped in labour battalions and are rationed, clothed and housed by Government. The majority of them have fixed duties to do under the different departments. The rest are classed as "disposable labour" and employed on whatever task is most urgent from day to day.

The construction of alternative prison accommodation in Indian jails is a matter primarily for Local Governments, but the necessity for proceeding with it as quickly as possible has more than once been urged on them.

Mr. W. S. J. Willson: Is there any other penal settlement where prisoners can be practically free?

The Honourable Sir Alexander Muddiman: Not in India, as far as I am aware.

EXPENDITURE ON THE POLICE.

224. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state the gross expenditure on the Indian Police for the two years 1922-23 and 1923-24 as compared with 12½ crores in 1920-21 and 13½ crores in 1921-22 and whether this expenditure was taken into account when considering the expenditure for defence as it was stated by the Government when the Police Department was organised in India that it would materially diminish the military expenditure?

The Honourable Sir Alexander Muddiman: The gross expenditure on the Indian Police Force in the years 1922-23 and 1923-24 amounted approximately to 13.4 and 13.1 crores. I am not aware of the statement referred

to by the Honourable Member as having been made by Government, but I feel that I am perfectly safe in replying that police expenditure was not taken into consideration when the expenditure on defence in the years 1922 to 1924 was determined.

INCREASE OF CONTRIBUTION TO THE INDIAN CIVIL SERVICE FAMILY PENSION SCHEME.

225. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state in view of the statement of Earl Winterton that the Government contribution to the Indian Civil Service Family Pension Scheme was increased by 25 per cent. from January, 1920, subject to reconsideration after 31st December, 1923, whether any subsequent increase was made and if so, at what rate and what was the amount of additional charge on that account?

The Honourable Sir Basil Blackett: The 25 per cent. temporary increase of pensions from the Indian Civil Service Family Pension Scheme granted in 1920 was sanctioned by the Secretary of State subject to reconsideration after the 31st December, 1924, not 31st December, 1923.

The question of a further increase is under consideration in connection with the India Office Actuary's valuation report on the scheme as at 31st March, 1923, and meanwhile the Secretary of State has sanctioned the continuance of the 25 per cent. temporary increase for a further period of six months, that is to say up to 30th June, 1925. Any increase in the benefits from the scheme, whether permanent or temporary, that may be made as a result of the Actuary's valuation will be met entirely from the balances of the Scheme and will not involve any charge on Government.

MANUFACTURE OF OPIUM IN INDIA.

226. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state the number of chests of opium manufactured in India in the opium year ending 31st October 1922-23 and 1923-24 as far as figures are available and how many chests were for export and how many for consumption in India and the area under poppy cultivation during the said period as compared with 5,800 chests for export 6,724 chests for internal consumption and the area 116,500 acres under poppy cultivation in the year ending 31st October, 1921.

The Honourable Sir Basil Blackett: A statement giving the desired information is laid on the table.

Statement showing the area under poppy cultivation and the number of chests of provision and Excise opium manufactured during the opium years 1922-23 and 1923-24.

	Area under poppy cultivation (Excluding failures).	NO. OF CHESTS MANUFACTURED.	
		Provision opium.	Excise opium.
1922-23	2,25,220 Bighas	8,025	5,516
1923-24	2,13,629 „	9,600	5,496

NOTE—The standard Bigha is $\frac{1}{4}$ ths of an acre.

LEGISLATION FOR THE REGISTRATION AND PROTECTION OF TRADE UNIONS.

227. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state when the Government of India propose to bring in a measure relating to the registration and protection of trade unions and whether the Local Governments expressed their views on the proposed measure and whether they would be circulated to the Members of the Assembly at an early date?

The Honourable Sir Bhupendra Nath Mitra: The Bill has already been introduced in this House. Government intend to circulate the replies received from Local Governments to Members of the Assembly.

STATISTICS RELATING TO COTTON PRODUCTION, ETC.

228. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state how many bales of cotton were grown in India in the years 1922-23 and 1923-24 as compared with 36 lakhs grown in 1920-21 and 44 lakhs 64 thousand grown in 1921-22 and whether there are any statistics to show what quantity was utilised in India and how much was exported out of India during these years?

Mr. J. W. Bhore: A statement giving the information desired by the Honourable Member is placed on the table.

Statement showing the production, export and consumption of raw cotton during the years 1922-23 and 1923-24.

(Figures are in bales of lbs. 400 each.)

Years.	Production estimated.	Exports (by sea and land).	Balance left for use in India.
1922-23	50,75,000	33,68,360	17,66,640
1923-24	50,75,000	37,62,936	13,12,044

TOTAL PUBLIC TAXATION.

229. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state the total public taxation of India for the year 1923-24 Imperial, Provincial and local without excluding the working expenses of railways, irrigation, postal and telegraphs and whether it would be accurate to say that the total would amount to about 300 crores, about 190 crores Imperial, 90 crores Provincial and 20 crores local and if not, what is the correct figure?

The Honourable Sir Basil Blackett: From the reference to the inclusion of working expenses of commercial undertakings owned by the State, I gather that the Honourable Member wants the figures of aggregate gross public revenues, which obviously is quite different from the gross public taxation. The total gross revenues are as follows:

Central Government (excluding provincial contributions)	...	...	188 crores.
Provincial Governments	...	...	88 ..
Local bodies (including Government grants)	...	...	24 ..

The two former include receipts from such sources as land revenue which is not strictly speaking a tax, gross receipts from State-owned commercial undertakings, sale proceeds of public property, profits of note circulation, interest on loans, etc. As regards tax revenue the latest available figures of actual receipts are those for 1922-23 in the case of the Central and Provincial Governments and for 1921-22 in the case of local bodies. The Central, Provincial and local taxation amounted in these years to 67, 31 and 13 crores respectively excluding land revenue and 67, 66 and 13 crores respectively including it.

Mr. B. Venkatapatiraju: May I ask, Sir, whether the Finance Member is aware that the East India Company and Lord Salisbury as Secretary of State for India wanted this Government to treat land revenue always as a tax?

Mr. President: The Honourable Member should treat the Finance Member as a Finance Member, not as a historian.

The Honourable Sir Basil Blackett: I should have liked to have given the Honourable Member the historical information.

Mr. President: The Honourable Member is quite at liberty to do so.

The Honourable Sir Basil Blackett: But I should have had to have looked it up.

REDUCTION OF UNPRODUCTIVE DEBT.

230. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the Government have in contemplation any scheme for the gradual reduction of unproductive debt which amounts to more than 200 crores and if so, whether it would be published at an early date, and whether sinking funds created would afford any adequate provision for rapid reduction of unproductive debt or whether it is the policy of the Government to keep the unproductive debt on a high level so as to distribute the war burdens on future generation as well?

The Honourable Sir Basil Blackett: I would invite the Honourable Member's attention to the Finance Department Resolution No. F.-13-II-F., dated the 9th December, 1924, which has appeared in Part I of the Gazette of India of the 13th *idem*.

CONTRIBUTIONS TO PERIODICALS BY EUROPEAN MEMBERS OF THE SERVICES.

231. ***Mr. T. C. Goswami:** (a) Do Government employ their various means of securing information to find out when and which European members of the Services contribute to periodicals in and outside India and are engaged anonymously in literary or journalistic propaganda on behalf of the European Association, the Indo-British Association or other Associations?

(b) If so, have Government ever punished any such offending official? If not, are Government prepared to consider specific cases brought to their notice with *prima facie* evidence?

The Honourable Sir Alexander Muddiman: The relations of Government servants with the Press are regulated by Rules 17 to 20 and 24 of the Government Servants' Conduct Rules, which are duly enforced. They do not, as the Honourable Member appears to suppose, prohibit anonymous

contributions to the Press which are not in themselves contrary to the public interest or inconsistent in other respects with the duties of a Government servant.

INDIAN TRADES CENTRE IN LONDON.

232. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Englishman* of 1st December, 1924, page 7, under the heading "Indian Trades Centre in London"?

(b) If so, will they please state if they are prepared to consider the advisability of discussing with the Provincial Governments the possibilities of such an enterprise in the interest of Indian trade and its development as suggested?

The Honourable Sir Charles Innes: (a) Yes.

With your permission, Sir, I will answer part (b) of question No. 232 and question No. 242 together.

The Government have not as yet taken the proposal into consideration.

PROTECTION OF WORKMEN AGAINST FINES.

233. *Khan Bahadur Sarfaraz Hussain Khan: Will Government please state:

(a) if Truck Acts have been in force in England since 1831?

(b) if there is any legislation in India to protect the workmen against the arbitrary power of inflicting fines vested in the hands of the employers?

(c) If not, whether Government intend introducing any such legislation?

The Honourable Sir Bhupendra Nath Mitra: The answer to part (a) of the question is in the affirmative and to parts (b) and (c) in the negative.

INDIAN EMIGRATION AND LABOUR CONDITIONS IN MAURITIUS.

234. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph, published in the issue of the *Statesman* of the 2nd December 1924, page 12, under the heading "Indian Emigration" "Labour conditions in Mauritius"?

(b) If so, will they please state if the facts stated in paragraphs 3 and 4 of the paragraph are correct?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) Yes: the communication published in the *Statesman* is a copy of the Press Communiqué issued by the Government of India.

CONTRACT FOR WAGONS FOR THE EAST INDIAN RAILWAY.

235. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government please state:

(a) if it is a fact that Messrs Cammell, Laird, and Co., have received for their wagon-building works at Nottingham a contract to supply 775 four-wheeled all steel open goods wagons for the East Indian Railway Company?

- (b) if it is also a fact that the contract was obtained against keen foreign competition?
- (c) whether any Indian firm competed?
- (d) the number and names of the firms that competed?

Mr. G. G. Sim: (a) Yes.

(b) Government have no information, but they can assure the Honourable Member, that no tender for stores can be accepted by the Boards of Company lines without the prior approval of the Government Director, who is in a position to ensure, and does ensure, that all contracts are placed in the most favourable markets having regard to price, quality, conditions of delivery, and other relevant considerations.

(c) and (d). Government have no information, but these 775 wagons were the balance of 1,320 required, and were ordered abroad, after orders had been placed in India up to the full capacity of the wagon building firms in this country.

SALE OF COUNCIL BILLS.

236. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 5th December, 1924, page 5, under the heading "Sale of Council Bills"?

(b) If so, will they please state if the facts and figures quoted therein are correct?

The Honourable Sir Basil Blackett: (a) and (b). The reply to both parts of the question is in the affirmative.

INDIANS IN SOUTH AFRICA.

237. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 5th December, 1924, page 7, under the heading "Indians in South Africa" "Mr. J. H. Thomson Proposes a Conference"?

(b) If so, will Government please state if the facts stated in the paragraph are correct?

Mr. J. W. Bhcre: (a) The reply is in the affirmative.

(b) Mr. Thomas made such a suggestion in a speech which he delivered at a Civic Reception at Pietermaritzburg. The Government of India have no other information on the subject.

Mr. A. Rangaswami Iyengar: With regard to the position of Indians in South Africa, will Government be pleased to give us an early date for the discussion of the subject?

Mr. J. W. Bhcre: That question does not, I submit, arise.

Mr. A. Rangaswami Iyengar: May I know if it is in the province of any Government Member to say whether a certain question does or does not arise?

Mr. J. W. Bhcre: I made a submission to the Honourable the President.

Mr. President: What Mr. Bhore intended was that he required notice.

Sir Purshotamdas Thakurdas: Are Government aware of the attitude taken up by the Government of South Africa regarding the suggestion made by Mr. Thomas?

Mr. J. W. Bhore: No, Sir.

Sir Purshotamdas Thakurdas: Do not Government think it necessary to find out for themselves what attitude the Government of South Africa and the Colonial Office have taken in this matter?

Mr. J. W. Bhore: I think the Honourable Member was present on the opening day of this Assembly when His Excellency the Viceroy made reference in his speech to South Africa. I think His Excellency pointed out that the question of South Africa was under correspondence and was being actively pursued. In these circumstances, I can add nothing more and trust that the Honourable Member will not press me for any further information in the matter.

Diwan Bahadur M. Ramachandra Rao: Will the Honourable the Home Member kindly say if he will afford facilities for the discussion of the subject?

The Honourable Sir Alexander Muddiman: What is the subject?

Diwan Bahadur M. Ramachandra Rao: The position of Indians in South Africa.

The Honourable Sir Alexander Muddiman: I am afraid I must have notice of that.

MEDICAL OFFICERS ON THE EAST INDIAN RAILWAY.

238. ***Mr. C. S. Ranga Iyer:** (a) Will the Government be pleased to state how many wholtime medical officers drawing above Rs. 500, were employed in the E. I. Railway before its amalgamation with the O. & R. Railway?

(b) Will the Government be further pleased to state how many of the said officers are of pure Asiatic descent?

(c) Under the amalgamation, how many medical officers drawing Rs. 500 or above, of pure Asiatic descent, are to be employed?

The Honourable Sir Charles Innes: (a) The amalgamation of the East Indian Railway with the Oudh and Rohilkhand Railway has not yet been effected. There are, however, 12 wholtime medical officers on the East Indian Railway drawing above Rs. 500.

(b) So far as Government are aware two are of Asiatic descent.

(c) No statement can be made as regards the future except that it is proposed to retain the services of those already in East Indian Railway employ.

APPOINTMENT OF INDIANS AS SECRETARIES TO COMMITTEES.

239. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

(a) whether any Indian was appointed as Secretary to any Committee appointed by the Government of India since the inauguration of the Reforms and, if so, to what Committee and why an Indian was not appointed to other Committees?

- (b) whether the Government are prepared to declare the policy of appointing an Indian generally to any Committee that may be appointed hereafter?

The Honourable Sir Alexander Muddiman: (a) and (b). An Indian was appointed as Secretary to the following Committees:

- (1) The Calcutta and Bombay Committees on Government Securities.
- (2) The Tariff Board.
- (3) The Civil Justice Committee.
- (4) The Indian Law Reports Committee.

Information regarding Committees appointed in connection with subjects dealt with by one Department is not complete but additions, if any, to the above list will be communicated to the Honourable Member in due course.

In the case of all Committees the most suitable person available, whether Indian or European, is selected to act as Secretary and the Government do not consider it necessary or desirable to depart from this principle.

APPOINTMENT OF INDIAN CONSULS.

240. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

- (a) whether any Indian was appointed in any Consular service and if not will Indian Consuls be appointed in all countries wherein India has important trade relations?
- (b) has the attention of the Government been drawn to the fact that want of a proper Indian Consul either in Sydney or Melbourne is causing difficulties in furthering the trade relations between India and Australia and New Zealand?

Mr. Denys Bray: (a) The Honourable Member is, I think, under a misapprehension. Consuls are of course only appointed to foreign countries, and an Indian Consul at Sydney or Melbourne would be as much a contradiction in terms as an English Consul in Bombay or Calcutta. The Honourable Member is presumably referring to Trade Commissioners. A Trade Commissioner is stationed in London and he had an Indian Assistant until he had to be retrenched. No other Trade Commissioners have so far been appointed and it is not contemplated to extend the service at present.

(b) No, Sir.

REPORT OF THE REFORMS INQUIRY COMMITTEE.

241. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the labours of the Reforms Inquiry Committee are finished and whether the report is ready and whether the Assembly will be given the chance of expressing its view before the Government make up their minds what to do in the matter?

REPORT OF THE REFORMS INQUIRY COMMITTEE.

325. ***Maulvi Muhammad Yakub:** (a) Will the Government be pleased to lay on the table of this House the opinions of the Provincial Governments and Governors received by the Reforms Inquiry Committee?

(b) Will the Government be pleased to state if the Legislative Assembly will have an opportunity to discuss the Report of the Reforms Inquiry Committee before the Government of India's recommendations on the said Report are communicated to the Secretary of State for India?

REPORT OF THE REFORMS INQUIRY COMMITTEE.

397. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to publish to the Members the Report of the Indian Reforms Inquiry Committee presided over by the Home Member?

(b) Do Government propose to give the Members of this House an opportunity to discuss it?

REPORT OF THE REFORMS INQUIRY COMMITTEE.

431. ***Diwan Bahadur M. Ramachandra Rao:** Will the Government be pleased to state when and whether the Report of the Reforms Inquiry Committee will be published and the approximate date on which the Government will afford facilities for the discussion of the Report in this House?

REPORT OF THE REFORMS INQUIRY COMMITTEE.

516. ***Mr. T. C. Goswami:** When will the Report of the Reforms Inquiry Committee be published and submitted to the Assembly for discussion?

The Honourable Sir Alexander Muddiman: I propose, Sir, with your permission, to reply to questions Nos. 241, 325, 397, 431 and 516 together. The Committee finished its labours on the 3rd December and the Report has been received by Government. It is hoped to publish it within a few weeks and before final orders are passed the Indian Legislature will have an opportunity of discussing the recommendations of the Committee.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether an opportunity will be given to this House to discuss the recommendations of the Committee in this session?

The Honourable Sir Alexander Muddiman: I am not prepared to give any undertaking on that point.

INDIAN TRADE CENTRE IN LONDON.

*242. †**Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the Government of India propose to establish a properly equipped permanent trade centre in London and, if so, whether an Indian would be in charge of it?

AMENDMENTS IN THE PROVINCIAL LEGISLATIVE COUNCIL RULES.

243. ***Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

(a) whether Provincial Councils were consulted regarding the changes introduced after Rule 20 of the Legislative Council Rules of every province?

(b) whether the Government considered the effect of a Recommended Bill in the sphere of Transferred subjects and the spirit of Reforms and the modicum of responsibility granted to the Legislatures being negated virtually?

(c) what was the urgency of making these amendments in the Rules?

Mr. L. Graham: (a) No.

(b) The Honourable Member's apprehensions are unfounded. New rules 20B and 20C regulate the procedure where the Governor has used the power of recommendation conferred on him by section 72E. As that power extends only to Bills relating to a reserved subject, it follows that the rules also apply only to Bills relating to a reserved subject.

(c) The question of framing rules for the provincial Legislatures was taken up in the ordinary course of business after the corresponding rules under section 67 had been made. The Honourable Member will remember that those rules which relate to the procedure in the Indian Legislature on recommended and certified Bills were published in the Gazette of India on the 13th March, 1924.

PROVISION OF QUARTERS FOR INDIAN GUARDS OF THE EASTERN BENGAL RAILWAY IN CALCUTTA.

244. ***Mr. Amar Nath Dutt:** Are the Government aware that Indian guards stationed in Calcutta have not yet been provided with quarters? If the answer be in the affirmative, will the Government be pleased to state when the Calcutta Indian guards are going to be accommodated in railway quarters?

Mr. G. G. Sim: The answer to the first part of the question is in the affirmative. The question of the provision of quarters at Sealdah for E. B. Railway employees is a large one and presents difficulty as suitable sites are not easy to find in the vicinity of railway premises and land is costly. The difficulty of providing quarters is not confined to the case of Indian guards only; there is a large number of other classes of staff whose duties require them to live close to their work and for whom quarters have not yet been provided. The question is under the active consideration of the E. B. Railway authorities.

REMOVAL OF THE OFFICE OF THE GOODS SUPERINTENDENT AT SEALDAH TO A SAFE SITE.

245. ***Mr. Amar Nath Dutt:** Are the Government aware that the Goods Superintendent at Sealdah has recently shifted his office to a new building which is so situated as to cause danger to clerks and officers under him who have to cross the line frequently during shunting operations in the discharge of their duties? If so, do the Government propose to take suitable action so that the office of the Goods Superintendent be removed to a safe position?

Mr. G. G. Sim: The goods shed office was formerly located in the goods shed and was under the control of the Assistant Traffic Superintendent, Sealdah, whose office was in the goods shed. This post has been abolished and the work has been placed under the District Traffic Superintendent, Southern, whose office is in the General Office Buildings to the north of Sealdah main station. The Supervisor's office has not been shifted. Government are informed that there are proper roads and an overbridge heading from the goods shed to the District Traffic Superintendent's

office and that no trespassing over railway lines is necessary in passing from one to the other building for the discharge of official duties. In these circumstances Government do not propose to take any action in the matter.

DISCHARGE BY THE EASTERN BENGAL RAILWAY OF EMPLOYEES FOR ALLEGED MALINGERING.

246. ***Mr. Amar Nath Dutt:** Are the Government aware that the E. B. Railway authorities have discharged men from service on the plea of malingering even when the period of sickness was duly supported by certificates of qualified railway doctors? If the answer be in the negative, will the Government be pleased to inquire if any such cases are pending with the E. B. Railway authorities?

Mr. G. G. Sim: The answer to both parts of the question is in the negative.

QUARTERS FOR THE STATION STAFF AND RUNNING STAFF, LALMONIRHAT, EASTERN BENGAL RAILWAY.

247. ***Mr. Amar Nath Dutt:** Are the Government aware that the E. B. Railway authorities have constructed quarters for accommodating clerks of the new District Loco. Superintendent's Office, Lalmonirhat, although the station staff and running staff of the Locomotive Department, Lalmonirhat, have been suffering for want of quarters for a long time? If the answer be in the affirmative, are the Government prepared to allocate those quarters to such as have a prior or better claim?

Mr. G. G. Sim: Quarters were built for 12 clerks and 5 workmen of the District Loco. Superintendent's office in 1923-24.

10 units mistry and artisan type and 20 units workmen type quarters were also provided in the same year for the station staff and running staff of the Loco. Department.

The re-allotment suggested by the Honourable Member is not practicable, but the whole question of providing staff quarters is, as I have said, under investigation by the E. B. Railway authorities.

GRANT OF CALCUTTA LOCAL ALLOWANCE TO ALL EMPLOYEES OF THE EASTERN BENGAL RAILWAY SERVING IN CALCUTTA.

248. ***Mr. Amar Nath Dutt:** Are the Government aware that only the officers and ministerial of the E. B. Railway in Calcutta are allowed Calcutta local allowance? If so, will the Government be pleased to state why this privilege is denied to other railway staff serving in Calcutta?

Mr. G. G. Sim: No. Officers are not allowed Calcutta Local Allowance. Ministerial staff who are engaged in office work in Calcutta are granted a special local allowance of 10 per cent. in addition to the rate of pay in the mofussil. Of other staff in Calcutta who are not granted the allowance certain classes are given free quarters or house allowance.

The question of the grant of a local allowance to other classes of staff will depend on the result of the investigation now being made into the whole question of provision of quarters.

PROMOTION OF INDIAN GUARDS ON THE EASTERN BENGAL RAILWAY.

249. ***Mr. Amar Nath Dutt:** Are the Government aware that the E. B. Railway authorities have appointed Anglo-Indian guards on the maximum pay of Class "A" ignoring the claims of Indian guards who are in service and are eligible for promotion to Guards List? If it is a fact, do the Government propose to take suitable action?

Mr. G. G. Sim: No such appointments have been made to permanent vacancies. The temporary vacancies arising in the busy season are, however, filled as far as conditions permit by temporary promotions of permanent qualified staff, Indian and European, supplemented when necessary by temporary appointments of qualified applicants.

ALLEGED BRIBERY AND CORRUPTION ON THE EASTERN BENGAL RAILWAY.

250. ***Mr. Amar Nath Dutt:** Are the Government aware that complaints of bribery and extortion have been brought to light against certain clerks of a District Officer of the E. B. Railway, in charge of the establishment section? If the answer be in the affirmative, what do Government propose to do?

Mr. G. G. Sim: The Honourable Member has not specified any particular District Office, but if he refers to an alleged case which occurred at Katihar and which formed the subject of question No. 1801 by Khan Bahadur Sarfaraz Hussain Khan in the Legislative Assembly on the 11th September, 1924, his attention is directed to part (b) of the reply given.

INDIAN GUARDS ON THE EASTERN BENGAL RAILWAY.

251. ***Mr. Amar Nath Dutt:** (a) Are the Government aware that Indian guards employed in the E. B. Railway have very often to work "under rest" and in consequence they fall sick very frequently?

(b) Are the Government aware that during the last two years six guards died, two became invalid and many lost their health in the Lalmonirhat District of the E. B. Railway for working "under rest" and in bad climates? If the answer be in the negative, will the Government be pleased to inquire if any temporary hands are still working in the Lalmonirhat District and for what period?

Mr. G. G. Sim: (a) No. From information received from the Administration it appears there is no ground for the statements made.

(b) No. Four guards have died and one was invalided during 1923 and 1924. These were normal casualties and were not due to any special cause such as mentioned. There are no temporary hands at present employed in these District guards.

EMPLOYMENT OF ANGLO-INDIAN GUARDS AS SUPERVISING ASSISTANT STATION MASTERS OF SPECIAL CLASS STATIONS.

252. ***Mr. Amar Nath Dutt:** Are the Government aware that Anglo-Indian and European guards are employed to officiate as supervising assistant station masters of Special Class stations superseding the claims of "Indoor" Indian station masters of the stations who have more experience than the guards? If the answer be in the affirmative, are the Government prepared to put a stop to this practice as early as possible?

Mr. G. G. Sim: The Honourable Member does not mention which particular Railway he refers to, but speaking generally appointments of the nature referred to are necessarily made at the discretion of the local railway authorities in accordance with the qualifications of the staff concerned. The Honourable Member is referred in this connection to the reply given to Mr. Joshi to a somewhat similar question on the 17th September, 1924.

CONSTITUTION OF THE SOUTH INDIAN RAILWAY LOCAL ADVISORY COMMITTEE.

253. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) the constitution of the Advisory Board of the South Indian Railway;
- (b) whether all members thereto are elected; and if so, by what bodies and under what conditions;
- (c) whether the Government intend to urge upon the S. I. Railway to elect a representative of their own as in the case of the Advisory Board of the M. and S. M. Railway;
- (d) whether there is now any member on the Advisory Board who is supposed to represent the interests of the Third Class Passengers;
- (e) whether the Government intend to urge upon the S. I. Railway administration the desirability of allowing the Railway Passengers' Associations to elect a representative to sit on the Advisory Board of the Railway?

Mr. G. G. Sim: (a) and (b). For information regarding the constitution of the South Indian Railway Local Advisory Committee and the members thereof the Honourable Member is referred to the reply given in this Assembly on the 2nd June, 1924, to Mr. N. C. Kelkar's question No. 1192.

(c) and (d). There is a member of the Committee, who was selected by the Agent from the names submitted to him by the various local Passengers' Associations.

(e) In view of the reply given to (c) and (d), no action on the part of Government appears necessary.

THE VILLUPURAM TRICHINOPOLY RAILWAY.

254. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) whether the Madras Chamber of Commerce has submitted a memorandum to the Railway Board to the effect that the construction of the chord line should run from Cuddalore to Trichinopoly and not from Villupuram, as proposed by the S. I. Railway;
- (b) whether the Madras Chamber of Commerce made this proposal for the reason that as a result of the chord line running from Villupuram, the Port of Cuddalore would suffer to the advantage of Pondicherry, a French port;
- (c) whether the Government have received any representation from the Government of Madras on this matter and if so, to what effect;

- (d) whether the Government have consulted important commercial communities and public bodies in South Arcot District as to the effect of the proposed chord line on the trade of the Port of Cuddalore and if so who were the persons or trading companies and public bodies so consulted;
- (e) what has been finally decided by the Government with regard to this matter?

Mr. G. G. Sim: (a) and (b). Yes.

(c) Yes. The Government of Madras shared the views of the Madras Chamber of Commerce and suggested, as a remedial measure, the construction of a branch line from Vriddhachalam to Cuddalore simultaneously with the construction of the Villupuram Trichinopoly Chord Railway.

(d) No, but copies of resolutions passed by the Landing and Shipping Fees Committee, Cuddalore, the Municipal Council, Cuddalore, and the District Board, South Arcot, embodying their views on the matter, have been received through the Madras Government.

(e) It is proposed to have the Vriddhachalam Cuddalore connection built along with the Villupuram Trichinopoly Railway.

DOUBLING OF THE RAILWAY LINE BETWEEN MADRAS BEACH AND
TAMBARAM.

255. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) in what stage the proposal to double the line between Madras Beach and Tambaram by the S. I. Railway, now is;
- (b) when the construction of the second line will be taken up by the S. I. Railway;
- (c) and by what time the S. I. Railway hope to complete the construction of the second line;
- (d) whether the Government intend to urge upon the S. I. Railway administration to take up this work of construction immediately?

Mr. G. G. Sim: (a) to (d). Proposals and estimates are under preparation for the provision in certain stages of increased facilities in the Madras suburban Area including additional lines and electrification. The doubling and trebling of the line between Madras Beach and Madras Egmore, and Madras Egmore and Tambaran respectively, forms Stage I of the whole scheme and is programmed to be completed in 4½ years from the time the scheme is sanctioned by the Secretary of State, but until the estimates have been prepared and considered it is not possible to state definitely when the work on the project will be started.

CONVERSION INTO BROAD GAUGE OF THE RAILWAY LINE FROM
SHORANUR TO ERNAKULAM.

256. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) whether, on account of certain modifications to be made in the Cochin Harbour scheme, the original scheme of Mr. Izaat to convert the line from Shoranur to Ernakulam into a broad gauge is likely to materialize in the near future;
- (b) and if there is to be any delay, will the Government be pleased to state for how long and for what reasons?

Mr. G. G. Sim: (a) and (b). The survey for the conversion has recently been sanctioned, and the Agent of the South Indian Railway has been asked for a full report on the financial aspects of the conversion. The final decision will depend on the result of these investigations.

MINIMUM COLLECTION OF EXCESS FARES BY TICKET EXAMINERS ON THE SOUTH INDIAN RAILWAY.

257. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) whether it is a fact that the S. I. Railway has recently appointed 40 Ticket Examiners and that the Company insists that every one of them should collect not less than Rs. 300 per month by way of excess fare and freight from passengers;
- (b) whether it is a fact that Ticket Examiners at different Railway stations on the South Indian Railway have been asked to collect as excess fare a sum not less than their monthly salary, on pain of their services being dispensed with;
- (c) whether the Government are aware that the action of the Railway Company insisting on a certain minimum collection of excess fare causes no little annoyance to passengers by the Ticket Examiners;
- (d) do the Government propose to draw the attention of the Railway Company to this matter?

Mr. G. G. Sim: (a) and (b). Appointments of additional Travelling Ticket Examiners have recently been made by the South Indian Railway, but the Agent states that it is not a fact that any such stipulations as referred to in these questions have been made.

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

REDUCTION OF FIRST AND SECOND CLASS FARES ON THE SOUTH INDIAN RAILWAY.

258. ***Mr. M. K. Acharya:** Will the Government be pleased to state:

- (a) in view of the fact that several Railway Companies have recently reduced their first and second class passenger fares, why the South Indian Railway Company has not yet effected any reduction in their passenger fares;
- (b) are the Government prepared to urge on the S. I. Railway Administration the necessity in the interests of the travelling public, of effecting such reductions in their passenger fares?

Mr. G. G. Sim: The Government understand that the possibility of making a reduction in first and second class fares is now under the consideration of the South Indian Railway Company.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Government are aware that the conveniences and comforts on the second and first class of the South Indian Railway are perhaps at the minimum compared to all other railways in India?

Mr. G. G. Sim: Government are aware that this line is very much congested. But I have already explained in reply to a previous question that we have urged the Agent to expedite the estimates for providing further facilities.

REVISED ESTIMATES OF RAILWAY RECEIPTS.

259. *Mr. M. K. Acharya: Will the Government be pleased to state:

- (a) what the revised estimates of railway receipts are for the year 1924-25;
- (b) what the amount of increase or decrease in railway receipts on each railway is;
- (c) and whether, in case of there being any surplus in receipts on any railway, the Government propose to consider the desirability of reducing the fares of third class passengers?

Mr. G. G. Sim: I am afraid the Honourable Member must wait for this information until the railway estimates are presented to the House.

REDUCTION OF THIRD CLASS FARES ON THE SOUTH INDIAN RAILWAY.

260. *Mr. M. K. Acharya: Will the Government be pleased to state:

- (a) what the rates of third class fares on the G. I. P., B., B. and C. I., E. I., M. and S. M. and S. I. Railways are;
- (b) whether the Government are aware of the fact that the third class fares on the S. I. Railway are higher than the fares for the same class in any of the other above-mentioned railways; and
- (c) whether the Government are prepared in view of the great hardship caused to the third class passengers on the S. I. Railway by reason of the high fares, to urge on the S. I. Railway Company the necessity of bringing down their third class fares to the level of the other railway companies?

Mr. G. G. Sim: (a) and (b). A statement is laid on the table. From this it will be seen that third class fares on the South Indian Railway are not in all cases higher than those in force on the other railways mentioned.

(c) Government understand that the possibility of making a reduction in fares is now under the consideration of the Company.

Statement showing present third class fares on the undermentioned railways.

* Railways.	Mail.		Ordinary.	
		Per mile pies.		Per mile pies.
Great Indian Peninsula	Up to 300 miles	5	Up to 300 miles	4
	Plus for extra distance.	4½	Plus for extra distance.	3½
Bombay, Baroda and Central India.	Up to 300 miles	4	Up to 300 miles	2½
	Plus for extra distance.	3½	Plus for extra distance.	3
East Indian	Up to 300 miles	5	} Any distance	. . . 2½
	Plus for extra distance.	4½		
Madras and Southern Mahratta.	Any distance	. . . 4	} Up to 100 miles	. . . 3½
South Indian	Any distance	. . . 5	Any distance	. . . 3½

THIRD CLASS FARES ON THE SOUTH INDIAN AND MADRAS AND SOUTHERN MAHRATTA RAILWAYS FOR CERTAIN SPECIFIED YEARS.

261. *Mr. M. K. Acharya: Will the Government be pleased to state what the fares for the third class were on the South Indian and Madras and Southern Mahratta Railways during the years

- (i) 1900-1901.
- (ii) 1910-1911.
- (iii) 1920-1921.
- (iv) 1924-1925.

Mr. G. G. Sim: Statements giving the information asked for are placed on the table.

MADRAS AND SOUTHERN MAHRATTA RAILWAY.

Third Class Fares.

Year.	Gauges.	PIES PER MILE.		Distance.
		By Mail Train.	By ordinary train.	
1900-1901	5' 6" Metre 2' 6"*	2½	2½ to 2	Any.
		3 to 2	3 to 2	Any. ...
1910-1911	5' 6" Metre	2½	2½ to 3	Any.
		3	2½ to 2	Any.
1st April, 1920 to 31st July, 1920.	5' 6" Metre	3	2½	Any.
		3	2½	Any.
1st August, 1920 to 31st March, 1921.	5' 6" Metre	3½	3	Any.
		3½	3 to 2½	Any.
1924-1925	5' 6" Metre	4	...	Any.
		...	3½	First 100 miles.
		...	3	Additional distance.
		4	...	Any.
		...	3½	First 100 miles.
		...	3	Additional distance.

* Since transferred to South Indian Railway System.

SOUTH INDIAN RAILWAY (NILGIRI RAILWAY EXCEPTED).

Third Class Fares.

Year.	Gauges.	PIES PER MILE.		Distance.
		By mail train.	By ordinary train.	
1st April, 1900 to 31st October, 1900 to 1st November, 1900 to 31st March, 1901.	All	2	2	Any.
	All	2½ (Boat mail).	2	Any.
1910-11	5' 6" Metre	2½ to 2	2	Any.
		2½	...	First 50 miles.
	2½ to 2	...	Additional distance.	
	...	2 to 2½	Any.	
2' 6"	...	2½	Any.	
	5' 6" Metre	3	2½	Any.
		3	2½	Any.
2' 6"	...	2½	...	
1920-1921	5' 6"	3	2½	Any.
	Metre	3	2½	Any.
	2' 6"	...	2½	...
1924-25	5' 6"	5	3½	Any.
	Metre	5	3½	Any.
	2' 6"	...	3½	...

CLOSING BY THE SOUTH INDIAN RAILWAY OF THE LEVEL CROSSING GATE ON THE POLICE COMMISSIONER'S ROAD IN MADRAS.

262. *Mr. M. K. Acharya: Will the Government be pleased to state:

- (a) whether they are aware of the fact that one S. I. Railway Company have recently closed the level-crossing gate on the Police Commissioner's Road in the City of Madras, after the construction of an overbridge at the said place;
- (b) whether the Government are aware of the fact that as a result of the closing of the level-crossing gate, the public at large and specially pedestrians, rikshaw-wallas, coolies carrying heavy loads and men who pull carts loaded with goods are put to very great hardship and suffering, by reason of their having now to get up a steep overbridge;
- (c) whether the Government will be pleased to state what the objections of the said railway are to keep the gate open;
- (d) whether the Government are aware of the fact that the Municipal Corporation of Madras have unanimously passed a resolution protesting against the action of the Railway Company in having closed the level-crossing gate and demanding the re-opening of the said gate;
- (e) whether in view of the great hardship and inconvenience which the public in the locality are put to, the Government are prepared to urge on the Railway Company the immediate necessity of keeping the said level-crossing gate open, as before?

Mr. G. G. Sim: (a) Yes.

(b) No.

(c) Inquiries made on the subject show that it was at the instance of the Corporation of Madras and to put an end to the inconvenience which it was said was experienced by pedestrians and others of having to wait at the crossing during train times that the overbridge was provided. The proposal, the design and the construction of the overbridge were approved by the Corporation as well as by the Government of Madras.

One of the conditions concerning the construction of the overbridge was that this was to be in substitution of and not in addition to, the level-crossing and this was accepted by the Corporation.

The Railway Administration object to the level-crossing being kept open in addition to the overbridge on the ground that besides the cost involved in maintaining both it would seriously affect the development of a fast and frequent suburban service.

(d) No.

(e) In the circumstances stated, Government do not propose to take any action.

TOTAL DEBT OF THE GOVERNMENT OF INDIA.

263. ***Sir Purshotamdas Thakurdas:** Will Government be pleased to place on the table a statement showing the total debt of the Government of India as on 31st March, 1924, or such other date as may be available, both in sterling and in rupees, specifying:

(a) The country in which it is held,

(b) The Provinces in India in which the same is held with respective amounts, giving corresponding figures for the year 1913-14,

(c) The different forms in which the debt is contracted?

The Honourable Sir Basil Blackett: A statement giving the information required so far as it is available has been laid on the table. The figures for the 31st March, 1923, have been given in lieu of those for the 31st March, 1924, as final figures for the latter date are not yet available.

The total includes the debt incurred on behalf of Provincial Governments and treasury bills issued to the Paper Currency Reserve.

Statement showing the debt of India outstanding on the 31st March, 1914 and 1923.

	31st March 1914.	31st March, 1923.
	Rs.	Rs.
Rupee debt in India (<i>vide</i> Detailed Statement I below)	1,45,68,55,790	4,11,07,10,245
Sterling debt in England (at £1 = Rs. 15) (<i>vide</i> Detailed Statement II below).	2,65,59,71,355	3,34,38,53,235
Unpaid balance of India's war contribution (at £1 = Rs. 15)	...	29,56,19,220
Unfunded debt (<i>vide</i> Detailed Statement III below)	34,09,97,811	62,56,45,288
Capital value of liabilities undergoing redemption by way of terminable Railway annuities (at £1 = Rs. 15).	1,05,90,13,395	91,96,87,890
	5,51,28,38,351	9,29,55,15,878

Statement showing the debt of India outstanding on the 31st March 1914 and 1923—contd.

	31st March, 1914.	31st March, 1923.
	Rs.	Rs.
DETAILED STATEMENT I.		
RUPEE DEBT IN INDIA.		
<i>Loans bearing interest.</i>		
Permanent Debt—		
6 per cent. Bonds, 1932 . . . . .	...	19,49,00,000
6 " " 1931 . . . . .	...	11,20,75,500
6 " " 1930 . . . . .	...	29,28,26,200
6 " " 1927 . . . . .	...	27,38,19,300
6 " " 1926 . . . . .	...	37,89,75,900
5½ " War Bonds, 1928 . . . . .	...	25,46,32,900
5½ " " 1925 . . . . .	...	3,71,00,000
5½ " " 1923 . . . . .	...	1,57,57,925
5 " Loan, 1945-55 . . . . .	...	18,49,04,200
5 " War Loan, 1929-47 . . . . .	...	23,07,96,675
4½ " Loan for Indore State Railway	1,00,00,000	1,00,00,000
4 " Loan from Maharaja Scindhia for State Railway	1,50,00,000	1,50,00,000
4 " Railway Loan from Nawab of Rampur	47,00,000	47,00,000
4 " Gwalior Loan of 1887	1,22,00,000	14,00,000
4 " Terminable Loan of 1915-16 . . . . .	...	2,80,18,700
4 " Conversion Loan of 1916-17 . . . . .	...	9,90,01,200
3½ " Loans	1,33,09,99,400	1,19,23,13,257
3 " Loan	8,23,18,000	6,43,56,250
Total Permanent Debt	1,45,52,17,400	3,39,15,78,107
Floating Debt—		
Treasury Bills issued to—		
(i) Public	Rs.	Rs.
(ii) Paper Currency Reserve . . . . .	...	21,53,90,000
	...	49,65,00,000
	...	71,23,91,000
Total Debt in India bearing interest	1,45,52,17,400	4,10,39,68,107
<i>Loans not bearing interest.</i>		
5½ per cent. Expired Loans . . . . .	...	67,23,850
Other Expired Loans	16,38,390	13,288
	16,38,290	67,42,138
Total Debt in India	1,45,68,55,790	4,11,07,10,245

Statement showing the debt of India outstanding on the 31st March 1914 and 1923—contd.

	31st March, 1914.	31st March, 1923.
<i>Savings Banks Deposits.</i>		
Bank Accounts—Balances due to the—	Rs.	Rs.
(1) Post Office Savings Bank Deposits	23,16,74,426	23,20,03,557
(2) State Railway Provident Institutions	3,00,5,786	5,36,36,296
(3) Companies Railways' Provident Funds . . . . .	...	16,32,23,118
(4) Civil Engineers' Provident Fund	15,85,096	9,97,603
(5) Forest Officers' Provident Fund	5,75,345	3,67,756
(6) Police Officers' Provident Fund	5,28,785	2,90,493
(7) General Provident Fund	2,89,90,578	8,21,40,577
(8) Indian Civil Service Provident Fund . . . . .	...	46,70,009
(Rupee Branch	Rs. 59,40,229	
Sterling Branch at £1 = Rs. 15)	Rs. 7,29,780	
(9) Cemetery Endowment Fund	3,37,008	4,94,338
(10) Other Miscellaneous Provident Funds	2,13,642	13,18,011
(11) Other Officers' Provident Funds	1,96,252	1,67,607
Total Bank Accounts	29,41,36,898	53,94,09,864
Special Accounts—Balances on account of —		
(1) Postal Insurance and Life Annuity Fund	1,05,44,094	2,00,07,562
(2) Other Special Accounts	6,84,357	2,45,320
Total Special Accounts	1,12,28,451	2,02,52,882
Total Savings Banks Deposits	30,53,65,349	55,96,62,746
GRAND TOTAL	34,09,97,811	62,56,45,288

DEBTS OF PROVINCIAL GOVERNMENTS.

264. *Sir Purshotamdas Thakurdas: Will Government be pleased to put on the table a statement showing:

- (a) The debt of the various Provincial Governments as on 31st March, 1924, and
- (b) Give corresponding figures for debts incurred by Provincial Governments; if any, on 31st March, 1924?

The Honourable Sir Basil Blackett: A statement showing the requisite figures is laid on the table. I ought to mention that on the 31st March, 1914, the Provinces had no debt as such of their own, but an approximate calculation has been made for the purposes of this statement, of the amounts which may be considered as then owing by the Provincial Governments to the Government of India on account of the Provincial Loan account and Irrigation Capital expenditure.

Statement.

[In crores of rupees.]

Province.	Debt on 31st March, 1924.	Debt on 31st March, 1914.
Madras	11·6	11·2
Bombay	42·5	10·2
Bengal	2·1	3·6
United Provinces	19·7	15·2
Punjab	25·1	20·4
Burma . . . . .	...	2·6
Bihar and Orissa	6·8	6·6
Central Provinces	5·2	2·1
Assam	·1	·1
Total	113·1	72·0

EMBARGO ON THE EXPORT OF WHEAT.

265. *Raja Raghunandan Prasad Singh: (a) Has there been a steady rise in the price of wheat since the removal of the embargo on the export thereof?

(b) If so, do the Government propose to re-impose the embargo wholly or partially?

Mr. J. W. Bhore: (a) No. The removal of the embargo on the export of wheat in September, 1922, was followed by a steady fall in its price during 1923. The price has risen by about one rupee per maund during the past six months, but it is still about the same as it was in September, 1922.

• (b) No.

INADEQUATE REPRESENTATION OF RESIDENTS OF BIHAR AND ORISSA ON THE CLERICAL STAFF OF THE LOCOMOTIVE DEPARTMENT OF THE EAST INDIAN RAILWAY AT JAMALPUR.

266. *Raja Raghunandan Prasad Singh: (a) In the overhauling of the Locomotive Department of the East Indian Railway, Jamalpur (Bihar and Orissa), do the Government propose to see that the grievance felt by the indigenous population of the province in regard to their utterly inadequate representation on the clerical staff is removed?

(b) Do the Government know that notwithstanding the fact that there is no dearth of educated Biharees or Oriyas, the number of appointments held by them on the clerical staff of the Locomotive Department of the East Indian Railway at Jamalpur is far less than the number held by non-Biharees and non-Oriyas? Will the Government be pleased to lay on the table a comparative table showing the strength of the non-Biharee and Biharee elements on the said staff?

Mr. G. G. Sim: Government have no information in regard to the alleged grievance referred to. The Agent has been informed of the policy of Government as declared in connection with the Resolution of the Assembly in March 1923 in respect to class and communal representation in the

services. Appointments to the clerical service are made at the discretion of the Agent and Government have no reason to suppose that Oriyas and Biharees are not afforded equal opportunities with other communities in entering railway service.

APPLICATION BY AN INDIAN RADIO TELEGRAPH COMPANY FOR A LICENSE TO ERECT A BEAM STATION.

267. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Englishman* of the 8th December, 1924, page 8, under the heading "An Indian Radio Company's Application"?

(b) If so, are the statements made therein correct?

(c) If correct, will they please lay a copy of the application on the table for the information of the members?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The statement that an Indian Radio Telegraph Company have applied to the Government of India for a license to erect a Beam station is correct.

(c) The matter is still under discussion, and I am not in a position at the moment to lay a copy of the application on the table.

NUMBER OF TRADE UNIONS IN THE BOMBAY PRESIDENCY.

268. *Khan Bahadur Sarfaraz Hussain Khan: Will Government please state:

(a) if it is a fact that there are at present 21 Trade Unions in the Bombay Presidency; namely, 8 in Bombay City, 7 in Ahmedabad, and 6 in the rest of the Presidency?

(b) if the figures quoted in (a) are incorrect, will Government please state the correct figures?

The Honourable Sir Bhupendra Nath Mitra: The figures given by the Honourable Member appear to be quoted from the Bombay Labour Gazette. The Government of India know of no reason for questioning their accuracy.

HEALTH OF BABU SATYENDRA CHANDRA MITRA ARRESTED UNDER BENGAL REGULATION III OF 1818.

269. *Mr. Kumar Sankar Ray: Will the Government be pleased to state whether the health of Babu Satyendra Chandra Mitra arrested on the 25th October, 1924, under Bengal Regulation III of 1818, has been examined since his arrest and whether he is suffering from diabetes? If so, what arrangements have been made about his diet, treatment and residence in a healthy locality and with what results?

The Honourable Sir Alexander Muddiman: The health of this détenu has received constant attention since his arrest. He is suffering from diabetes and is receiving regular treatment for that ailment. His weight has increased from 137 lbs. on admission to 144 lbs. on the 21st December last, and according to the latest report his general health and condition are good.

RE-OPENING OF THE EXPERIMENTAL BRANCH POST OFFICE AT SHILMURI
IN THE TIPPERAH DISTRICT.

270. *Mr. Kumar Sankar Ray: Will the Government be pleased to state:

- (a) whether an experimental branch post office which had been opened at Shilmuri in the district of Tipperah has been subsequently closed?
- (b) if so, when was it opened and when and why was it closed?
- (c) Has any subsequent representation been made to Government about its re-opening?
- (d) what is the substance of such representation?
- (e) what has been the result of such representation?

Sir Geoffrey Clarke: (a) Yes.

(b) Opened 1st April, 1924; closed 1st October, 1924, as the office did not show sufficient new revenue with reference to its cost to justify its continuance.

(c) Yes.

(d) The substance of the representations was that all the villages originally proposed were not placed under the office.

(e) On inquiry it was found that postal articles for villages transferred from the jurisdiction of another office to the new office were still being addressed by the public to the former office by which they were delivered. The Postmaster-General accordingly decided to re-open the office during the next official year for another trial.

THE IMPERIAL BANK OF INDIA AGREEMENT WITH THE GOVERNOR
GENERAL IN COUNCIL.

271. *Mr. A. Rangaswami Iyengar: Will the Government be pleased to lay on the table of the House a copy of the agreement entered into between the Imperial Bank of India and the Governor General in Council in accordance with the provisions of section 10 of the Imperial Bank of India Act?

The Honourable Sir Basil Blackett: The Honourable Member is referred to pages 4673 to 4677 of Legislative Assembly Debates, 1923, Volume III, No. 76, in which the Agreement is printed.

INSTRUCTIONS ISSUED TO THE IMPERIAL BANK OF INDIA RELATING TO
THE FINANCIAL POLICY OF GOVERNMENT, ETC.

272. *Mr. A. Rangaswami Iyengar: Will the Government be pleased to state whether any instructions, general or special, have been issued to the Imperial Bank of India in respect of any matter affecting "the financial policy of the Government or the safety of the Government balances" and if so, whether they will lay the substance of the same on the table of the House for the information of the members?

The Honourable Sir Basil Blackett: No such instructions have been issued by the Government.

ELECTION OF THE PUBLIC ACCOUNTS COMMITTEE.

The Honourable Sir Basil Blckett (Finance Member): I beg to move:

"That this Assembly do proceed to elect eight members to be members of the Committee on Public Accounts."

I should explain that this Committee will deal with the accounts of the financial year 1923-24 when ready. There will be one or two further meetings of the existing Public Accounts Committee to complete the examination of the accounts for the year 1922-23. The work of the new Committee will probably begin in March.

The motion was adopted.

ELECTION OF THE STANDING FINANCE COMMITTEE.

The Honourable Sir Basil Blckett (Finance Member): I beg to move:

"That this Assembly do proceed to the election for the financial year 1925-26, in such method as may be approved by the Honourable the President, of a Standing Finance Committee of the Assembly not exceeding fourteen in number to which shall be added one Member of the Assembly to be nominated by the Governor General. The Member so nominated shall be Chairman of the Committee."

The motion was adopted.

Mr. President: With reference to the two decisions just come to by the Assembly, I may inform the House that for the purpose of the election of these two Committees, namely, the Public Accounts Committee and the Standing Finance Committee, the Assembly office will be open to receive nominations up to 12 Noon on Friday the 30th January. The elections will take place in this Chamber on Monday, the 2nd February. The election of Members to both the Committees will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

RESOLUTION *RE* GRANT OF A BOUNTY TO STEEL MANUFACTURING COMPANIES.

The Honourable Sir Charles Innes (Commerce Member): Sir, I beg to move:

"That this Assembly recommends to the Governor General in Council that a bounty should be paid on steel manufactured in India between the 1st October, 1924, and the 30th September, 1925, subject to the following conditions:

- (1) The bounty should be paid only to firms or companies manufacturing, mainly from pig-iron made in India from Indian ores, steel ingots suitable for rolling or forging into any of the kinds of steel articles specified in Part VII of Schedule II to the Indian Tariff Act, 1894.
- (2) The bounty should be paid on steel ingots manufactured by such firms or companies, and the bounty should be paid at the rate of Rs. 20 a ton on 70 per cent. of the total weight of the ingots manufactured in each month.
- (3) The total amount of the bounty payable under this Resolution in the 12 months ending 30th September, 1925, should not exceed Rs. 50 lakhs."

I do not think that the House will expect me to inflict any very long speech upon them in support of this Resolution. I would remind the House that we are not reopening to-day the whole question whether or not the steel industry in India should be protected. That battle was fought in June last and the decision of the House was embodied in the Steel

[Sir Charles Innes.]

Industry Protection Act, 1924. I have no doubt that the House wishes to stand by the policy to which it committed itself when it passed that Act. But to-day that policy stands in danger of breaking down. We could have met the situation which had arisen by taking action under section 2 of the Steel Industry Protection Act, but for reasons which I shall proceed to explain to the House, we prefer to proceed in the manner suggested in this Resolution, and that is why I am again troubling the House in connection with the Steel industry.

The first point to which I have to address myself is whether our policy does stand in danger of breaking down. Here again I do not think that I need say very much. I have no doubt that Members of this House have read the recent report of the Tariff Board regarding the increase of the steel duties and I have no doubt that the House has almost made up its mind on this question already. The House will remember that what we set out to do when we passed the Steel Industry Protection Act was to bridge the gap between the fair selling price of steel in India, that is the price at which steel can be manufactured in India with reasonable profit, and the price at which steel can be imported. Now the former figure is a figure which can be determined with some approximation to accuracy and the Tariff Board devoted a very large part of their first report to discussing what a fair selling price for steel in India was. The House will remember that they arrived at the conclusion that that price was round about Rs. 180 per ton, Rs. 180 for bars and Rs. 175 a ton for structural shapes. But the other question, the question at what price steel can be imported is of course a much more difficult question. The Tariff Board forecasted that price at about Rs. 140 a ton, but it was always recognised that that figure must be an uncertain quantity and it was always a matter of doubt, apart altogether from the question of exchange, how far foreign steel could come down in price in order to counteract the effect of the new duties which we imposed in June last. As the House knows, the world steel industry at the present moment is in a very abnormal condition owing to the effect of the war, and the Tariff Board warned us in their first report that wide and sudden fluctuations in the price of imported steel were not improbable, and they warned us also that there was a danger that the Indian market might be invaded by a flood of cheap continental steel. It was on the recommendation of the Tariff Board therefore, and with the full assent of this House, that the Government took the very wide powers contained in section 2 of the Steel Industry Protection Act. Those powers, as the House knows, give us complete discretion to impose additional duties if and when we are satisfied that steel is coming into India at such a price as is likely to render ineffective the protection which the Steel Act was intended to convey. That provision was put in the Act in order to meet a contingency which, in my case, has arisen to-day. I do not think there can be any doubt in the mind of any one present here to-day that the contingency has arisen. In the first place there has been a rise in exchange. All the Tariff Board's calculations in their first report were based upon a 1s. 4d. rupee. Exchange now stands at—I think that the exact figure is 1s. 5²⁹/₃₂d. At any rate for the last two or three months it has been round about 1s. 6d. Now that rise in exchange is of course a factor which affects the price at which all steel, whether British steel or continental steel can be imported into India. But apart from that common factor there has been a

drop in what I may call the c. i. f. prices of a very large part of the steel imported into India. That fall in price has not occurred so much in respect of British steel. The Tariff Board say that the price of British bars and plates is more or less now on the same level as it was in December, 1923, when they formulated their original conclusions. Structural shapes have gone down about 10 sh. a ton, but, generally speaking, it may be said that the price of British steel is much the same as it was when the Tariff Board's report was first written. The reason for that phenomenon is of course obvious. We all know that British steel is suffering from the competition of continental steel just as much as Indian steel is. They have brought their prices already down to bedrock, and I do not suppose they could have gone any lower if they wanted to do so. But the case has been very different with regard to continental steel. Continental steel has now approached very nearly its pre-war level. The Tariff Board tell us that prices have gone below the level of December, 1923, by the following amounts:

- bars 35 sh. a ton;
- structural shapes 30 sh. a ton, and
- plates 24 sh. a ton.

Now that drop in the prices of continental steel has affected very greatly the calculations on which the Tariff Board made their original proposals. I have said just now that the Tariff Board forecasted an import price of 140 sh. a ton for steel. But that price was a weighted price. They had to take into account in fixing that price the price at which British steel could come into India and the price at which continental steel could come into India; and in weighting the price they took more into consideration the British steel than they did continental steel. That was because Tata steel, which is largely British engineering standard specification steel, was considered by the Tariff Board to come more into competition with British steel than with the cheap continental steel. But such a wide gap has now grown up between the price of continental steel and the price of British steel that I am afraid there is no doubt that to some extent continental steel is displacing common British steel in India. That means that the Tata Iron and Steel Co.'s steel is more and more coming into competition not with the high-priced British steel but with the low-priced continental steel, and that, as I have said, is a factor which very greatly affects the calculations on which the Tariff Board based their original proposals. And there is yet another factor. As invariably happens when a Government is talking about introducing protective duties on any particular article, all importers in India at once set to work to order steel from their suppliers in Europe in the hope that they can get that steel in before the new duties come into effect. The result of that is, as the Tariff Board have found, that there are very large accumulations of stocks of steel in India and those accumulations of stocks are tending to depress prices. Indeed, even if we increased our duties, as the Tariff Board proposed, those accumulations would prevent a rise of prices, at any rate to the full extent of the increase of duties proposed until they had been cleared off. Well, as the result of all these factors the Tariff Board have definitely found that the contingency which section 2 of the Steel Act was intended to provide for has arisen. They have found that steel is now coming into India at such a price as is likely to render ineffective the policy of the Steel Act. The Government of India accept that finding and I am quite sure that the House

[Sir Charles Innes.]

will accept it also. But before I go on I should just like to make one parenthetical remark. These phenomena that I have been describing are not in any way peculiar to India. They are not so much due to a definite attack on the part of continental manufacturers on the Indian market. It is no doubt true—in fact I saw it stated in one of the technical papers—that when we passed the Steel Act the continental manufacturers, especially the manufacturers in Belgium, realized that they would have to fight for their market. But the cause goes deeper than that. There are other countries which are suffering in exactly the same way from the cheap continental steel. For a parallel you need go no further than the United Kingdom herself, and I should like to read an extract from an article I read quite recently in one of the Home papers:

“The most significant feature of the record of the year 1924 has been the import into the United Kingdom of iron and steel of a scale never before witnessed in the history of the trade. Compared with 1923 the increase is already one million tons for the first 11 months of 1924.”

The real fact of the matter, as I have had occasion to point out to this House on more than one occasion, is that the war had a very great effect upon the European steel industry. It increased the productive capacity of the steel firms in Europe by, it is estimated, some 50 per cent., and at the same time the effect of the war was to diminish the markets of that steel industry, and the result is that you have very powerful steel firms on the continent engaged in a life or death struggle for existence in a contracted market, and that naturally leads to cutting of prices. Now, Sir, I hope that I have established my first point, namely, that our policy is in danger of breaking down.

The next question is the remedy that we have to apply. Now the House knows that the Tariff Board recommended that action should be taken under section 2 of the Steel Industry Protection Act: that is to say that our protective duties should be increased. We could have done that without any reference to this House under the power conferred upon us by the Legislature. But, as soon as we saw the report, it was patent to us that the remedy lay not in action in that direction but in the manner proposed in this Resolution, namely, in the grant of bounties. It must be remembered that the Tariff Board were limited by the terms of their reference. They were asked by their terms of reference to report to the Government of India whether a case existed for action under section 2 of the Steel Act and, if so, what action they would recommend. They had not discretion to make alternative proposals to us, but as soon as we informed them that we thought that a bounty was the proper way to meet the situation, the Tariff Board told us that they entirely agreed. I do not think that the House will have any doubt upon that point also. In the first place, had we accepted the proposals of the Tariff Board in their recent report, it would have meant that we should have to impose very heavy duties indeed. We should have to increase the duty on an article in such common use as steel bars from Rs. 40 to Rs. 75 a ton, on steel structural sections from Rs. 30 a ton to Rs. 65 a ton, on plates from Rs. 30 to Rs. 55 a ton, and so on. It would have meant that these new duties, had we imposed them, would have been in many cases four or five times as great as the duties which were in force only in April last. It would have meant

that we should impose duties which would have represented 50 to 70 per cent. of the value of the articles on which the duties were imposed; and as I have said, many of these articles are articles which are in very common use in India. That was our first objection to the Tariff Board's proposal. Our second objection was that we should have imposed, had we accepted these proposals, a burden on the consumer out of all proportion to the benefit which we were going to confer upon the industry. The House will remember that on page 158 (I think it is) of the Tariff Board's first report they gave an estimate of the output of the Iron and Steel Company during the current year. Now if you exclude from those figures the figures relating to rails on which a bounty is already given, you will find that on the assumption that prices would have risen to an exact equivalent of the increase in the duties, you will then find that, had we accepted the Tariff Board's proposals, the maximum benefit we could have conferred upon the industry would have been 50 lakhs of rupees. Now the Tariff Board gave us another statement in this report showing us the total estimated consumption in India of each kind of steel article. Proceeding on the same assumption, namely, that had we increased the duties as proposed by the Tariff Board and had prices risen to the full extent of the increase, the burden on the consumer, calculated in the same way as the Tariff Board calculated the burden in their first report, would have amounted to about Rs. 2 crores. That was our second objection to this proposal. It would have meant laying a burden on the consumer of something like 2 crores of rupees in a year in order to confer upon the industry a benefit of a something like 50 lakhs of rupees. Our third objection is that the Tariff Board's proposal would not have been as beneficial or as favourable to the industry as this proposal which we are making now. I have already referred to the accumulated stocks of iron and steel in the country, and I have already mentioned that until those accumulations of stock had been cleared off, prices would not have risen to the full extent of the increase of duty. That means to say that the steel industry would not have got the full benefit which the Tariff Board had in mind at any rate for some months. The conclusion we arrived at therefore was that our proposal, while it is cheaper to the country, while it places a less burden upon the consumer, is much more beneficial to the industry. I am aware that some people might say to me that I objected to a bounty in June last. That is perfectly true. I did object to a bounty in June last. But I objected for very good reasons which no longer exist. I objected to a bounty in June last because I could not see where the money to pay that bounty was to come from. It is in that very material particular that the situation has now changed. The surplus revenue, as I have just told the House in answer to a question, from these protective duties imposed in June last up to the end of December 1924, amounted to 71 lakhs of rupees. That is to say we have got 71 lakhs of rupees more from these protective duties than we should have got had we levied the duties at their old level. From those 71 lakhs of rupees of course we have certain commitments to meet. We have the bounties on wagons, we have the bounties on rails. We estimate that by about the 31st March those commitments will amount to something like Rs. 37 lakhs. But the House will see that there is a balance, and it is from that balance that we propose to pay the bounty proposed in this Resolution.

Now, Sir, let me come to the actual terms of my Resolution. The first point is that we propose that the bounty should be paid between the 1st October, 1924 and the 30th September, 1925. I should like to give some

[Sir Charles Innes.]

Explanation of these two dates. The Tata Iron and Steel Company made an application to us in August last that the contingency which section 2 of the Steel Industry Protection Act had intended to provide had already arisen, that is to say they applied for the imposition of off-setting duties under that section. But the figures with which they supported this application were the figures for June, 1924, that is, of prices of the very month in which the Steel Act was passed. We thought that the Act must be given further time to declare its effect, and therefore we returned the application to them. We asked them to send it in with later figures and to substantiate it in fuller detail. They sent in a revised application on the 20th September, 1924 and in the beginning of October 1924, we referred it to the Tariff Board for report. The Tariff Board found that the application was justified: and that being so, we think that it is only fair that this bounty should take effect from the 1st October, 1924. As regards the other date, 30th September 1925, we have selected that date for the following reason. In the first place, the House must remember that we have taken this action under an emergency clause of the Act. Section 2 of the Steel Act is a section deliberately put in to meet an emergency. These off-setting duties are duties which we can take off any time we think it necessary whenever prices begin to rise again. For that reason we do not think that we should be justified in asking this House to commit itself too far ahead. We might be committing ourselves to a heavy payment to the industry which experience might show to be unnecessary. Prices might rise. Their working cost might come down. Again, if our policy proves to be effective, we may not get the compensating surplus revenue from which we are to pay these bounties. That is the reason why we ought not to commit ourselves too far ahead. On the other hand, in the ordinary course this House will meet again in September. In July and August we shall have an opportunity of re-examining the whole position, and if we think it necessary, we should be in a position to come before the House again. The first condition is intended to confine the bounty to mixed classes of steel which the Steel Act of 1924 was intended to protect. As regards the second condition, it will be noticed that we desire to pay this bounty upon production rather than sales. We have satisfied ourselves that we can pay the bounty quite easily upon production. The Resolution is so drafted that practically the bounty will be confined to the only company manufacturing steel in India. It is not, as my Honourable Colleague said a day or two ago, the Tata Company, but it is the Tata Iron and Steel Company. They are the only firm in India which are making steel on any large scale in India now. Ever since that firm has been manufacturing steel at Jamshedpur it has supplied our Metallurgical Inspector at Jamshedpur with a statement of ingots produced from each cast of each furnace. We have had those statements on record from the very beginning and there will be no difficulty in our working a system of bounties on production. Moreover, a system of bounties on production will, we think, be more favourable to the industry than a system of bounties on sales. Had we a system of bounties on sales, the industry would have had to wait until it sold its products before drawing bounties and it might have been tempted to agree to forced sales in order to get the bounties. The advantage of a bounty on production is that automatically as it produces steel the industry will get the bounty. The next point to notice is that we are paying bounty on 70 per cent. of the total weight of the ingots. The reason for that is that our records show that the ratio of the weight of

saleable steel to the total weight of the ingots is 70 per cent., that is to say, about 30 per cent. of every ingot goes back into the furnaces as scrap and comes out again. We do not want to go on paying on that portion of the ingot which is continually-going back into the furnaces and that is why we propose that it should be paid on 70 per cent. of the total ingot weight. The final figure that I have got to explain is the proposal that the bounties should be at the rate of Rs. 20 a ton. I have just explained that we calculate by the method employed by the Tariff Board in its first report that if we had imposed an off-setting duty and if prices had gone up to the full extent of the increased duty than on the estimated production of 1924-25, the maximum the industry could have got would be Rs. 50 lakhs. The total weight of finished steel produced by the industry according to that estimate during the current year is likely to be 250,000 tons. Therefore, Rs. 20 a ton is calculated to give them that Rs. 50 lakhs. We do not wish by giving a bounty to do anything less for the industry than we should have done had we accepted the Tariff Board's proposal. Indeed, as I think, I have shown to the House, we are doing for the industry even more than the Tariff Board proposed. I am quite free to admit that our proposals are generous. I am quite free to admit, as I have just said, that they are even more generous than the Tariff Board recommended. We think, Sir, that this is a time for generosity. It is a matter of common knowledge—the fact has been stated quite freely in the public press—that the industry at the present moment is passing through a particularly difficult stage of its existence. In fact, it has been stated in the public press that the Directors have thought it necessary to appeal to their shareholders to agree to a reconstruction of the Company. Now, it is entirely for the shareholders, who are the proprietors of the concern, to decide whether or not they will accept those proposals. At the same time, I think that everyone in this House would agree that some reconstruction is necessary; that is certainly the opinion of the Government. I think, Sir, that the Government can claim that they have dealt with this industry with generosity. I think, Sir, that, if this House will accept my Resolution, they will also be able to claim that they have dealt with this industry with generosity. It is an industry of real national importance, and I hope that if we pass this Resolution, the shareholders, that it so say, the proprietors of the concern, will also take the view that even at a sacrifice measures should be taken by reconstruction which would place an important national industry in a position in which it will have a fair chance of winning its way through to assured prosperity.

Sir, I move my Resolution.

✓ **Mr. N. M. Joshi** (Nominated: Labour Interests): Sir, the Honourable the Commerce Member has admitted that the system of protection which he had adopted and which the House had approved some months back has broken down. Sir, there were some Members in this Assembly who at the time when this question was discussed had predicted that this system would break down. Perhaps the Honourable the Commerce Member did not himself see that his system would break down; but a warning was given to him that the system which he had adopted was wrong and was sure to break down. The House in adopting the system of protection which it did at that time wanted to protect the national industry. But, Sir, in adopting the method the House did not take care even to make that industry a national industry. They did not take care that the industry

[Mr. N. M. Joshi.]

would be owned by the nation, nor did they take care to see that even the management of that industry would be Indian. To-day, Sir,

Mr. President: I am afraid the Honourable Member is trying to embark on the discussion of a subject which is not in order, and for the information of the House, before allowing him to proceed, I may say a word or two about amendments.

Mr. Joshi proposes to nationalise the steel industry by way of an amendment. That clearly is out of order. He also proposes to bring in the question of labour conditions and the Indianisation of the superior staff. Those are out of order as they are not within the scope of the original Resolution. The original Resolution proposes a bounty to the steel industry as at present constituted, and any further measures for nationalising, Indianisation or treating in any other way the steel industry would have to be done under some other Resolution. I am a little in doubt about the amendment standing in Mr. Sarfaraz Hussain Khan's name; as far as I can see from the way in which it is drafted, it is within the scope of the Resolution. The amendment of Mr. Das, No. 4, is in order. Mr. Joshi's No. 5 again raises Indianisation by a side issue which is clearly out of order. Mr. Sarfaraz Hussain's No. 6 refers also to Indianisation by way of condition, which is also out of order. Mr. Das' No. 7 also refers to Indianisation, which is out of order. The amendment of Dr. Lohokare, No. 8, is in respect to its first clause in order so far as I am able to understand it, and in respect of the second clause is out of order because it proposes Indianisation of the capital and not of the staff. Mr. Joshi may proceed.

Mr. N. M. Joshi: May I be allowed to say one word in favour of my amendment. The position is that the original Resolution is intended to meet a situation which has arisen on account of the break down of the proposals made by the Government of India by their previous Act, and the proposal of Sir Charles Innes itself is not in accordance with the Act. The Act provided that, if a certain situation arose, it should be met by increasing the duties. The Honourable Sir Charles Innes himself now proposes bounties which is a different proposal altogether. If it is open to Sir Charles Innes to make a proposal which is not consistent with the Act, it should be open to me also to make a proposal which may be different from those contained in the Act.

Mr. President: The Honourable Member is very ingenious; but I think his ingenuity defeats itself. I am not concerned here whether the proposal made by the Commerce Member is within the four corners of the original Steel Industry Protection Act or not. My only concern is whether Mr. Joshi is within the four corners of Sir Charles Innes' Resolution, and Mr. Joshi is clearly outside it.

Mr. N. M. Joshi: My difficulty is this. The principle of the Resolution is to give protection to the industry.

Mr. President: That is precisely what it is not. The proposal in the Resolution is to give bounties on certain productions of the steel industry within a certain date. It has nothing whatever to do with the management of the industry or with the ownership of the industry. It is the

industry as at present constituted which is to receive a bounty at the rate of 70 per cent. of the total weight produced within a certain period.

Mr. N. M. Joshi: I had thought, Sir, that the object with which the bounty was to be given was a part of the Resolution. But, as you now rule, I do not wish to discuss whether my amendment is in order or out of order. No doubt your decision is rather disheartening to me and it is somewhat difficult for me to proceed with my speech. (*A Voice:* "Do not make a speech.") I shall, however, try to place my point of view before you and before the Assembly if it becomes possible for me to do so.

I do not wish, Sir, to go into the details of the question of Indianisation. The object of these bounties is to protect the industry. If the object had not been to protect the industry, I am quite sure this House would not be so generous as to give a sum of 50 lakhs of rupees to a private company. The object being to protect the industry, it is the duty of this House to see if all those elements that form the industry are protected or not. The bounty will protect the interests of those who have invested their capital in the industry. But, Sir, the investors of the capital are not the only elements in that industry. If capital is necessary for an industry, labour is equally necessary for that industry. In giving the bounty to this industry, therefore, it is the duty of this Assembly to see whether labour is protected or not. For the information of the Members.....

Mr. President: Order, order. The Honourable Member is proceeding to discuss the protection of the labour in the Jamshedpur industry which is beyond the scope of the Resolution. What we are discussing here is the granting of bounties to the industry as a whole to meet a certain situation which has arisen owing to the operation of persons entirely outside India.

Mr. N. M. Joshi: I appeal to you, Sir, to take my view into consideration. The object of the Resolution is to protect the industry and I think you will admit, Sir, that the protection of industry does not only mean the protection of the shareholders' money. It also means the protection of the labour engaged in that industry. If that is not the object of giving the bounty, I want to know from any one in this House why 50 lakhs of rupees belonging to the public treasury should be handed over to a private company. The object clearly is that not only the money of the shareholders should be protected, but the lives of those people who are engaged in that industry should also be protected. Sir, not only the shareholders.....

Mr. President: The Honourable Member is now even more ingenious in the use of the word protection. I must warn him if he proceeds much more on that line I shall have to rule him definitely out of order and call upon some one else.

Mr. N. M. Joshi: I do not know, Sir, how I should proceed, but my object is that this bounty, which is to be given by this Assembly, should serve its object. The situation which has been described by Sir Charles Innes is that the prices of steel have not risen to the extent to which he expected they would rise by means of the protective duties, and perhaps they have gone down. The result of the prices not having risen, and perhaps of having gone down, is that 1,700 employés of the Tata Steel and Iron Company at Jamshedpur have been dismissed. And, on the other

[Mr. N. M. Joshi.]

hand, more than 60 new European employés have been engaged. Under these circumstances I want this House to consider whether it is right for them to give this bounty to the Tata Iron and Steel Company without making sure whether the labour engaged in that industry is protected or not. If 1,700 people are dismissed up to this time, by the time the next Resolution comes, 5,000 more people may be dismissed; and if all the Indian labour engaged in that industry, or a large part of the Indian labour engaged in that industry, is to be sent away, I should like to know from any Member of this Assembly what is the object of giving this bounty to this Company. Why are they giving this bounty if not to protect the interests of those people who have invested their money as well as to protect the interests of those people who have invested their very life in this industry? Sir, I therefore think that this Assembly should not consent to the giving of this bounty without making sure that Indians engaged in that industry get fair conditions of life and work. Surely 50 lakhs of Indian money is not to be spent to find employment for a large number of Europeans in that industry? Surely 50 lakhs of Indian money from the public treasury is not to be spent without taking measures to see that a large number of Indian employés of long standing are not sent away on to the streets without any means of livelihood? Moreover, Sir, I would like this House to consider whether they have taken all the precautions for safeguarding the interests of public finance if they pass this Resolution as it is. If an industry requires help, and I admit that industries do require help on many occasions, let that help be given out of public revenues; but, Sir, when the industry makes profits, will it not be the duty of that industry to return the money to the public treasury? To give a gift to an industry without expecting that industry to return that amount is in my opinion a very mistaken policy. If you begin to give gifts, there will be a demand for further gifts because there is no danger in asking for any gifts when they are obtained without any conditions. I want this House, Sir, to consider this proposal very carefully before they adopt it. The right way in my judgment, even if Government and this House are bent upon giving this bounty, is to lay down the condition that, whenever the industry becomes prosperous, the money they receive from the public treasury should be returned. Sir, this condition is not a discovery or invention made by me. In many countries subsidies and bounties are given to industries which are new or which are losing, but the Government and the Legislature take care to put down the condition that, when that particular industry becomes prosperous, that industry will return the money which it has obtained from the public treasury. It is a very fair proposal; and this proposal is not only found in the tariff legislation of other countries, but it has also found a place in legislation passed in India. In Madras there is an Act known as the Aid to Industries Act. According to that Act help in the form of subsidies or in other forms can be given out of the public treasury to industries, but that Act makes it clear that, when the industry begins to make profit beyond a certain rate fixed by the Government, that industry must share its profits by returning the money to the public treasury. Now, Sir, this is a proposal which is absolutely reasonable and is absolutely necessary to safeguard the interests of public finance. Unfortunately, the Honourable the Commerce Member does not think it necessary to safeguard the interests of Indian finance. The Madras Bill was passed by a Minister responsible to the Legislature. It was necessary for him to take care of the interests of public finance. But, Sir, it would be uncharitable for me to suggest that the Commerce Member has not laid down that

condition here because he is an irresponsible Minister of the Crown (The Honourable Sir Charles Innes: "You have suggested it!"). Sir, when the public treasury gives a large amount of help amounting to a crore of rupees to a private company, I think it is also the duty of the Government and the Legislature to ask for some control over that industry. This is also not a new principle. When any Government give help to a private industry to any very large extent, that Government ought to take measures to see that the money which they give to that company is properly utilised, and the only way of seeing that the money is properly utilised is to ask for a share in the control of that industry. Here again I am not introducing a new principle. This principle is accepted in many countries. Not only that but I know there is a company in Bombay which had to take a loan from some foreign country. They got that large loan only on the condition that those people who gave the loan would have a director on their board of directors. Not only that but the Honourable the Commerce Member.

Mr. President: I must warn the Honourable Member that he has reached his time limit.

Mr. N. M. Joshi: The Honourable the Commerce Member is presiding over the Department of Railways and he knows that the Government of India has given help to railway companies out of public funds only on the condition that the Government of India shall have a director on the board of directors of these companies, and not only that, that director shall have one voice out of ten but shall have a power of veto in the board of directors. I want to know, Sir, why the Government of India have not put down that condition here. If more than a crore of rupees out of the public treasury is to be given to a private company, it is absolutely necessary in the interests of public finance that the Government of India should insist that they should have an adequate voice in the management of that company. They should also take care to see that when that company makes a profit, the money should be returned to the public treasury. Sir, there is a great advantage in this proposal. India is anxious to develop her industries; the steel industry is not the only industry that we want to develop. There are several other industries that may ask for help. If we begin to give large gifts to private industries.

Mr. President: I cannot allow the Honourable Member to develop that line. He does not appreciate the fact that we are here discussing the question of a bounty to a particular industry for a particular time arising out of a particular emergency. The question of principle does not arise, and the question of the association of Government in the management of any industry whatsoever, whether the steel industry or any other, cannot arise under this Resolution.

Mr. N. M. Joshi: I do not wish to take up the time of the House any longer. I wanted to put before the House only one point, that this is not the only industry that wants help; there will be several other industries that will ask for our help; and, if we now lay down a condition that when the industry begins to make a profit the money should be returned, it will be easy for us to help other industries. But if we do not ask for the money to be returned at any time, even when the industry is making very large profits, it will be very difficult for us to help many industries which we want to develop.

[Mr. N. M. Joshi.]

Sir, before I close, I find it very difficult to say what is my attitude towards this Resolution. I should have expressed my attitude much better towards this Resolution if I had been allowed to move my amendments. I accept the principle of protecting industries, but, Sir, I cannot accept this Resolution because it is not in the interests of the industry itself as a whole, neither is it in the interests of public finance.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, in rising to move my amendment which runs as follows:

“ That after clause (1) the following new clause be inserted and clauses (2) and (3) be re-numbered (3) and (4) :

- (2) The proposed bounty for the year ending 30th September 1925 to be paid only to such firms or companies which began their actual work of manufacturing steel in India in the way specified in clause (1), before the year 1922 ”.

I rise more to support the Resolution moved by the Honourable Sir Charles Innes than to oppose it. My amendment seeks to lay down a certain condition, that is, that firms which were in existence before the year 1922, should be paid the bounty, but not firms which came into existence after that period. My reasons are very simple. The bounty for the present year should not be given to those companies which came into existence after the question of adopting protective tariffs for India was taken up by the public, that is, which came into being after 1922; they are not in my opinion entitled to the bounty in preference to those which were in existence before the Bill was passed into an Act. Some companies have sprung up in the years 1923 and 1924, but many of them did not begin their actual work of manufacture of steel till 1924. If a bounty is to be given to such companies as well, then in my opinion injustice will be done to the old companies; the old companies have suffered losses all along owing to the unfair competition from outside. That is one reason. Further, such companies helped the country by their products when steel products could not be imported from outside the country during the war. That is another reason. These companies served the Empire during the war with munitions. The new companies which came into existence later have suffered no such loss, nor have they served the country and the Empire. So I think the companies which served both the Empire and the country have a preferential claim to the bounty; and if the bounty is divided between the different companies, then I think injustice will be done to the companies which were in existence before the Bill was passed into an Act. So for these reasons I move my amendment which is not

1 P.M.

a negation of the Resolution moved by the Honourable Sir Charles Innes, but only lays down certain conditions, that is to say, that justice should be done to companies which served the Empire by supplying munitions during the war. Surely, in all fairness they should have a preferential claim over the new concerns which have been started for steel manufacture as a result of the policy of protection which Government intended to give. For this reason I appeal to Members to support me when I say that the proposed bounty should be paid only to such firms or companies which began their actual work of manufacturing steel in India before the year 1922. Sir, I move my amendment.

The motion was negatived.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, the amendment that stands in my name reads thus:

"That in clause (3) for the words and figures 'Rs. 50 lakhs' the words and figures 'Rs. 100 lakhs' be substituted."

Sir, my amendment is as simple as the amendment which the Honourable the Finance Member moved in his Currency Bill the other day to alter the figure from 85 to 100 crores. The Honourable the Commerce Member in his concluding remarks said that the steel industry is passing through a kind of distress and that it should be given a fair chance. But in proposing the bounty of 50 lakhs he has not given the industry a fair chance, but he has only given what I may call a famine dole, a famine ration, to this industry which is almost dying out. It may be that in proposing the 50 lakhs the Honourable Sir Charles Innes was reminiscent of his youthful days when he was District Magistrate presiding over a district when it was suffering from famine and floods and was doling out small sums to the thousands of people who were dying of starvation. That was perhaps the idea of Government of serving the people who suffered from famine and floods. But that idea cannot be applied to the steel industry. This is a business concern and we must tackle it from businessmen's point of view. We are going to see that the key industry of India stands on its own legs. Well, will 50 lakhs do for the purpose? The Honourable Sir Charles Innes said that Government had time to review the position of the steel industry, so also had the country as well as the Members of this House. But the Members of this House are convinced that the steel industry cannot stand on its own legs unless it is adequately protected. It may be that some of my honourable colleagues from the different provinces are looking forward to a remission of the provincial contribution from the surplus funds; it may be that my Honourable friend the Finance Member is looking forward to getting hold of a part of the surplus to meet the demand of the Lee Commission or the extra expenditure incurred in connection with the military manœuvres recently held at Delhi by His Excellency the Commander-in-Chief. The Honourable Member for Commerce intends to give protection, but the bounty of 50 lakhs which he proposes is I say not enough. . . .

Mr. President: The Honourable Member is not right in arguing about the adequacy of the bounty. The question in relation to the 50 lakhs is the narrow question as to whether the estimate of 50 lakhs is a reasonable estimate of the actual production of the steel industry on the basis of Rs. 20 a ton. The Honourable Member is moving his amendment in the wrong place.

Mr. B. Das: I shall explain why I propose 1 crore. In the May Session this House assured the steel industry a protection of over a crore of rupees. Exchange and dumping did not allow this benefit to the steel industry. . . .

Mr. President: The Honourable Member is roving generally over the question as to whether the Government are generous enough. That question does not arise on the question of Rs. 50 lakhs at all.

Mr. B. Das: Sir, the Tariff Board on page 3 of their report remark:

"It is not open to us, therefore, in this inquiry to discuss suggestions for the grant of bounties, or schemes by which all Government Departments and Railways should be required to use Indian steel."

[Mr. B. Das.]

They also make similar remarks on page 19 where they say:

“Railways, Government Departments and important public bodies like the Port Trusts may also continue to use British steel, or Indian steel at approximately British prices, for some time to come.”

My contention is that the Government and the House are committed to protect this key industry of India. This key industry must thrive. How can it thrive when only a little bounty is given to it? Government have taken no steps to confine their purchases to Indian steel and iron

Mr. President: Order, order. I once more want to tell the Honourable Member that he is moving an amendment to increase the sum of Rs. 50 lakhs to Rs. 100 lakhs. After he has moved that amendment he has restricted the debate to the question whether the estimate made by the Government that Rs. 50 lakhs will be required in one year to pay at the rate of Rs. 20 per ton to the steel industry is correct or not. The sole question in issue, once his amendment is moved, is whether that estimate is right or not. The Honourable gentleman is now talking about generosities. It has nothing to do with generosities; it is merely mathematical accuracies.

Mr. B. Das: By the imposition of the duty under the Indian Tariff Act the Government will by the end of the year make a profit of about 2 crores. My contention is that the surplus profit which will accrue to the Government must go to stabilise this industry and not for being paid into the exchequer of the Finance Member. I contend that there will be at least a surplus profit of more than a crore. The industry is not in a position to thrive without protection, and I suggest that a crore should go to this industry. I hope the Honourable Member for Commerce will support me and not only the Honourable Member for Commerce but also my friend the Honourable Sir Bhupendra Nath Mitra, the new Member for Industries. His Department exists to see that industries are adequately developed, and, if nobody else in this House supports me, I expect the support of at least the Honourable Sir Bhupendra Nath Mitra in this matter.

The Honourable Sir Basil Blackett (Finance Member): Sir, I regret to have to break it to my Honourable friend who has just spoken (Mr. B. Das) that I have the word of my Honourable friend Sir Bhupendra Nath Mitra that he is unable to support him. The Honourable Member's purpose in moving this amendment seems to have been to get a little more. I could not gather that he had any other argument than that he would like something more for the industry that is to be protected. He was not successful in getting his amendment down in a form that was likely to give his friends any more because, as was pointed out by the Honourable the President, if he was anxious that 100 lakhs should flow in the direction desired, it would have been necessary for him to move an amendment in clause 2 of the Resolution also raising the figure from Rs. 20 a ton to something higher. It is possible that, if the production of steel goes ahead very fast in the period named, the figure of Rs. 20 a ton will produce the whole 50 lakhs and run up against the maximum limit. I hope it will be so because, if it does, it will mean that the company is doing better and is therefore less in need of the additional assistance which is proposed for it. But why the Honourable Member should think it necessary to ask for more than 50 lakhs I find it a little difficult to understand. The Tariff Board themselves asked for less and, as was pointed out by the

Honourable Sir Charles Innes, the proposals which we are making in this Resolution will give the company on the whole better terms than they would have got from the operation of the Tariff Board's proposals. The Honourable Member sought to justify his demand for something more by accusing me of getting off with the swag. The Honourable Sir Charles Innes has already stated that the extra amounts received by the Government as a result of the imposition of the protective duty on steel after the Act passed last June up to the 31st of December 1924 is a gross total of 71 lakhs. Out of that figure we have to provide 37 lakhs for the payment of bounties as arranged under the original Act. I believe there is also some small additional allowance to be made (I have not verified the figures) in respect of duty on Government stores. We have therefore in hand at the present moment a balance of something like 30 lakhs out of which to pay those 50 lakhs. Now that is up to the 31st March 1925. There will be additional bounties payable next year, and it is extremely unlikely in my opinion that the very large receipts that we were getting in the early months under the Steel Protection Act will continue. They were due first of all to the large imports that people endeavoured to make in order to avoid the operation of the Act at all, and secondly to the large imports that have been going on in the expectation of additional duties. It is extremely unlikely in my opinion that by the time the 30th September arrives I shall find that any of the swag has rested in my pocket on behalf of the tax-payer of India. Therefore, the proposal which the Honourable Member is making is undoubtedly a proposal that I should find out of the prospective surplus of my budget which has already been so sadly depleted by the Commander-in-Chief's vigorous exercises in the neighbourhood of New Delhi (I am told that he spent at least two lakhs on those operations. I have myself a secret suspicion that I am going to save money owing to those operations because a little less will have to be spent on guarding surplus munitions.) However that may be, I do not feel that I can rely on that prospect for the purpose of finding the extra 50 lakhs which my Honourable friend desires. I therefore on behalf of Government oppose the motion.

Mr. President: The question is that the following amendment be made:

"That in clause (3) for the words and figures 'Rs. 50 lakhs' the words and figures 'Rs. 100 lakhs' be substituted."

The motion was negatived.

Mr. President: The question is that the following Resolution be adopted, namely:

"That this Assembly recommends to the Governor General in Council that a bounty should be paid on steel manufactured in India between the 1st October, 1924, and the 30th September, 1925, subject to the following conditions:

- (1) The bounty should be paid only to firms or companies manufacturing, mainly from pig-iron made in India from Indian ores, steel ingots suitable for rolling or forging into any of the kinds of steel articles specified in Part VII of Schedule II to the Indian Tariff Act, 1894.
- (2) The bounty should be paid on steel ingots manufactured by such firms or companies, and the bounty should be paid at the rate of Rs. 20 a ton on 70 per cent. of the total weight of the ingots manufactured in each month.
- (3) The total amount of the bounty payable under this Resolution in the 12 months ending 30th September, 1925, should not exceed Rs. 50 lakhs."

The motion was adopted.

DEMAND FOR GRANT TO DEFRAY THE BOUNTY TO THE STEEL INDUSTRY.

The Honourable Sir Charles Innes (Commerce Member): I move, Sir:

"That a sum not exceeding Rs. 25 lakhs be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March, 1925, on account of the bounty which it has been recommended in the Resolution just passed that the Governor General in Council should pay on steel manufactured in India between the 1st of October, 1924, and the 30th of September, 1925."

Mr. Chaman Lall (West Punjab: Non-Muhammadan): I move, Sir, to oppose this particular Resolution. I am afraid I was taken a little un-awares when you put the first Resolution to the vote because I wanted, before you put that Resolution to the vote, to ask you to give me a ruling on a point of order. That particular ruling has been raised in this House before but it was in your absence, when you were at home. The ruling that I want you to give is on this question. Are the shareholders of Tata's, who happen to be quite numerous in this House, entitled to vote on this question of giving a bounty of 50 lakhs to Tata's, and whether it is not a question of public policy that this bounty should be voted by the shareholders? I want you to give us a ruling, Sir, whether they ought or ought not to vote. Personally, I believe they ought not to vote. Merely as a question of public policy, it is not right that they should vote. They have every right to have a say in the matter. They have every right to suggest reasons why this bounty should be given. But I do not think it is decent that they should come here in a matter of public policy and vote upon a question of this nature. First of all, Sir, I therefore submit this question to you and ask you to give me your ruling.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): How does the name of Tata's come in here? (Laughter.) In the Resolution it is

Mr. President: Order, order. I think the Honourable Member is asking me to play the ostrich. The Honourable Member (Mr. Chaman Lall) has put to me a question as to how far the shareholders in steel companies that will benefit by this Resolution, whatever the name of the steel company may be, should or should not vote on this Resolution. That question has been settled by the established practice of the House of Commons which I think we may reasonably follow here. It has been raised in the history of the House of Commons on many occasions and is now well settled in practice. The practice is that where the individual Member of the House of Commons is actually an active partner in a business not a limited liability company, it is a misdemeanour on his part to vote; and there have been cases in recent Parliamentary history where a measure has had to be passed to indemnify a partner in a business in England from the penalties otherwise leviable upon him for having given his vote in the House of Commons on any subject, not merely on a question in which he was personally interested. The question has been settled, however, in this form that where the shareholders of any company which receive subsidies or other benefits from His Majesty's Government are Members of the House of Commons, they are perfectly entitled to register their votes either on that or on any other question, the only question being whether it is a matter of propriety for them to do so, and that that is entirely a matter for the personal judgment of the Member concerned. My Honourable friend will probably see that it will not be difficult to apply here this rule. There may

not be many Members here for instance connected with the Peninsular and Oriental Shipping Company, but there is no doubt there are Members here who are members of various firms which are connected with contracts directly or indirectly given by the Government of India or Local Governments, and therefore the rule laid down in the House of Commons is, I think, a satisfactory rule. It is only where a Member is directly and personally concerned in contracting with Government for certain services that he is not entitled to take part in the debate. I am not aware whether this point was raised before—if it was raised before during the proceedings of the Steel Industry Protection Act—I should have asked for further notice of this question in order to consult the ruling given by my predecessor. I have stated the Parliamentary practice of the House of Commons, and I think we may reasonably follow that practice and leave it to individual Members, as a matter of propriety, to decide whether their judgment is likely to be influenced or deflected from the straight line of public policy by any personal pecuniary benefit they may derive.

Mr. Chaman Lall: I thank you very much, Sir, for the ruling that you have given and for having clarified the issue. There was a ruling given in the May-June Session, but as nobody happened to remark on the subject, I take it that your ruling on this subject is the law on the point.

Mr. President: I cannot allow the Honourable Member to use the word "law". Law is one thing, a ruling from the Chair is a very different thing.

Mr. Chaman Lall: As far as Honourable Members here are concerned, I think a ruling from the Chair is a law.

Sir, I rise to oppose the grant of any bounties to any steel company in India, and my reasons are very simple. I will confine myself to the one particular company, the Tata Iron and Steel Company, which is the only company which is likely to benefit in regard to this bounty that you are going to give them. It is true, if you examine the facts furnished during the last few years from 1916 to 1924, that the Tata Iron and Steel Company made a profit of nearly 8 crores, 4 crores of which they distributed to their shareholders and 4 crores of which they put away in their reserve fund, on a total paid-up capital, I believe, of 3 crores. Subsequently, when they were in difficulties, after having paid out the handsome dividend of 4 crores to their shareholders, they discovered that they had to go and borrow money and they borrowed money in a foreign market by issuing debentures to the extent of 4 crores, so that, unlike any sensible company in the world, they went about distributing lavishly their dividends to their shareholders without looking forward to or taking account of the time when a depression would come and there would be need of money. When the depression came—as it was inevitable that that depression would come with the falling exchanges on the one side and the end of the war on the other, they asked for protection of the steel industry.

Mr. President: I am afraid the Honourable Member is a little too late for that kind of argument. This Resolution is in the form of a supplementary estimate in connection with the Budget of the present year, and for the amount required up to the 31st of March in the present financial year, and therefore the only matters in order under it are arguments designed to show that the estimate made by the Commerce Member of the

[Mr. President.]

amount required is not adequate. I do not think that on a supplementary estimate of this kind, where the House has just decided an important principle, the Honourable Member can bring up the matter or argue it again.

Mr. Chaman Lall: I submit to your ruling on this point, Sir. I know it is very inconvenient that I am a little too late. I just wanted to put my sentiments before the House. Honourable Members of this House are quite well aware that in the May-June Session I did say a good deal in opposition to the imposition of protective duties, but now as far as this particular matter is concerned,—the demand for the grant of a sum not exceeding Rs. 25 lakhs to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st March 1925,—I think, Sir, I may be able, with your permission, to say one or two words more as to why this particular amount should not be sanctioned for this particular purpose of the granting of a bounty. My reasons I have already placed before the House. I have not exhausted my reasons and I do not intend to do so. I am merely mentioning in passing in connection with your ruling on the point that Tatas do not deserve any bounty whatsoever. They have got the worst reputation imaginable in India to-day. Mulshipetta and Jamshedpur are evidence of the fact that this Company's name has become a byword instead of its being a household word. They have treated their shareholders in a fashion which is absolutely—I will not say abominable—but which is absolutely undeserved. They have broken every promise and they have broken every understanding that we arrived at with them. They have not paid the least attention whatsoever to the demands of their workers at Jamshedpur or at Mulshipetta. I think it would be not in the public interests to support this company under these circumstances.

Mr. President: I do not know if the Honourable Member was present here when I had a conversation with Mr. Joshi. If Mr. Joshi was out of order on the main Resolution, the Honourable Member is ten times out of order now.

Mr. Chaman Lall: I will therefore simply suggest that under these circumstances, for reasons which are very obvious, this grant should not be made.

Mr. President: The question is:

“That a sum not exceeding Rs. 25 lakhs be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st March, 1925, on account of the bounty which it has been recommended in the Resolution just passed that the Governor General in Council should pay on steel manufactured in India between the 1st of October, 1924, and the 30th of September, 1925.”

The motion was adopted.

NOMINATION OF MEMBERS TO THE SELECT COMMITTEE ON THE COURT-FEES (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, may I make one slight change in the motion which stands in my name? I wish to substitute also for Mr. Fleming Mr. Naidu.

I beg to move:

"That in place of Sir Henry Moncrieff Smith, Mr. H. E. Holme and Mr. E. G. Fleming the following members be appointed to the Select Committee on the Bill further to amend the Court-fees Act, 1870, the Succession Certificate Act, 1889, and the Code of Civil Procedure, 1908, for certain purposes and for the like purposes to repeal certain enactments amending the Court-fees Act, 1870, namely:

Mr. L. Graham,
Mr. E. H. Ashworth, and
Mr. M. C. Naidu."

The motion was adopted.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

The Honourable Sir Charles Innes: Sir, I beg to move:

"That the Bill to amend the Indian Merchant Shipping Act, 1923, for a certain purpose, be taken into consideration."

I explained the purpose of this little Bill when I introduced it a few days ago. The Bill consists of one clause only. It gives us power to impose fees for inspection when wireless installations have been found out of order. In this matter we are following the practice of the Board of Trade at Home. I move my motion.

The motion was adopted.

The Honourable Sir Charles Innes: Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 27th January, 1925.

LEGISLATIVE ASSEMBLY.

Tuesday, 27th January, 1925.

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

QUESTIONS AND ANSWERS.

LIMIT OF OVERDRAFTS ALLOWED BY THE IMPERIAL BANK OF INDIA WITHOUT SECURITY.

273. ***Mr. A. Rangaswami Iyengar:** (a) Will the Government be pleased to state what were the reasons that led to the enactment of the proviso to sub-clause (iv) to Part II of Schedule 1 to the Imperial Bank of India Act removing the maximum limit of Rs. 10,000 imposed by the Presidency Bank Amending Act 1 of 1907 on the amount of overdrafts that could be allowed by the Bank without security and permitting the Bank to allow such overdrafts to the extent that may be prescribed?

(b) Will the Government be pleased to state whether any bye-laws have been made in this behalf prescribing the extent of such overdrafts and if so, whether they will lay the same on the table?

The Honourable Sir Basil Blackett: (a) The maximum limit of Rs. 10,000 was removed because it was found that the limitation interfered with legitimate business.

(b) A limit of Rs. 1 lakh has been prescribed in bye-law 4, which reads as follows:

“Accounts may be overdrawn to the extent of one lakh of rupees without security.”

SEPARATION OF RAILWAY FROM GENERAL FINANCE.

274. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state the actual steps that have so far been taken in the matter of carrying out the recommendations of the Assembly in connection with the separation of Railway from the General Finance?

Mr. G. G. Sim: As the Honourable Member will see when the estimates are presented, the separation of Railway from General Finance is being carried out with effect from the current year in accordance with the terms of the Resolution passed by the Assembly. A Standing Finance Committee for Railways has been constituted with the composition recommended in the Resolution, and the composition proposed in the Resolution for a Central Advisory Council is also being adopted. The railway estimates are being laid before the Standing Finance Committee for Railways, and their form and details, and the number of demands for grants into which the

total votes shall be divided, are being discussed with the Committee. Arrangements have also been made to present the railway budget to the Assembly in advance of the general budget, and to allot separate days for its discussion.

Mr. V. J. Patel: What steps have Government taken to have the Government of India Act amended so as to enable the Government to present the Railway Budget in the September session?

The Honourable Sir Charles Innes: We have placed that suggestion before Sir Alexander Muddiman's Committee.

SPECIAL DUTY OF MR. A. A. L. PARSONS IN CONNECTION WITH THE PRESENTATION OF THE RAILWAY BUDGET.

275. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state the scope and extent of the special duty on which Mr. Parsons, Railway Accountant General, has been placed and the progress made therein?

The Honourable Sir Charles Innes: Mr. Parsons has been engaged to assist the Financial Commissioner in the revision of the arrangements for the presentation of the budget, of the form of accounts, the method of financial control and the institution of the depreciation fund and the revision of financial procedure generally consequent on the separation of the Railway from General Finance.

REVISED ESTIMATES OF RAILWAY EARNINGS AND EXPENDITURE FOR THE CURRENT YEAR.

276. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to make a statement as to what extent the anticipations made in the memoranda supplied to the Members of the Assembly during the debate on the Railway Finance Separation have been exceeded by the actual figures of railway earnings and expenditure received so far and as to the anticipations of railway revenue and profits expected in the remaining months of the budget year?

Mr. G. G. Sim: The revised estimates of railway earnings and expenditure for the current year are being framed and will be placed before the House in due course.

ACCELERATION OF RAILWAY CONSTRUCTION.

277. ***Mr. A. Rangaswami Iyengar:** (a) Will the Government be pleased to state whether any, and if so, what steps have been taken to accelerate the pace of railway construction since the last session of the Assembly and to lay on the table of the House a statement of the several projects worked to accelerate or any instruction to the Railway Administrations that has been issued by the Railway Board in this behalf?

(b) Will the Government be pleased to state to what extent this acceleration has increased the amount of stores purchases and indents placed in England or to call for a statement from the Railway Administration concerned in this matter?

Mr. G. G. Sim: (a) The necessity of expediting the completion of sanctioned works has been impressed upon Agents. The procedure in connection with the preparation of estimates has been simplified and the estimating staff has been increased where necessary.

(b) It is impossible to state what effect this has had upon the placing of indents.

CONSTRUCTION OF BRANCH LINES AND FEEDER RAILWAYS.

278. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state whether any new policy has been adopted or is under discussion in respect of construction of branch lines and feeder railways with special reference to the railways of District Boards, existing and projected, and the ownership, maintenance and management of such lines?

EXPANSION OF DISTRICT BOARD RAILWAY CONSTRUCTION IN THE MADRAS PRESIDENCY.

279. ***Mr. A. Rangaswami Iyengar:** Have the Government raised any new objections to the policy of the expansion of District Board railway construction in the Madras Presidency in accordance with the programme which had to be suspended during the war and the execution of which on the part of the District Board is now overdue?

Mr. G. G. Sim: I will answer questions 278 and 279 together. The proposals of Government for giving effect to the Acworth Committee's recommendation that branch lines shall as far as possible be constructed and worked by the main lines to which they are tributary and that only if the State is unable or unwilling to provide funds shall the formation of separate branch line companies be encouraged will shortly be discussed with the Central Advisory Council, and I will lay papers as soon as possible.

CORRESPONDENCE BETWEEN THE SECRETARY OF STATE AND THE GOVERNMENT OF INDIA ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

280. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to lay before the Assembly the despatches that have passed between the Secretary of State and the Government of India on the recommendations of the Lee Commission after obtaining, if necessary, the assent of the Secretary of State thereunto?

The Honourable Sir Alexander Muddiman: I answered that question yesterday.

Mr. V. J. Patel: Not the whole of it. The words "after obtaining, if necessary, the assent of the Secretary of State thereunto" occur here. Has the Secretary of State been consulted with regard to the publication of the correspondence?

The Honourable Sir Alexander Muddiman: I have already stated that the Government have no intention of publishing the papers.

Mr. V. J. Patel: This Government have no intention, I dare say. But the question is whether the Government would be prepared to consult the Secretary of State in regard to their publication?

The Honourable Sir Alexander Muddiman: The answer is in the negative.

Mr. V. J. Patel: Why so?

(No answer was given.)

Mr. V. J. Patel: Are Government not prepared to answer that question?

The Honourable Sir Alexander Muddiman: I have already stated that I have no intention whatever of publishing the papers.

Mr. Gaya Prasad Singh: Will Government kindly state the reasons for not asking the Secretary of State to assent to the publication of the papers?

The Honourable Sir Alexander Muddiman: Because the Government of India did not think it desirable that the papers should be published.

Mr. A. Rangaswami Iyengar: May I ask the Honourable the Home Member whether he will not suggest to the Secretary of State the advisability of explaining to the House the reasons why he has thought fit to deprive the House of its powers over the Services in respect of passages and other things?

The Honourable Sir Alexander Muddiman: I think that arises on the next question.

Mr. A. Rangaswami Iyengar: I am asking whether the Secretary of State can allow despatches to be published on that ground with a view to furnish an explanation as to why he did so.

The Honourable Sir Alexander Muddiman: I think the answer appears in my next reply; I am not prepared to address the Secretary of State on the matter.

Dewan Bahadur M. Ramachandra Rao: May I ask the Leader of the House whether it is not desirable that the reasons of the Government of India and the Secretary of State as put forward in the despatches may be made available to this Assembly so that they may understand the exact grounds on which the Government of India and the Secretary of State have departed from the recommendations made by this Assembly?

The Honourable Sir Alexander Muddiman: I have endeavoured to explain the attitude of the Government of India in regard to the Lee Commission's recommendations.

Mr. Gaya Prasad Singh: Sir, it may not be desirable from the Government point of view but it certainly is desirable from the public point of view. Will the Government be pleased to consider this question?

RECOMMENDATIONS OF THE LEE COMMISSION.

281. ***Mr. A. Rangaswami Iyengar:** (a) Will the Government be pleased to state whether the decision of the Secretary of State in Council to make all the concessions granted to the All-India Services as to pay, passages, remittance privileges and the rest non-votable and to curtail the constitutional powers of the Legislatures in this behalf by an amendment to the Government of India Act, has been made on the recommendation or at the suggestion of the Government of India? If so, what were the reasons upon which such recommendations were based and why was

no mention made of such contemplated proposals by or on behalf of the Government during any stage of the debate on the Lee Commission's recommendations in September or May last?

(b) Will the Government be pleased to state whether they will now afford to the House an opportunity to discuss this new proposal that affects the position and powers of the Assembly under the constitution?

The Honourable Sir Alexander Muddiman: (a) The Lee Commission in paragraph 64 of the Report emphasised the principle that it was essential that no portion of the relief intended by them should be less certain than another. The action contemplated by His Majesty's Government is the natural outcome of that principle.

(b) I must refer the Honourable Member to the Rules and Standing Orders regarding the tabling of Resolutions.

Mr. A. Rangaswami Iyengar: May I know, Sir, whether the Honourable the Home Member suggests to me that I can move a Resolution with regard to making these items votable?

The Honourable Sir Alexander Muddiman: That is a matter for the Honourable Member to consider, and frame a Resolution.

Mr. A. Rangaswami Iyengar: I am asking the Home Member whether, when he referred me to the rules, he really intends me to take steps to make them votable.

The Honourable Sir Alexander Muddiman: It is not for me to say whether a Resolution should be framed; if the Honourable Member can frame a Resolution which is within the Standing Orders and Rules he can put it down.

BENGAL CRIMINAL LAW AMENDMENT ORDINANCE.

282. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state when they first received a request from the Government of Bengal for the enactment of legislation "to supplement the ordinary Criminal Law in that province"? If proposals in this behalf had been under consideration in September last, will the Government be pleased to state why the information relating to this was withheld from the Assembly in the course of the debate on the repeal of the Criminal Law Amendment Act of 1908?

The Honourable Sir Alexander Muddiman: I would refer the Honourable Member to the reply which I have already given to Mr. C. Duraiswami Aiyangar's question on the same subject.

MEMORIAL FROM THE WIDOW OF THE LATE MR. A. R. SESHA IYER, HEAD RECORD CLERK, RAILWAY MAIL SERVICE, T. DIVISION.

283. ***Mr. A. Rangaswami Iyengar:** Have the Government of India received any memorial from one Subbalakshmi Ammal, widow of the late Mr. A. R. Sesha Iyer, Head Record Clerk, R. M. S., T. Division, applying for the grant of a gratuity in consequence of the sudden death of her husband from cholera while on duty at Trichinopoly during the time of floods and epidemic in July last? Are the facts stated therein correct? If so, do the Government propose in the peculiar circumstances of the case to comply with the memorialist's prayer to any extent?

The Honourable Sir Bhupendra Nath Mitra: Yes. A memorial has been received and is receiving due consideration.

NON-PAYMENT TO POSTAL ENDOWMENT POLICY-HOLDERS OF THE BONUS FOR THE QUINQUENNIAL 1917—22.

284. ***Mr. A. Rangaswami Iyengar:** Will the Government be pleased to state whether there have been cases in which postal endowment policy holders with bonus have not been paid their bonus for the quinquennium 1917—22, and if so, the reason therefor?

The Honourable Sir Bhupendra Nath Mitra: Under the rules of the Post Office Insurance Fund the grant of a bonus to policy holders is not obligatory. Bonuses have been given for the two quinquennia ending in 1917 and the question of granting a bonus for the quinquennium 1917—22 is now under consideration.

CONVENTIONS AND RECOMMENDATIONS OF THE INTERNATIONAL LABOUR CONFERENCES.

285. ***Mr. Chaman Lall:** Will Government be pleased to lay on the table a copy of the conventions and recommendations of the Sixth International Labour Conference as well as those of the previous five conferences?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member will find the Conventions and Recommendations adopted by the first three Conferences in Bulletins of Indian Industries and Labour Nos. 4, 17 and 26, respectively. These will be found in the Library. Copies of the Recommendations adopted at the last three Conferences have also been placed in the Library.

RECOMMENDATIONS AND CONVENTIONS OF THE SIXTH INTERNATIONAL LABOUR CONFERENCE.

286. ***Mr. Chaman Lall:** (a) Which of the recommendations and conventions of the Sixth International Labour Conference have been given effect to by the Government of India?

(b) Will Government lay on the table a statement showing the recommendations and conventions of the previous five conferences, which have not been given effect to?

The Honourable Sir Bhupendra Nath Mitra: The Sixth International Labour Conference adopted no Convention. It adopted only one Recommendation. A statement showing the effect given to all the Conventions and Recommendations which have been adopted by International Labour Conferences is placed on the table.

Statement showing the effect given to each Draft Convention and Recommendation adopted by the International Labour Conferences.

Conventions and Recommendations.	Effect given.
FIRST SESSION.	
1. Draft Convention limiting the hours of work in industrial undertakings.	Ratified and Indian Factories Act amended.
2. Draft Convention concerning unemployment	Ratified. Statistics supplied, and inquiries made and published.
3. Draft Convention concerning the employment of women before and after childbirth.	Report submitted to the International Labour Office.

Conventions and Recommendations.

Effect given.

FIRST SESSION—*contd.*

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| 4. Draft Convention concerning employment of women during the night. | The Convention was ratified and the Factories Act was amended. |
| 5. Draft Convention fixing the minimum age for admission of children to industrial employment. | Placed before the Legislature; the definition of "factory" was amended, the age of children was altered, the Indian Ports (Amendment) Act, 1922, was passed, and the Mines Act amended. |
| 6. Draft Convention concerning the night work of young persons employed in industry. | Ratified. No change in the Indian law was involved. |
| 7. Recommendation concerning unemployment | Placed before the Legislature and examined in consultation with local Governments and no further action was considered necessary. |
| 8. Recommendation concerning the protection of women and children against lead poisoning. | Placed before the Legislature. Provision was made in the Indian Factories Act. |
| 9. Recommendation concerning reciprocity of treatment of foreign workers. | No action was required as no discrimination was in operation. |
| 10. Recommendation concerning the prevention of anthrax. | Provision inserted in the Indian Factories Act. (Section 38-A.) No Rules have been issued under this Section. |
| 11. Recommendation concerning the establishment of Government Health Services. | Placed before the Legislature and forwarded to local Governments. |
| 12. Recommendation concerning the application of the Berne Convention of 1906, on the prohibition of the use of white phosphorus in the manufacture of matches. | India already adhered to Berne Convention; no further action was therefore required. |

SECOND SESSION.

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| 1. Draft Convention fixing the minimum age for admission of children to employment at sea. | Placed before the Legislature. The amendment of the Indian Merchant Shipping Act is under consideration. |
| 2. Draft Convention concerning unemployment indemnity in case of loss or foundering of the ship. | Placed before the Legislature. Enquiry made and amendment of the Indian Merchant Shipping Act is under consideration. |
| 3. Draft Convention for establishing facilities for finding employment for seamen. | Placed before the Legislature. A Committee was appointed and following their recommendation, an officer of the Mercantile Marine has now been appointed at Calcutta as Shipping Master to evolve a scheme. |
| 4. Recommendation concerning the limitation of hours of work in the fishing industry. | } The Legislature resolved that no action should be taken. |
| 5. Recommendation concerning the establishment of national seamen's codes. | |
| 6. Recommendation concerning unemployment insurance for seamen. | |
| 7. Recommendation concerning the limitation of hours of work in inland navigation. | |

Conventions and Recommendations.

Effect given.

THIRD SESSION.

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| 1. Draft Convention concerning workmen's compensation in agriculture. | Not ratified. The Legislature resolved that no action need be taken. |
| 2. Draft Convention concerning the age for admission of children to employment in agriculture. | Not ratified. The law in India is not in conflict with the Convention. |
| 3. Draft Convention concerning the use of white lead in painting. | Not ratified in accordance with recommendation of Council of State. |
| 4. Recommendation concerning social insurance in agriculture. | The Legislature resolved that no action be taken. |
| 5. Recommendation concerning the protection, before and after childbirth, of women wage-earners in agriculture. | } The Legislature resolved that legislation should not be introduced at present. |
| 6. Recommendation concerning night work of women in agriculture. | |
| 7. Recommendation concerning night work of children and young persons in agriculture. | |
| 8. Recommendation concerning living in conditions of agricultural workers. | |
| 9. Draft Convention concerning the rights of association and combination of agricultural workers. | Ratified. No further action is necessary. |
| 10. Draft Convention concerning the application of the weekly rest in industrial undertakings. | Ratified. Provision made in the Mines and Factories Acts. |
| 11. Draft Convention fixing the minimum age for the admission of young persons to employment as trimmers and stokers. | } Placed before the Legislature and ratified. (Necessary provision is being made in the Indian Merchant Shipping Act.) |
| 12. Draft Convention concerning the compulsory medical examination of children and young persons employed at sea. | |
| 13. Recommendation concerning the prevention of unemployment in agriculture. | |
| 14. Recommendation concerning the development of technical agricultural education. | } Forwarded to local Governments for necessary action. |
| 15. Recommendation concerning the application of the weekly rest in commercial establishments. | |
| | } In accordance with a resolution of the Legislature the recommendation was forwarded to local Governments. |

FOURTH SESSION

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| 1. Recommendation concerning communication to the International Labour Office of Statistical and other information regarding emigration, immigration and the repatriation and transit of Emigrants. | Statistics are being sent by the Government of India. |
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FIFTH SESSION.

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| 1. Recommendation concerning the general principles for the organisation of systems of inspection to secure the enforcement of the laws and regulations for the protection of the workers. | The subject is provincial and the recommendation was forwarded to local Governments for any action considered necessary. |
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SIXTH SESSION.

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| 1. Recommendation concerning the development of facilities for the utilisation of workers' spare time. | The subject is provincial and the recommendation was forwarded to local Governments for any action considered necessary. |
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EQUALITY OF TREATMENT FOR INDIAN WORKERS ABROAD.

287. ***Mr. Chaman Lall:** Do the Government of India intend to secure equality of treatment for Indian workers abroad?

Mr. J. W. Bhore: The Government of India are not aware to what inequalities the Honourable Member refers. If he will be so good as to specify these, I shall be better in a position to answer his question.

LEGISLATION FOR THE UTILISATION OF THE LEISURE HOURS OF INDUSTRIAL WORKERS, ETC.

288. ***Mr. Chaman Lall:** Do the Government of India intend to bring in legislation for:

- (1) the utilisation of the leisure hours of the industrial workers;
- (2) the institution of the Creche system at factories and workshops?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative.

SHOOTING OF INDIANS IN BRITISH GUIANA.

289. ***Mr. Chaman Lall:** (a) Are Government aware that in reply to a question of mine it was stated that a report of the firing on Indian workers at George Town was awaited and would be published?

(b) Will Government explain the delay in publishing this report?

Mr. J. W. Bhore: (a) Yes. A copy of the report together with the minutes of evidence will be placed in the Library of the House.

(b) The Government of India could not publish the report of the officer of another Government without the authority of that Government. This authority has only just been received.

EMIGRATION TO BRITISH GUIANA.

290. ***Mr. Chaman Lall:** Have Government arrived at any decision regarding the proposal placed before them regarding emigration to British Guiana by Sir Joseph Nunan and the Honourable Mr. Luckhoo?

Mr. J. W. Bhore: No. The attention of the Honourable Member is invited to the press communiqué issued by the Government of India on the 7th June last, a copy of which has been placed in the Library for the information of the Honourable Member.

APPOINTMENT OF A COMMITTEE TO EXAMINE THE DEMANDS OF THE ALL-INDIA POSTAL AND R. M. S. UNION.

291. ***Mr. Chaman Lall:** (a) Have Government any information regarding the demands made by the All-India Postal and R. M. S. Union at its annual session held at Bombay under the presidentship of Mr. M. A. Jinnah?

(b) Do Government intend to appoint a Committee of Inquiry in order to examine these demands?

The Honourable Sir Bhupendra Nath Mitra: (a) Government have received a copy of the Resolution passed at the Conference.

(b) The answer is in the negative.

Mr. Devaki Prasad Sinha: May I ask a supplementary question, Sir? Do Government attach any value to the resolutions passed by the R. M. S. and Postal Conferences?

The Honourable Sir Bhupendra Nath Mitra: Government undoubtedly do take cognisance of them.

RESETTLEMENT OF THE KOHAT REFUGEES.

292. ***Mr. Chaman Lall:** Will Government make a statement with regard to the negotiations that their officers have been carrying on for the resettlement of the Kohat refugees?

Mr. Denys Bray: There would perhaps be some danger of stirring communal feelings among the Kohat leaders if I attempted to answer the Honourable Member's question in detail and described the ups and downs of the Kohat negotiations. But I can assure him that from the very outset the efforts of Government and their officers have been directed towards bringing about a reconciliation between the two communities, and Government trust that the agreement now concluded between the leading representatives will result in the early return of the refugees in honourable security to Kohat and a resumption by the two communities of their normal life of neighbourly relations.

Khan Bahadur Sarfaraz Hussain Khan: May I know, Sir, if the refugees have returned to Kohat?

Mr. Denys Bray: They have not.

Lala Duni Chand: Will the Government please state how many refugees have gone back to Kohat and how many of them still remain at Rawalpindi and other places?

Mr. Denys Bray: I would venture to deprecate any specific questions on this matter. I have received one or two letters from the Kohat leaders themselves, and they tell me in their letters perfectly plainly that the best chance of their early return is for them to be allowed at present to work out their own salvation. They very earnestly beg me to put this position before the House.

Lala Duni Chand: Sir, I feel very strongly on the point, I have also received certain letters from certain leaders. My next question is, will the Government please state if they are prepared to compensate the sufferers of Kohat in any way, and if so, in what way?

Mr. Denys Bray: I beg to inquire whether this question arises out of the substantive question?

Mr. President: The Foreign Secretary may reasonably ask for notice of it.

Nawab Sir Sahibzada Abdul Qaiyum: Will the Government please state if the Kohat Hindu leaders are not carrying on their business in Kohat itself, if some of them have not constructed their shops and if some of them are not spending their time in Kohat itself keeping only a certain number of refugees in a small camp station in Rawalpindi to retain the sympathy of their coreligionists and the attention of the authorities.

Mr. Denys Bray: The facts are as stated with regard to one or two of the Hindu leaders. But I would again suggest to the House that it is exactly this sort of question that makes it desirable to avoid discussion in the House at present.

ARRESTS UNDER BENGAL REGULATION III OF 1818 AND THE BENGAL
CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

293. ***Mr. Chaman Lall:** (a) Will Government state the total number of arrests made under Bengal Regulation III of 1818 and under the Bengal Ordinance?

(b) How many of the arrested persons were members of the Swaraj Party?

(c) Will Government state details of the provision being made for the families of the détenus?

The Honourable Sir Alexander Muddiman: Most of this question has already been answered. Provision for the families of persons detained under the Ordinance is made under the orders of the Local Government and the Government of India have no detailed information in regard to it. I do not think any useful purpose would be served by giving in detail the allowances sanctioned under Regulation III, which depend in each case on the circumstances of the détenu's family. I may add that the persons recently arrested under the Regulation have since been restrained by orders under section 12 of the Ordinance.

Mr. Devaki Prasad Sinha: Sir, in making provision for the families of those arrested is their standard of life taken into consideration?

The Honourable Sir Alexander Muddiman: Certainly.

Mr. A. Rangaswami Aiyangar: May I know, Sir, whether there are any persons under detention arrested after the 25th of October who are still under detention under the Bengal Regulation?

The Honourable Sir Alexander Muddiman: At present there are none arrested after the 25th of October under detention under the Bengal Regulation.

Mr. A. Rangaswami Aiyangar: Are all of them under the Ordinance?

The Honourable Sir Alexander Muddiman: All of them.

OPINIONS ON THE WEEKLY PAYMENTS BILL.

294. ***Mr. Chaman Lall:** Will Government place on the table the replies received from representative bodies to their circular containing the Weekly Payments Bill?

The Honourable Sir Bhupendra Nath Mitra: The replies received from local Governments will be published.

CORRESPONDENCE BETWEEN THE SECRETARY OF STATE AND THE GOVERN-
MENT OF INDIA REGARDING THE PROMULGATION OF THE BENGAL
CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

295. ***Mr. Chaman Lall:** Will Government be pleased to lay on the table the correspondence which passed between the Government of India and the Secretary of State for India regarding the promulgation of the Bengal Ordinance?

The Honourable Sir Alexander Muddiman: No.

Mr. A. Rangaswami Aiyangar: May I know the reasons, Sir?

The Honourable Sir Alexander Muddiman: It is not in the public interest.

Mr. Devaki Prasad Sinha: What does the Honourable the Home Member mean by saying that it is not in the public interest?

The Honourable Sir Alexander Muddiman: In this connection the term public interest is very clear. It is not in the public interest that I should give any information which would lead to murder of persons, and police officers and others.

Mr. A. Rangaswami Aiyangar: Is that not a matter of opinion, Sir?

The Honourable Sir Alexander Muddiman: No, Sir. It is not a matter of opinion. It is a matter of fact.

POSTAL COMPLAINTS.

296. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 9th December, 1924, page 11, under the heading "Postal Complaints"?

(b) If so, will Government please state if the complaints made therein are genuine?

(c) If genuine, do they propose to issue instructions to the authorities concerned to remove the inconvenience which the public are put to?

Sir Geoffrey Clarke: (a) The Postmaster-General, Bengal and Assam, reports that he received a complaint on the subject in November last.

(b) and (c). The inconvenience, which was due to the closure of a steamer station, was removed on the introduction of a revised mail arrangement from the 10th December 1924.

PROVISION OF AN OVERBRIDGE AT KALNA COURT STATION.

297. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Statesman* of the 10th December, 1924, page 17, under the heading "Over-Bridge Wanted"?

(b) If so, will the Government please state if the grievances complained of are real?

(c) If real, do they propose to see that an overbridge is provided on the spot?

Mr. G. G. Sim: (a) Yes.

(b) and (c). There have been no previous complaints in regard to delays to vehicular traffic at this crossing and the Agent, East Indian Railway, reports that the traffic at Kalna Court station does not justify the provision of an overbridge.

QUALIFICATIONS FOR THE MUNICIPAL FRANCHISE IN PORT LOUIS, MAURITIUS.

298. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 2131, parts (d) and (c) of the 17th September last, have the Government been able to find out whether it is a fact that a resolution has been passed in the Municipal Corporation at Port Louis that only those

people should be allowed to vote who have knowledge of English or French, and this resolution has been sent to Downing Street for final sanction?

(b) Is it not a fact that most Indians in Mauritius know only the Indian vernaculars and such a resolution will operate prejudicially against them?

Mr. J. W. Bhore: (a) and (b). Inquiries into these matters have been made but the replies have not yet been received.

ALLEGED MALPRACTICES OF LABOUR RECRUITERS AT BENARES.

299. ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 2132 of the 17th September last, regarding the malpractices of labour recruiters at Benares, will the Government be pleased to state if inquiries have been made into the occurrence relating to the boy Chotay Lal, mentioned in my question? And if so, what is the result?

Mr. J. W. Bhore: The attention of the Honourable Member is invited to my reply given to Khan Bahadur Sarfaraz Hussain Khan's question No. 145 on the same subject.

REPORT OF THE FIJI DEPUTATION.

300. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a letter of Pandit Banarsidas Chaturvedi, published in the *Young India* of the 4th December 1924, in regard to the Fiji Report?

(b) Is it a fact that the Government of India were asked to send a Commission of Inquiry to investigate into the causes of the disturbances which occurred in Fiji in 1920, resulting in the promulgation of martial law and the imprisonment of more than 200 Indians? If so, will the Government kindly state why they refused to send out a Commission of Inquiry, or to press the India Office for an inquiry?

Mr. J. W. Bhore: (a) Yes.

(b) The Honourable Member's attention is invited to the answer given to a question asked by the Right Honourable Srinivasa Sastri in the Imperial Legislative Council on the 20th August 1920, and to relevant extracts from the correspondence which passed on the subject between the Government of India and the Imperial Citizenship Association in August and September 1920. Copies of both have been placed in the library of the House.

REPORT OF THE FIJI DEPUTATION.

301. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 2133 of the 17th September last, will the Government be pleased to state when do they propose to publish the report of the Fiji Deputation, which was submitted in September 1922?

(b) Is it a fact that the publication of this Report is being delayed as the Colonial Office is understood to have taken strong objections to certain views expressed in the report?

(c) Will the Government be pleased to lay on the table all communications on the subject which may have passed between them and the Colonial Office in this connection, since the submission of the report? And if not, why not?

(d) Who were the members of the Fiji Deputation, and what was the total amount of expenditure incurred in connection with it?

Mr. J. W. Bhore: (a) Some of the points touched upon in the report formed the subject of representations to the Secretary of State for the Colonies by the Colonies Committee appointed by the Government of India last March. The Honourable Member will recognise that until the result of these representations, which were of a confidential character, is known it is not possible to come to any decision regarding the question of publishing the report of our deputation.

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

(d) The members of the Fiji deputation were:—

Mr. B. Venkatapatiraju, C.I.E., M.L.A., *President*.

Mr. G. L. Corbett, C.I.E., I.C.S.

Pandit Govind Sahai Sharma, M.L.C.; Bar-at-Law. } *Members.*

Lieut. S. Hissamid Din, Khan Bahadur, C.I.E.

The total expenditure was about Rs. 67,000.

REPORT OF THE FIJI DEPUTATION.

302. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state what action has been taken on the report of the Commission appointed to inquire into the conditions of the Indians in Fiji?

(b) Will the Government be pleased to state why the report has not been published yet?

(c) Will the Government be pleased to place the said report on the table of this House during this session of the Assembly?

Mr. J. W. Bhore: (a), (b) and (c). The attention of the Honourable Member is invited to part (a) of my reply just given to Mr. Gaya Prasad Singh's question No. 301.

WAGES OF LABOURERS IN CEYLON TEA PLANTATIONS.

303. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state what the prevailing wages of labourers in the tea plantations of Ceylon are?

(b) What is the minimum wage demanded by the labourers?

Mr. J. W. Bhore: (a) Government have no definite information on the subject, but will make inquiries.

(b) They are not aware that any demand for minimum wage has been put forward by labourers. (The suggestion to fix a minimum wage was made by the Standing Emigration Committee of the Indian Legislature and is now receiving the consideration of the Ceylon Government.)

Mr. N. M. Joshi: May I ask, Sir, why Government should not have information regarding wages of labourers in Ceylon when they are maintaining their own Agent in Ceylon at a great cost?

Mr. J. W. Bhore: I have just told the Honourable Member that the information is not available here but that I should be able to get it through our Agent.

Mr. N. M. Joshi: What sort of information do Government get from the Agent there?

Mr. J. W. Bhore: The Honourable Member is a Member of the Standing Emigration Committee and I am sure he can answer that question as well as anybody else.

Mr. N. M. Joshi: I have got the information, but when a question is asked in the House I expect the Honourable Member in charge to give the information.

Mr. J. W. Bhore: I have promised to make inquiries and to get the information. I can do no more.

Mr. Devaki Prasad Sinha: Sir, do the Government also propose to inquire what minimum wage is generally promised to the labourers by those canvassers who recruit Indian labour?

Mr. J. W. Bhore: No, Sir, I do not think any useful purpose would be served by such an inquiry.

EMIGRATION TO MAURITIUS.

304. ***Mr. C. Duraiswami Aiyangar:** (a) Is it a fact that the Government of Mauritius has requested the Government of India to send a large number of labourers?

(b) Has the Committee on the condition of labourers in Mauritius made a report?

(c) If so, will the Government be pleased to place their report on the table?

Mr. J. W. Bhore: (a) and (b). A request for the recruitment of 1,500 male adult labourers was received from the Government of Mauritius in April last, but its consideration has been deferred until receipt of the report of the special officer who has been deputed to make certain inquiries into the economic condition of the Indian population of the Colony.

(c) Does not arise.

Mr. Gaya Prasad Singh: Who is the special officer who has been deputed to make inquiries?

Mr. J. W. Bhore: Kunwar Maharaj Singh.

REPORT OF THE BRITISH GUIANA DEPUTATION.

305. ***Mr. C. Duraiswami Aiyangar:** Will the Government be pleased to state what action has been taken on the report of Diwan Bahadur P. Kesava Pillai on the conditions of Indians in British Guiana?

Mr. J. W. Bhore: No action has been taken on the reports submitted by the Government of India deputation to British Guiana in view of the later developments explained in the Government of India press communiqué dated the 7th June 1924, a copy of which has already been placed in the Library of the House.

DOUBLING OF THE LINE BETWEEN MADRAS AND PALLIVARAM.

306. ***Mr. C. Duraiswami Aiyangar:** (a) Has the attention of the Government been drawn to the resolution passed by the third Railway Passengers' Association held at Madras protesting against the delay in doubling the line between Madras and Pallivaram?

(b) If so, will the Government be pleased to state what action has been taken on it?

Mr. G. G. Sim: (a) and (b). The Honourable Member is referred to the answer given yesterday to Mr. M. K. Acharya's question No. 255.

TRAINING OF INDIANS IN MECHANICAL ENGINEERING IN RAILWAY WORKSHOPS.

307. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state how many railway workshops are worked in India?

(b) What is the percentage of railway requirements that are produced in the workshops?

(c) What facilities are given for training educated Indians in mechanical engineering in the said workshops?

Mr. G. G. Sim: (a) Workshops on Indian railways include the (i) major Loco and Carriage Shops, (ii) minor shops of similar type and (iii) miscellaneous shops working in connection with Engineering, Signal and other Departments. Under (i) there are 24 large shops.

(b) The railway workshops are primarily intended for repair work and I would refer the Honourable Member to the statement placed on the table in reply to the question No. 136 asked on the 23rd instant by Khan Bahadur Sarfaraz Hussain Khan. In regard to production the information is not available.

(c) The Honourable Member will find full information on this subject in paragraph 34 of Volume I of the Railway Board's Administration Report for 1921-22. In addition to the facilities therein mentioned the East Indian Railway have a scheme under which Indians are, subject to certain conditions, accepted for a combined course of training in England and India with a view to appointment in the supervising grades of the Mechanical Department of the Railway. The Great Indian Peninsula Railway have also more recently started a scheme whereby they undertake the training in mechanical engineering of a limited number of probationers with a view to eventual appointment as officers. The question of further extension of technical training in mechanical engineering is at present under the consideration of the Railway Board.

Kumar Ganganand Sinha: How many students are there in these institutions?

Mr. G. G. Sim: I must ask for notice of that question.

GRIEVANCES OF RAILWAY EMPLOYEES AT VILLUPURAM, MAYAVARAM AND MADURA ON THE SOUTH INDIAN RAILWAY.

308. ***Mr. C. Duraiswami Aiyangar:** (a) Has the attention of the Government been drawn to the memorial addressed to the Agent of the South Indian Railway by the railway loco employees at Villupuram, Mayavaram and Madura?

(b) If so, will the Government be pleased to state whether and to what extent the grievances of the memorialists were redressed?

Mr. G. G. Sim: (a) and (b). A copy of the memorial was sent to the Railway Board. But the Agent has made no reference to Government on the subject and the Government do not know what action if any has been taken on the memorial.

COMPENSATION TO DEPENDANTS OF RAILWAY OFFICIALS KILLED IN THE COLLISION NEAR HARAPPA ON THE NORTH WESTERN RAILWAY.

309. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state the number of railway officials who were killed in the collision between Montgomery and Harappa in the Punjab?

(b) What gratuity or compensation was given to the bereaved families?

Mr. G. G. Sim: (a) Two railway officials died subsequently as the result of injuries received in the accident.

(b) Government understand that this is now under the consideration of the Railway Administration.

COMPENSATION TO DEPENDANTS OF TWO MURDERED POSTAL RUNNERS.

310. ***Mr. C. Duraiswami Aiyangar:** (a) Is it a fact that two runners viz., Bau Hu Sao of Phulcherry and Murugandi of Kurumandur branch office were murdered while they were carrying mails?

(b) Will the Government be pleased to state what compensation was given in each of these cases to the bereaved families?

Sir Geoffrey Clarke: (a) Yes.

(b) In the first case a family pension of Rs. 6 per mensem has been granted to the father of the deceased runner. The second case is receiving my attention.

PROVISION OF MEDICAL RELIEF FOR RAILWAY OFFICIALS.

311. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state what kind of staff is employed for the medical relief of railway officials?

(b) What is the qualification of the medical officers employed for the use of railway officials?

(c) Are they expected to help the public also at their headquarters where there is no other hospital or dispensary?

(d) If so, is any contribution made by Local Boards for such medical service?

Mr. G. G. Sim: (a) Company-managed railways employ in most cases their own medical staff while State-managed railways generally utilize the services of the Local Government medical officers. The Eastern Bengal State Railway employs however two medical officers of its own. The question of improving the arrangements for medical assistance on the North-Western Railway is now under investigation. Each State-managed railway employs its own staff of Assistant and Sub-Assistant Surgeons who are either borrowed from Government medical service or specially engaged.

(b) The qualifications of all officers employed on the various lines will be found in the Classified List of Railway Establishment, a copy of which is in the Library.

(c) and (d). Railway medical officers and dispensaries are primarily intended for railway work alone but it is understood that where other medical assistance is not available, the railway facilities are to such extent as is possible made available to the public. Such arrangements are, however, necessarily local and if the Honourable Member will specify the particular railways and localities which he has in mind inquiries will be made.

RECOGNITION OF THE OUDH AND ROHILKHAND RAILWAY UNION.

312. *Maulvi Muhammad Yakub: Will the Government be pleased to state:

(a) Did the Agent of O. and R. Railway offer any terms to the O. and R. Railway Union, on the acceptance of which the Union was promised the restoration of its recognition by the Agent?

(b) Were these terms accepted by the Union?

(c) Was the recognition of the Union restored by the Agent on the acceptance of the terms proposed by him? If not, why not?

Mr. G. G. Sim: (a) No offer was made to the Union. In order however to relieve apprehension the Agent intimated to the staff certain conditions under which he would be prepared to recommend to the Railway Board the recognition of their Union.

(b) and (c). So far as is known no action was taken by the staff on this intimation and consequently no recommendation has been made to the Railway Board.

PROMOTION OF MR. S. DOYLE, JUNIOR CLERK OF THE WORKS MANAGER'S OFFICE, O. AND R. RAILWAY.

313. *Maulvi Muhammad Yakub: Is it a fact that Mr. S. Doyle, one of the most junior clerks of the Works Manager's office (Loco), O. and R. Railway, Lucknow, has been promoted from Rs. 34 to Rs. 70 p.m. and his seniors were passed over?

Mr. G. G. Sim: Government have no information. The matter is one in which they do not interfere.

ISSUE OF TICKETS TO THIRD CLASS PASSENGERS AT MORADABAD RAILWAY STATION.

314. *Maulvi Muhammad Yakub: (a) Are the Government aware that third class passengers at Moradabad railway station are put to great trouble and inconvenience and some times even miss their trains on account of the tickets being issued only from one window and also because the booking is commenced only half an hour before the arrival of the trains?

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

Mr. G. G. Sim: The Government are not prepared to issue orders in the matter but will forward the request to the Railway Administration for consideration.

PREVENTION OF FLOODS IN THE MORADABAD DISTRICT.

315. *Maulvi Muhammad Yakub: Are the Government aware that there is a strong feeling in Moradabad district to the effect that great devastation and loss of life and property caused by the recent flood in the Ganges and the Ramganga in Moradabad district was due mostly to there being insufficient outlets or small bridges for water in the railway road on the O. and R. Railway between Gajrula and Gadh Muktesar and on the R. and K. Railway between Moradabad and Shel station and also on account of the railway bridge at Moradabad being too small for the flow of water?

(b) Are Government prepared to institute an inquiry into the matter and take steps to prevent the recurrence of the floods?

Mr. G. G. Sim: Representations asking for more waterways in the railway lines in the area in question have been received.

The whole question is under inquiry. I would however remind the Honourable Member that when excessive rainfall occurs such as was experienced at the end of September last, floods cannot be prevented and all that can be done is to make reasonable provision for the passage of flood water through railway embankments with a view to avoiding breaches in which the Railways are naturally interested as much as the public.

ALLEGED MISAPPROPRIATION OF STORES ON THE OUDH AND ROHILKHAND RAILWAY.

316. *Maulvi Muhammad Yakub: Are the Government aware of the stores fraud cases on the O. and R. Railway? What was the amount of the property misappropriated? Who was the officer or officers in charge of the stores when this misappropriation took place? And what if any steps were taken by the Government against that officer or officers?

Mr. G. G. Sim: Government are aware of the cases of fraud referred to. There are three distinct cases in all of which prosecutions have been instituted. The court proceedings in one case have been finished and the others are still under trial. It is impossible at this stage to give any estimate of the total amounts of property involved or to make any statement in regard to the officers responsible. It is however the intention to have a very thorough departmental inquiry made after the trials are over in order that the responsibility of the supervising staff may be established and any defects in procedure to which these frauds were attributable may be ascertained and measures taken to prevent recurrence.

DISMISSAL OF MR. RAJARAM, STATION MASTER, BERHAMGHAT.

317. *Maulvi Muhammad Yakub: (a) Is it a fact that Mr. Rajaram, late station master, Berhamghat, was dismissed for bringing certain facts of corruptions to the notice of the Administration, against Mr. Goff, the then D. T. S. in June 1923?

(b) Is it a fact that Mr. Goff in his defence before the Agent pleaded that he received £1,000 from the Military Department and thus he cleared his debt at Lahore?

(c) Is it a fact that Mr. Rajaram was challenged, *vide* letter No. 18-19-19-P., dated 2nd July 1923, and he was prepared to substantiate the allegation in a court of law?

(d) Is it a fact that on receipt of the challenge Mr. Goff was immediately allowed to go on long leave?

(e) (i) Is it a fact that Mr. Rajaram's gratuity and bonus were forfeited although he was granted a good service certificate of 18 years' faithful service?

(ii) When Mr. Rajaram was granted "good on the whole" service certificate what other virtues were needed for granting bonus and gratuity? Why was not Mr. Goff asked to clear his position and why was he allowed to go on leave?

Mr. G. G. Sim: (a) No, Mr. Rajaram was dismissed for making allegations against Mr. Goff, his District Officer, which on inquiry were found to be false and malicious.

(b) The answer is in the negative.

(c) Yes, but an evasive reply was given.

(d) No, Mr. Goff applied for leave on the 28th May 1923. The letter written by the officiating District Traffic Superintendent referred to in (c) was dated the 2nd July 1923. Mr. Goff went on leave on the 6th October 1923.

(e) (i) Mr. Rajaram's gratuity and bonus were forfeited in view of the circumstances of his dismissal.

(ii) The certificate granted to Mr. Rajaram gave as the reason for termination of his service "summarily dismissed" and the further remark thereon applied to his conduct and abilities prior to the misconduct which resulted in his dismissal.

CASE OF MR. KAILASNATH, ASSISTANT STATION MASTER, BENARES
CANTONMENT, O. AND R. RAILWAY.

318. *Maulvi Muhammad Yakub: Is it a fact that Mr. Kailasnath, assistant station master, Benares Cantonment, was granted 22 months' leave and after he had availed himself of two months' leave, the rest of his leave was cancelled and he was discharged from the service without assigning any reason?

Mr. G. G. Sim: Government do not know but will inquire and will let the Honourable Member know the result.

PAY OF STATION MASTERS AND ASSISTANT STATION MASTERS AT ROADSIDE
STATIONS ON THE O. AND R. RAILWAY.

319. *Maulvi Muhammad Yakub: Is it a fact that formerly on the O. and R. Railway the difference in pay of the station masters and assistant station masters on roadside stations was Rs. 5 only and after the revised scale came in force, the difference increased to Rs. 20; that is the maximum pay of a station master "A" class was raised to Rs. 75 and that of an assistant station master was Rs. 55. Why so? What responsibility of the assistant station masters has been shifted and reduced that their pay has been raised to a very low scale?

Mr. G. G. Sim: No, it is not a fact. Before the revision of scales the difference of pay of these two classes was Rs. 12 and after revision it was Rs. 20.

PROMOTION OF INDIAN STATION MASTERS ON THE O. AND R. RAILWAY.

320. *Maulvi Muhammad Yakub: (a) Is it a fact that about 500 assistant station masters after reaching the maximum of their grade, are waiting for promotion for years and years? Will the Government please state how their promotions will be regulated with a few higher class stations?

(b) Is it a fact that while hundreds of Indian "A" class station masters are waiting for promotions to higher grades, the Railway Administration stopped their promotion by reverting many of the "B" Class stations to "A" and "C" class stations to "B" class whereas Anglo-Indian and European station masters have not been affected in any way?

(c) Is it a fact that several junction stations are classified special class for providing Anglo-Indian or European station masters whereas booking and parcel clerks of those stations are graded in "A" class? Why so? Why will the clerks not be given the advantage of drawing the pay according to the class of stations?

(d) Is it a fact that many "A" class Indian station masters on the O. and R. Railway, drawing Rs. 75 whose promotions are blocked for years and years, have been served with retirement notice? Is it a fact that they are serving the railway for more than 35 years to the entire satisfaction of the authorities? If so, why were these senior station masters not given promotion to class "B", "C" or "D" and so on?

(e) Is it a fact that "90" per cent. of the stations on the O. and R. Railway are classified as "A" and the station masters after reaching the maximum of the class are waiting for promotions for years and years? Will the Government please state how the promotions of these station masters will be regulated with a less percentage of higher stations?

(f) Is it a fact that the promotions of qualified Indian assistant station masters are restricted to "D" class whereas unqualified Anglo-Indian and European assistant station masters are given a lift to "E" and "F" class? Further, is it a fact that at junction stations out of three assistant station masters one Indian is getting "C" or "D" class scale of pay whereas two Anglo-Indian or European assistant station masters are getting "E" or "F" class scale of pay? If so, what is the reason for this difference?

Mr. G. G. Sim: (a), (b) and (c). The Honourable Member does not mention any particular railway so it is impossible to say if his facts and figures are correct. Promotions must obviously be regulated by the vacancies in the class above and the class of a station by the importance of the work to be performed.

(d) The Honourable Member's question is stated in such general terms that it is difficult to give a precise reply. Station Masters like other employees are required to retire unless their services are specially extended at 55 years of age. If they have not been promoted it is presumably either because there were no vacancies or they were not competent to fill the higher posts.

(e) Government have no information as to the exact proportion of "A" class stations. Promotions are regulated by vacancies in higher classes.

(f) No, it is not a fact that any discrimination on racial grounds is made. The assistant station masters at junction stations are classed and paid in accordance with the duties which they are fit for and called upon to perform and the distinctions referred to where they exist are due to this cause and not to any question of race.

SELECTION OF ASSISTANT TRAFFIC SUPERINTENDENTS FOR THE NORTH WESTERN RAILWAY.

321. *Maulvi Muhammad Yakub: Will the Government be pleased to state:

- (a) how many candidates appeared before the Railway Board for selection as A. T. Ss. for the N. W. Railway and how many were selected by the Board?
- (b) Did the Medical Board reject any of the above candidates?
- (c) Is there any rule for the inspection of the candidates by the Medical Board for the second time when once they have been rejected?
- (d) Were any of the rejected candidates re-inspected, or ordered to be re-inspected by the Medical Board?
- (e) Were there any qualified members amongst the candidates who appeared before the Railway Board?
- (f) Has any Musalman candidate been selected to fill up the post?

Mr. G. G. Sim: (a) Twenty-five candidates were interviewed by the Railway Board, and six were selected for appointment as apprentice Assistant Traffic Superintendents for the three State-managed Railways.

(b) Yes; two.

(c) There is no rule. It would always be a question whether sufficiently cogent reasons were shown for a re-examination.

(d) No, one candidate was permitted to reappear before the original Medical Board. He did not avail himself of the permission.

(e) I do not know what the Honourable Member means by "qualified members". Some of the candidates had received a certain amount of training in England.

(f) If the question refers to the vacancies alluded to in part (b) of the question, further appointments have not been made.

PROMOTION OF JUNIOR GUARDS BY THE DISTRICT TRAFFIC SUPERINTENDENT OF MORADABAD, O. AND R. RAILWAY.

322. *Maulvi Muhammad Yakub: (a) Is it a fact that the D. T. S. of Moradabad has given promotion to certain junior guards in preference to seniors?

(b) If the answer to the first part is in the affirmative, will the Government be pleased to state the reasons for the same?

Mr. G. G. Sim: (a) and (b). Government have no information and do not propose to inquire. It is not their practice to interfere in matters of this kind.

BENGAL CRIMINAL LAW (AMENDMENT) ORDINANCE.

323. *Maulvi Muhammad Yakub: (a) Will the Government be pleased to state when was the necessity of promulgating the Bengal Ordinance first brought to the notice of the Governor General in Council; what if any inquiry was instituted by the Government of India and when the result of such inquiry was communicated to the Government?

(b) Will the Government be pleased to enumerate the cases of anarchist conspiracy in which the ordinary law of the country failed to deal adequately with the accused persons?

(c) Will the Government be pleased to state how many bombs and weapons were found in Bengal during the searches made just after the promulgation of the new Ordinance?

(d) Will the Government be pleased to state how many conspiracy cases were prosecuted by the Government of Bengal after the promulgation of the Ordinance?

(e) Will the Government be pleased to state how many persons were arrested in Bengal as a result of the promulgation of the Ordinance and how many of them were members of the Swaraj Party in that province?

The Honourable Sir Alexander Muddiman: (a) I invite the Honourable Member's attention to the reply I have given to Mr. Duraiswami Aiyangar's question on the same subject.

(b) For the reasons stated in the Resolution of the Bengal Government published in the Calcutta Gazette Extraordinary of 25th October, 1924, it is seldom possible to place cases of anarchist conspiracy before the Courts. Accordingly any attempt to furnish the list asked for would be inaccurate and misleading.

(c) and (d). None.

(e) I have previously answered this.

REVISION OF THE CONSTITUTION.

324. *Maulvi Muhammad Yakub: (a) Are the Government of India contemplating such revision of the constitution as, (i) will extend the Provincial Governors' prerogatives and the power of certification, (ii) will make the Presidents of the Provincial Councils outside the jurisdiction of the Civil Courts, (iii) will invest the Provincial Governors with the power of certification in respect to the Ministers' salaries, in case they are refused by the Councils; and (iv) empower the Provincial Governors to convert the transferred into reserved subjects?

(b) If the answers to the above question are in the affirmative, will the Government be pleased to state if any proposed revision of the constitution by the Government of India on the lines mentioned in the above question will form a subject for discussion by this Assembly?

The Honourable Sir Alexander Muddiman: Some of the points mentioned by the Honourable Member will doubtless come up for consideration in connection with the Report of the Reforms Inquiry Committee which I announced yesterday will be published in the course of the next few weeks. I am unable to make any further statement on the subject.

REPORT OF THE REFORMS INQUIRY COMMITTEE.

325. **Mr. President:** The question has been answered.

ELECTION BY THE LEGISLATIVE ASSEMBLY OF ONE OF THE INDIAN REPRESENTATIVES TO THE LEAGUE OF NATIONS.

326. ***Maulvi Muhammad Yakub:** (a) Will the Government be pleased to state what is the procedure for the selection of India's representatives to the League of Nations?

(b) Will the Government of India be pleased to recommend that in future at least one of the representatives of India to the League of Nations should be a person elected by this House?

Mr. L. Graham: (a) The representatives are appointed by the Secretary of State acting in consultation with the Government of India.

(b) The Honourable Member is referred to the reply given to question No. 1778 on the 11th September, 1924.

NUMBER OF INDEPENDENT CIRCLES OF INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

327. ***Maulvi Muhammad Yakub:** (a) Will the Government be pleased to state the scheme for the creation and number of independent circles of Income-tax Officers in the U. P.?

(b) Is it or is it not a fact that in the year 1921 a scheme was published by the Income-tax Commissioner, U. P., showing a certain number of Income-tax circles and communicating that full effect was to be given to the scheme by the year 1923? Will the Government be pleased to state if effect has been given to that scheme or not? May it further please the Government to announce the scheme which they intend to follow in future on the subject?

(c) Will the Government be pleased to state how many and what circles they intend to create permanently and by what time?

(d) Will the Government be pleased to state what is the number of Muhammadar Income-tax Officers and additional Income-tax Officers from among those who were recruited as Assistant Income-tax Officers and have completely passed the Departmental Examination? Will the Government further be pleased to state what is the number of such Hindu officers? May it please the Government to state after how many months of passing the Departmental Examination how many Muhammadans and how many Hindus have been given independent charges?

SOURCES OF INFORMATION AVAILABLE TO INCOME-TAX OFFICERS REGARDING ASSESSEES.

328. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state since the separation of the Income-tax Department from the Revenue authorities what have been the sources of information to the Income-tax Officers about the good and bad condition of the assesseees? Will the Government be pleased to state how far Income-tax Officers with two or three districts or distant headquarters are in a position to make inquiries in the mufassil to learn about the better or worse conditions of the old as well as the new assesseees?

ASSESSMENT POWERS OF INCOME-TAX OFFICERS.

329. *Maulvi Muhammad Yakub: Will the Government be pleased to state the rules that have been framed to govern the conferment of assessment powers on Income-tax Officers? If no such rules have been framed, will the Government be pleased to consider the desirability of making such rules and embodying the same in the Income-tax Act?

MUHAMMADAN INCOME-TAX OFFICERS.

330. *Maulvi Muhammad Yakub: Will the Government be pleased to state the number of Assistant Income-tax Officers that were recruited during the years 1922-23 and 1924 and also the community to which they belong? May it further please the Government to state by members of which community the places of discharged Officers have been filled up and how many Mohammedans have been appointed in the course of yearly recruitment during the above mentioned year?

NUMBER OF CLERKS IN THE INCOME-TAX DEPARTMENT IN THE UNITED PROVINCES.

331. *Maulvi Muhammad Yakub: Will the Government be pleased to state the total number of clerks in the Income-tax Department in the U. P. and the community to which they belong? Will the Government be pleased to inquire and state the number of Hindu and Muhammadan clerks in each of the offices of the Income-tax Commissioner and Assistant Commissioner and Income-tax Officers? May it further please the Government to state the posts and grades which are held by them? May it further please the Government to state the system of recruiting clerks to the department?

The Honourable Sir Basil Blckett: Questions Nos. 327 to 331 all refer to the same subject and as the answer is rather long and I think tedious I propose to lay it on the table.

327. (a) and (b). When the Income-tax Department in the United Provinces was reorganised in 1920 the following posts were sanctioned:

- One Commissioner of Income-tax,
- Four Assistant Commissioners of Income-tax,
- 36 Income-tax Officers, and
- 14 Assistant Income-tax Officers.

31 circles, *i.e.*, units for working, were contemplated. At that time it was proposed to complete the recruitment of officers for the department within two years, but subsequently this idea was modified for the purpose of securing a more even cadre.

A further reorganisation of the cadre occurred in November 1923, the gazetted posts now comprising:

- One Commissioner of Income-tax,
- Three Assistant Commissioners of Income-tax,
- 41 Income-tax Officers and
- Seven Assistant Income-tax Officers.

Four vacancies still exist and will be filled in three years.

There are 25 Income-tax Officers in charge of circles and eleven additional Income-tax Officers; one officer is on leave.

(c) The Government are unable to make such a statement as circumstances may change from time to time.

(d) 21 officers appointed directly as Assistant Income-tax Officers have passed the departmental examination completely, of whom two are Anglo-Indians, twelve Hindus, six Muhammadans and one an Indian Christian. One Anglo-Indian, six Hindus and two Muhammadans have been appointed as Income-tax Officers in independent charge of circles. One Muhammadan declined such a charge as he did not wish to go to the district in question. The officers so appointed are the senior in the list with the exception of one who is a Muhammadan.

328. Income-tax Officers spend much of their time on tour in their circles and obtain information in this way. The assessee has in every case an opportunity of proving his income.

329. No rules have been framed. Powers are conferred on individual officers according to the aptitude displayed by them. No necessity exists for the enactment of any rules.

330. Two Hindus and one Muhammadan were appointed in 1922. Of the former one subsequently received an appointment in the Customs Department. One Hindu and one Anglo-Indian were originally appointed in 1923 of whom the former resigned after a few months in order to compete for the I. C. S. in which he was successful. Subsequently two Hindus and one Muhammadan were appointed to fill the unexpected vacancies which had arisen. In 1924 two Hindus and one Muhammadan were appointed.

331. The total number of permanent clerks is 145, comprising 114 Hindus, 29 Muhammadans and two Christians, and of temporary clerks (readers of accounts) 20—all Hindus.

The distribution of Hindus and Muhammadans by offices is shown in the attached list. Owing to the preponderance of Hindus the Commissioner of Income-tax decided some time ago that the number of appointments to be held by Muhammadans should be one-third and arrangements have been made to work gradually up to this proportion.

Statements showing the distribution of Hindu and Muhammadan clerks by offices.

I.

Office of.	Hindu.	Muhammadan.	Total.
Commissioner of Income-tax	6	1	7
Assistant Commissioners of Income-tax	10	4	14
Income-tax Officers	118	24	142
Total	134	29	163

II.

Grade.	OFFICES OF					
	COMMISSIONER.		ASSISTANT COMMISSIONERS.		INCOME-TAX OFFICERS.	
	Hindu.	Muham- madan.	Hindu.	Muham- madan.	Hindu.	Muham- madan.
Rs. Above 125	3	...	3	...	...	...
100—125 . . . . .	...	...	1	...	10	1
80—100	1	...	1	...	21	4
60—80	2	1	2	1	28	7
40—60 . . . . .	...	...	2	1	39	12
20—40 . . . . .	...	...	1	2	...	...
60—80 } 40—60 } Readers of accounts.	...	...	...	...	20	...
Total	6	1	10	4	118	24
GRAND TOTAL	163*					

* The above number does not include two Christians.

MUHAMMADAN OFFICERS IN THE SURVEY OF INDIA.

332. *Maulvi Muhammad Yakub: Will the Government be pleased to state:

- (1) (a) the number of Muhammadan, Hindu and Anglo-Indian class II officers in the Survey of India?
- (b) the number of Muhammadan class I officers in the same department?
- (c) the number of Muhammadan officers holding minor or major charges in the Survey of India?
- (2) (a) if the answer to (1) (b) is *nil*, will the Government be pleased to state how long it will be before a Muhammadan will get into class I service?
- (b) if the answer to (1) (c) is *nil*, do the Government propose to consider the question of giving at least one charge to a Muhammadan?

Mr. J. W. Bhore: (1) (a) The numbers are 5, 28 and 63, respectively (including probationers).

(b) Nil.

(c) Nil.

(2) (a) The senior Muhammadan Class II officer is 65th on the list and therefore too junior at present to be considered for selection to Class I.

(b) The Surveyor General will be glad to select a Muhammadan for a charge when opportunity arises.

Lala Duni Chand: Are there any instances within the knowledge of Government in which fit and qualified Muhammadans were forthcoming and they were rejected on the score of their being Muhammadans?

Mr. J. W. Bhore: Not to my knowledge, but I am afraid I must ask for notice of that question.

ALLEGED DISCONTENT IN THE OFFICE OF THE ACCOUNTANT GENERAL,
UNITED PROVINCES.

333. ***Mr. M. Yusuf Imam:** (a) Will the Government be pleased to state whether it is aware of the fact that there is a considerable volume of discontent in the office of the Accountant General, United Provinces? (b) If the reply be in the affirmative will the Government be pleased to state what steps they propose to take for its removal? (c) If the reply be in the negative, will the Government be pleased to cause inquiries to be made into the real state of affairs there and place the papers on the table?

GRIEVANCES OF THE SUBORDINATE STAFF OF THE OFFICE OF THE
ACCOUNTANT GENERAL, UNITED PROVINCES.

334. ***Mr. M. Yusuf Imam:** (a) Will the Government be pleased to state whether it is a fact that the present Accountant General, U. P., is acting most arbitrarily in regard to annual increments, leave holidays and other matters affecting directly the interests of the subordinate staff? (b) if the reply be in the affirmative, what action do the Government propose to take in the matter? (c) Are the Government prepared to make an independent inquiry into the matter and inform the House of the result thereof?

GRANT OF LEAVE TO SUBORDINATES UNDER THE FUNDAMENTAL RULES.

335. ***Mr. M. Yusuf Imam:** Will the Government be pleased to state whether the head of an office is at liberty to grant leave on half average pay to his subordinates when leave on full average pay is due and the absence is supported by a medical certificate? If the reply be in the affirmative, will the Government be pleased to quote any rule under the Fundamental Rules justifying such action? If the reply be in the negative what action do they propose to take against the officer who is not amenable to any rules?

PRESENT OF A SILVER TEA SET TO THE DAUGHTER OF THE ACCOUNTANT
GENERAL, UNITED PROVINCES.

336. ***Mr. M. Yusuf Imam:** Will the Government be pleased to state whether the Government Servants Conduct Rules permit the head of an office to accept, on behalf of his daughter, presents from his subordinates in connection with her marriage? If the answer be in the affirmative, will the Government be pleased to quote rule? If in the negative, are the Government aware of the fact that the present Accountant General, United Provinces, is the recipient of such a present in the shape of a silver tea set from a coterie of his subordinates, and will they be pleased to state what disciplinary action they propose to take against the officer and the men concerned? If, however, Government are not aware of this fact, will they be pleased to order an inquiry into the matter and acquaint the House with its result?

The Honourable Sir Basil Blackett: I will answer these four questions together.

Nos. 333 and 334. The replies are in the negative.

No. 335. The views of the Government on this point are expressed in a letter issued by the Auditor General, a copy of which I place on the table.

Letter No. 538-A-72-23, dated the 30th April 1923, from the Auditor General to the Accountant General, Posts and Telegraphs, and other Accountants General.

In reply to your letter No. Mis. 3950/F. 90 (a), dated the 10th January 1923, asking whether an authority empowered to grant leave has power under Fundamental Rule 67, to interfere with the option of a Government servant to take leave on full average pay or on half average pay under Fundamental Rule 87, I have the honour to state that the Government of India have decided that a Government servant cannot be compelled against his wishes to take leave on half average pay when leave on full average pay is admissible to him unless it be deemed necessary in the public interest and in the interest of the individual also to prevent the too rapid exhaustion of the limited amount of full pay leave available under the Fundamental Rules. These orders must not be interpreted as interfering with the discretion entrusted to an authority competent to grant leave to determine whether leave should or should not be granted.

No. 336. I am informed that one silver tea set was sent to Madras to the Accountant General, United Provinces, on the occasion of his daughter's marriage and that he has brought it back and returned it to the donors.

CLOSING OF GOVERNMENT OFFICES ON HOLIDAYS UNDER THE NEGOTIABLE INSTRUMENTS ACT.

337. ***Mr. M. Yusuf Imam:** Will the Government be pleased to state whether the head of an office is free to keep an office open during holidays under the Negotiable Instruments Act in view of G. I., Home Department, No. 5253, dated 16th September, 1901? If the reply be in the affirmative, will the Government be pleased to state clearly the meaning of the said G. I. order? If the reply be in the negative, will the Government be pleased to state what steps they propose to take for the observance of this order?

The Honourable Sir Alexander Muddiman: The orders referred to by the Honourable Member, in so far as they relate to the detail of closing Government offices on a holiday notified under the Negotiable Instruments Act, may be regarded as obsolete. Heads of offices are now subject in this matter to the orders of the Local Government to which they are subordinate. In the Government of India Secretariat the whole question of the number of holidays to be observed came under consideration as a result of the recommendations of the Inchcape Committee. The total number of such holidays has been reduced considerably below the number of holidays notified under the Act; but though holidays must depend upon the exigencies of the public service, and the head of an office must therefore have power to keep his office open on declared holidays, if the state of work demands this, the intention is that the holidays now allowed should be real holidays and in normal circumstances the staff should not be deprived of them.

APPOINTMENT OF MR. J. C. WALTON AS INDIAN DELEGATE TO THE
OPIUM CONFERENCE VICE MR. J. CAMPBELL.

338. *Dr. S. K. Datta: Has the attention of Government been called to the following Reuter's Special Service Cable Message, dated Geneva, December 12th, 1924:

"Mr. J. C. Walton replaces Mr. Campbell as Indian delegate for the remainder of the sittings of the Opium Conference."

Will Government state the reasons which led to this change? Did Mr. Campbell fail to give satisfaction to the Government of India? Will Government state Mr. Walton's qualifications to be the Indian representative? What are his instructions?

STATEMENT IN THE *MANCHESTER GUARDIAN* RE FAILURE OF THE
PRELIMINARY OPIUM CONFERENCE.

339. *Dr. S. K. Datta: Has the attention of Government been called to the following statement which appeared in the *Manchester Guardian Weekly* of November 21st, 1924:

"A Press Association Foreign Special message from Geneva says that the chief editor of the *Journal de Geneve*, who formerly occupied an important post on the secretariat of the League, contributed a leading article on Tuesday on what he describes as the failure of the preliminary Opium Conference. The truth is, he says, that no State desires to take any serious step. The revenues of the European colonies in the Far East are collected as to more than a third from the opium monopoly. * * *

The United States will be the only Power to be sincerely shocked, because it wants a settlement, and since the first conference has refused a settlement the United States reserves to itself the right to place the matter before the second conference, thus circumventing the Machiavellian calculations of those in India, for example, who had hoped it would be easier to reach an agreement without the United States. The failure of the second conference would have the most unfortunate political repercussions for the League of Nations."

Will Government state whether there is any truth in the charge regarding India made therein? If not, what steps have the Government of India taken to deny the charge?

PROCEEDINGS OF THE INTERNATIONAL CONFERENCE ON THE OPIUM
TRAFFIC.

340. *Dr. S. K. Datta: (a) Has the attention of Government been called to newspaper reports of the proceedings of the Standing Advisory Committee and the International Conference on the Opium Traffic recently held at Geneva under the auspices of the League of Nations? Will Government place on the table of the House the official report of the debates, proposals and resolutions passed at these International gatherings?

(b) In the event of these reports not being available at present, will Government make a statement to the House regarding the proceedings with special reference to the contributions to the discussions and the proposals made by the Indian representatives?

APPOINTMENT OF MR. J. C. WALTON AS INDIAN DELEGATE TO THE
OPIUM CONFERENCE VICE MR. J. CAMPBELL.

351. *Mr. Gaya Prasad Singh: (a) Has the attention of the Government been drawn to a Geneva Cable, dated the 12th December 1924, and

published in the Press that " Mr. J. C. Walton will replace Sir John Campbell as the Indian delegate for the remainder of the sittings of the Conference " of the League of Nations?

(b) Will the Government be pleased to state the reasons for this arrangement; and also state who is this Mr. J. C. Walton, and how the selection has been made?

The Honourable Sir Basil Blackett: I propose to answer questions 338, 339, 340 and 351 together.

No. 338.—The reply to the first part of the Honourable Member's question is in the affirmative. Mr. Campbell's replacement by Mr. Walton is due to the fact that he was called to London and Greece in connection with certain matters requiring his presence there. Mr. Campbell is the British Representative on the Greek Refugees' Settlement Commission, and came to assist us in the Geneva Conferences only for a short period. Mr. Campbell did not fail to give full satisfaction to the Government of India. Mr. Walton is the Assistant Secretary to the Economic and Overseas Department of the India Office, which deals with opium matters, and as such is fully conversant with the details of the Government of India's policy. The appointment of Mr. Walton as an Indian delegate was made by the Secretary of State for India, and so far as the Government of India are aware, apart from being asked to pursue the accepted policy, he was not given any specific instructions.

No. 339.—**The Honourable Sir Basil Blackett:** The reply to the first two parts of the question is in the negative. As regards the third part, the Government see no reason for taking official notice of such newspaper attacks.

No. 340.—**The Honourable Sir Basil Blackett:** (a) The Government of India have seen the newspaper reports referred to by the Honourable Member. The official reports of the proceedings of the Conferences have not yet all been received. The Government of India will consider the question of placing copies thereof either on the table of the House or in the Library as soon as they are received.

(b) The Government of India have nothing to add in regard to the deliberations of the first Conference, namely, that one convened to consider the continued use of prepared opium in the Far East. Burma is the only province in India in which opium is smoked to any large extent, but the arrangements for rationing and registration are so complete, and the check against the spread of the habit to the younger Burmans so effective as not to leave any room for outside criticisms. As regards the second Conference the position is as below. The Government of India welcome this opportunity of explaining the facts. The Resolution of the Council of the League of Nations under which this Conference was summoned had in mind not the restriction of the *production* of raw opium and the coca leaf to the amounts required for medicinal and scientific purposes only, but the limitation of *their export* for medicinal and scientific purposes, *i.e.*, for the manufacture of drugs. The American Delegation however placed before the Conference a redraft of the Hague Opium Convention, Article I of which requires the Contracting Parties to confine the production of opium to medicinal and scientific purposes. Mr. Campbell raised the question of the competence of the Conference to discuss a matter that was not on the agenda, had not been in the mind of the Government of India in taking part in the Conference, and in respect of which therefore he had not received specific instructions, and though the Conference decided

against him he reserved the right of the Government of India to raise the question again before the Assembly of the League. The general policy of the Government of India is clear and well known. As regards exports they have no intention to export any drugs or raw materials for manufacture to countries that do not want them; in fact the Government of India have gone further and refused or restricted exports in some cases. As regards imports, drugs and raw materials for their manufacture cannot be imported except under a license issued by the excise authorities and in practice except *charas* (a hemp product) no drugs or raw materials are imported into India otherwise than by smugglers except for medicinal or scientific purposes. As regards internal consumption the Government of India consider that it is an internal question essentially for each country to settle by itself, and that it is not a matter which could be regulated for India by International Conventions. Excise is in Governors' provinces a provincial transferred subject, and it is for the Ministers in consultation with their Legislative Councils to determine policy. Then there are the Indian States, the rulers of which have to settle their own internal policy. Mr. Campbell was instructed to secure the addition of a proviso to Article 1 of the redraft saving the rights of Governments in India to regulate the domestic consumption of raw opium and the Honourable Member will have seen from the newspaper reports that the Indian delegation acted accordingly. The second Conference has recently resumed its sittings after an adjournment, and it will be convenient to postpone any further statement to a later date.

Dr. S. K. Datta: Will you allow me, Sir, to put a series of supplementary questions in connection with the answer just now given? Do I take it that Mr. Campbell is still a member of the Standing Advisory Committee?

The Honourable Sir Basil Blackett: I am not aware what the position exactly is. He will no doubt be re-employed if available.

Dr. S. K. Datta : May I ask whether the American contention was to regulate the export of opium and to do this it was necessary to control opium production at the source and therefore restriction within the limits of India was to be brought about with that object in view?

The Honourable Sir Basil Blackett : The American contention was, I understand, that, in order to prevent the smuggling of opium and opium derivatives into America, it was desirable that India should restrict her production of opium to production required on medical certificate and for scientific purposes. That is, in order to prevent smuggling into America, the Americans proposed a drastic alteration of the internal conditions in regard to opium in India.

Dr. S. K. Datta : Is it a fact that various public bodies, political, religious and social, upheld the American contention that opium in India should be restricted to medical and scientific purposes? The All-India Congress Committee, the Indian Liberal League and, I believe, the National Christian Council all passed Resolutions asking for this.

The Honourable Sir Basil Blackett : There are usually in most countries bodies which oppose the Government. The Government of India will be very ready to discuss the subject at any time if any Member takes the opportunities offered him to obtain time by means of a Resolution for the discussion of this subject in the Assembly. I notice with interest that no Member or body of Members seems to be sufficiently interested in this subject to secure that the opportunities shall arise.

Dr. S. K. Datta : May I ask whether the Government of India will be willing to call a conference of those interested in this subject so that the policy of the Government of India might be understood?

The Honourable Sir Basil Blackett : I regret if the Honourable Member does not understand the policy of the Government of India. I have tried to make it clear.

Mr. A. Rangaswami Aiyangar : Is the Honourable the Finance Member aware that in the last September Session a number of Members of this House put down Resolutions on this question and they did not get it in the ballot.

The Honourable Sir Basil Blackett : I notice that a certain number were put down but they were not successful in the ballot, which probably implies that the number interested was not sufficient.

Mr. E. G. Fleming : Will the Government be prepared to state, with regard to the consumption of opium in Burma, whether it is consumed by Burmans or Chinese labourers resident in Burma?

The Honourable Sir Basil Blackett : I believe the facts are available for those who choose to look them up.

Mr. M. A. Jinnah : May I know whether it is a fact that it was represented in this Conference that Indian public opinion was opposed to the proposals which were made by the American delegates?

The Honourable Sir Basil Blackett : I am not aware whether any exact statement to that effect or to the contrary was made.

Mr. A. Rangaswami Aiyangar : May I know whether it is the Finance Member's view that we oppose this measure because it is a Government measure?

The Honourable Sir Basil Blackett : I was not aware that the Honourable Member did oppose it.

Mr. Devaki Prasad Sinha : With reference to the statement of the Honourable the Finance Member that the Government do not export opium to those countries that do not want it, will the Honourable Member be pleased to state if in exporting opium to certain countries Government require from those countries a certificate stating that the amount of opium which is demanded is required for strictly medicinal or scientific purposes?

The Honourable Sir Basil Blackett : The Government of India export opium only to those countries and in such amounts as are desired by those countries whose Governments give a license for import.

Mr. Devaki Prasad Sinha : I will give a definite instance. In exporting opium to the Straits Settlements do Government satisfy themselves that the amount of opium that is generally taken there is required for medicinal and scientific purposes?

The Honourable Sir Basil Blackett : The Government do not inquire what purpose the Government of the Straits Settlements has in giving a license for import. That is surely the job of the Government of the Straits Settlements.

Mr. Devaki Prasad Sinha : May I take it that in exporting opium to the Straits Settlements Government do not in any way satisfy themselves that the amount of opium which is sent there is either more or less than that which will be required for strictly medicinal or scientific purposes?

Mr. President : The Honourable Member must ask questions which are the direct and primary concern of the Member of Government concerned. I am not aware that Sir Basil Blackett is responsible for the policy of the Straits Settlements Government.

Mr. Devaki Prasad Sinha : With reference to the statement of the Honourable the Finance Member that the domestic consumption of opium is left to be regulated by the different Ministers, may I take it that the Government of India have no settled policy so far as the domestic consumption of opium is concerned?

The Honourable Sir Basil Blackett : I do not think the Honourable Member should take that at all. I do not understand the import of his question.

Mr. R. K. Shanmukham Chetty : Do the Government of India realise that, before launching upon a philanthropic policy of preventing the use of opium in other countries, their first duty is to see that the use of all intoxicants in India is prevented. Having regard to the injuries caused to the people of India who are suffering from the excise policy of the Government, do the Government realise that the revenue of the country should not be bartered away for philanthropic purposes in favour of other countries?

The Honourable Sir Basil Blackett : I do not think that the Honourable Member is justified in saying that the people of India suffer from the excise policy of the Government of India or the policy of the Government of India in regard to opium. There was a very authoritative committee on the subject of the use of opium in India in 1895. Its conclusions were that the use in India of opium for eating was a well established and on the whole not an injurious habit, that it certainly was not abused to the extent that, shall we say, alcohol is abused in some countries.

Diwan Bahadur M. Ramachandra Rao : Instead of quoting the opinion of the Committee of 1895, may I ask the Finance Member whether the Government of India have given any consideration to the more recent opinions expressed by the Missionary Council of India, the All-India Congress Committee, and the Indian National Liberal Federation in regard to bringing the use of opium under some kind of control in India?

The Honourable Sir Basil Blackett : The Government of India have given very careful consideration to the present position in regard to the use of opium in India and to some of the opinions expressed on the subject. As will have been observed by those Members who have followed the proceedings, the suggestion has been made that the subject of the use of opium should be examined by some kind of an international committee. I do not know what the fate of that suggestion has been, but it has been put up before the Conference in Geneva.

Diwan Bahadur M. Ramachandra Rao : Will that extend to remedial measures in India?

The Honourable Sir Basil Blackett : I do not think it will be the job of a committee of that sort to suggest remedial measures. Remedial measures, I think, are largely a matter of education. In the case of the Bombay Presidency, where there is some suggestion that opium is administered to infants to keep them quiet while their mothers are working, the view taken, I believe, by those concerned is that the only way to deal with it is the education of the mothers.

Mr. M. A. Jinnah: May I ask one question? Perhaps the Honourable the Finance Member is aware, as it was reported in last night's paper, that a Commission has been appointed, and, if that newspaper report is correct, will the Honourable Member take any steps to ascertain the real Indian public opinion and in the light of that give instructions to our representative there?

The Honourable Sir Basil Blackett: The Government of India have been at considerable pains to obtain the real opinion of India on this subject. Local Governments have quite recently been circularised with a view to an understanding of their views and the views held in their Provinces in regard to the present condition. The Government of India have stated over and over again that they are not actuated by financial motives in this matter, that the question of the financial results of any restriction of opium is not one which would deter them from taking such action as may be within their power to reduce any evils that may be the result of the present system in regard to the use of opium. But it is obvious that in a country of the size of India, with the problems of the Indian States and the social and religious customs connected with opium, that prohibition of the ordinary use of opium throughout India would be a very drastic step, and I have yet to learn that Indian opinion is in its favour.

Dr. S. K. Datta: May I ask the Honourable Member whether he would be willing to transfer the administration of opium from his Department to that of Education, Health and Lands, where it properly belongs; and is the Honourable Member prepared at the next meeting of the Opium Conference to appoint to it a non-official Indian together with an official representative of the Government of India?

The Honourable Sir Basil Blackett: The second question certainly does not arise out of the question. To the first question I can only answer personally. Nothing would give me more pleasure than to transfer this subject to the Education, Health and Lands Department.

Mr. N. M. Joshi: May I ask what is the religious custom connected with opium to which the Honourable Member referred?

Mr. President: I think the Honourable Member better give notice of that. We had better pass on to the next question and before we do so I should like to say that the House has enjoyed considerable latitude, and many of the questions which I have passed as supplementary would not have been admitted if they had been placed before me for admission, inasmuch as they referred to matters which are primarily the concern of Local Governments.

No. 351.—**The Honourable Sir Basil Blackett:** (a) Yes.

(b) I would refer the Honourable Member to my reply to Dr. Datta's question No. 338.

INORDINATE DELAY IN THE DELIVERY OF POSTAL LETTERS.

341. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 17th December, 1924, page 13, under the heading "Postal

Complaint" stating that the letter dropped at Garden Reach Post Office on the 22nd November 1923 reached Muzaffarpur on the 23rd November 1924?

(b) If so, will Government please state if the statement made is correct?

(c) If correct, will they please state the cause of such an unreasonable delay?

Sir Geoffrey Clarke: (a) The Postmaster-General, Bengal and Assam, took notice of the complaint referred to.

(b) and (c). The cover of the letter stated to have been delayed in the post was not forthcoming. No inquiry could, therefore, be made into the alleged delay. The complainant has desired the matter to be dropped.

TRIAL OF PERSONS ARRESTED UNDER THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE.

342. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will Government please state if the persons arrested under the Bengal Criminal Law Amendment Ordinance will be brought to public trial?

(b) If so, when?

(c) If not, will Government please give reasons?

The Honourable Sir Alexander Muddiman: (a), (b) and (c) The fact that any action has been taken against any person under the Ordinance or Regulation III will certainly not preclude such persons from being brought to trial for any substantive offence regarding which Government are advised that a prosecution is possible and in the public interest. The policy of the Government of India is to bring persons to trial for substantive offences wherever possible.

ESTABLISHMENT OF A SUPREME COURT OF APPEAL IN INDIA.

343. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state:

(a) the number and the cost of the appeals taken from the Indian High Courts to the Privy Council during the years 1920, 1921 and 1922, respectively?

(b) if they have consulted Local Governments with regard to the desirability of establishing a Supreme Court of Appeal in India?

(c) if not, are they prepared to consult Local Governments on the subject?

The Honourable Sir Alexander Muddiman: (a) The Honourable Member is referred to the answer given to Sir Hari Singh Gour's question No. 10 on the 2nd July 1923.

(b) Yes.

(c) Does not arise.

THE IMPERIAL BANK OF INDIA AGREEMENT WITH THE GOVERNOR
GENERAL IN COUNCIL.

344. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased:

- (a) to lay on the table a copy of the agreement entered into between the Imperial Bank and the Governor General in Council?
- (b) to state the names of the Directors of the Imperial Banks?

The Honourable Sir Basil Blckett: (a) The Honourable Member is referred to the answer given in reply to Mr. A. Rangaswami Iyengar's question No. 271 on the same subject.

(b) A list showing the names of the Governors is laid on the table.

"PRESENT GOVERNORS OF THE IMPERIAL BANK OF INDIA.

President, Local Board, Bengal—

Sir Alexander Murray, Kt., C.B.E.

President, Local Board, Bombay—

F. C. Annesley, Esq.

President, Local Board, Madras—

T. M. Ross, Esq.

Vice President, Local Board, Bengal—

B. E. G. Eddis, Esq.

Vice President, Local Board, Bombay—

Sir Purshotamdas Thakurdas, Kt., C.I.E., M.B.E., M.L.A.

Vice President, Local Board, Madras—

Sir James Simpson, Kt.

Controller of the Currency.

NOMINATED BY THE GOVERNOR GENERAL IN COUNCIL.

1. The Hon'ble Sir Maneckji B. Dadabhoy, Kt., K.C.I.E.
2. The Hon'ble Sir Dinshaw E. Wacha, Kt., J.P.
3. The Hon'ble Sir S. R. M. Annamalai Chettiar, Kt.
4. Rai Sir Onkar Mull Jatia Bahadur, Kt., O.B.E.

Secretary and Treasurer, Calcutta—

D. S. McClure, Esq.

Secretary and Treasurer, Bombay—

R. Lindsay, Esq.

Secretary and Treasurer, Madras—

W. Lamb, Esq.

Managing Governors—

Sir Norcot Warren, Kt., K.C.I.E.

N. M. Murray, Esq."

DISMISSAL OF BELI RAM, BAZAR CHOWDHRY OF RAWALPINDI.

345. *Lala Duni Chand: (a) Are Government aware that Bazar Chowdhry of Rawalpindi, Beli Ram, who had put in service for 28 years was dismissed by Major Beyts, Cantonment Magistrate?

(b) If so, is it a fact that he was dismissed without any charge having been framed against him or any opportunity having been given to him to answer the charge?

(c) Is it a fact that he was dismissed on the alleged ground of neglect of duty in recovering Cantonment revenue for the first half year 1922-23 and that in point of fact this allegation was quite incorrect, as shown by the statistics of realisation of Cantonment revenue?

(d) Is it a fact that one J. Mathew a native Christian was appointed in place of the said Beli Ram?

(e) Is it also a fact that the said J. Mathew was prosecuted for illicit possession of cocaine in a case in which Major Beyts gave evidence in his favour?

(f) Is it a fact that the said Bazar Chowdhry Beli Ram was granted a lease for a term of 25 years of Cantonment land in Rawalpindi to build upon it and that Major Beyts cancelled it?

(g) Is it correct that under the rules the Cantonment Magistrate or any other authority except the Local Government had no power to cancel the lease?

(h) Is it a fact that the lease was cancelled after the building operations had progressed considerably and that by reason of the cancellation of the lease he has suffered a great loss?

(i) Is it a fact that this lease was granted to him in lieu of manifold services rendered by Beli Ram to the Government?

(j) What action do Government propose to take in the matter?

Mr. E. Burdon: (a) Government are aware of the dismissal. Beli Ram served in the Cantonments Department for 5 years and 10 months only.

(b) No. The Cantonment Magistrate's notice of dismissal, dated the 11th October 1922, set forth the charge against Beli Ram, to which the latter replied at great length in a letter dated the 14th October. These papers were fully considered by the Cantonment Committee before they confirmed the dismissal.

(c) The allegation was found by the Cantonment Committee to be correct, and their decision was upheld by the authorities to whom Beli Ram subsequently appealed.

(d) Yes.

(e) The Government of India are informed that Major Beyts was called to give evidence as to Mathew's previous good character.

(f) The lease was granted. It contained a special agreement to the effect that if Beli Ram's appointment changed hands the Cantonment Authority should, if it desired, take over the site and buildings on it, on payment of

the current market value of the buildings. In accordance with this agreement, the Cantonment Magistrate took over the site and buildings with the sanction of the General Officer Commanding, Rawalpindi District, after Beli Ram's dismissal. Beli Ram was paid compensation amounting to Rs. 5,249 as assessed by a Committee of Arbitration.

(g) The Cantonment Magistrate exercised the power conferred on him by the lease deed itself, and did not thereby exceed any limits imposed on his powers by rule.

(h) No. Building operations had only just begun. Beli Ram obtained full compensation.

(i) No. A similar lease was granted to any cantonment servant in conformity with a town planning scheme and in order that cantonment employees might be able to live near their work. The agreement referred to under (f) in this answer was included in all the leases.

(j) No further action. The memorial from Beli Ram was considered by the Government of India and rejected in 1923.

INCOME-TAX OFFICERS IN THE PUNJAB.

346. *Lala Duni Chand: (a) Is it a fact that a number of Income-tax Commissioners, Income-tax officers and Income-tax Inspectors appointed by the Financial Commissioner, Punjab, and the Punjab Government in September 1922 in the Income-tax cadre of the Punjab, have been replaced in consequence of dismissal, reversion or other similar causes at the instance of the Income-tax Commissioner?

(b) If the reply to (a) be in the affirmative, will the Government be pleased to state their number and names and also the number and names of those who replaced them?

(c) Will the Government please give reasons for this action of the Income-tax Commissioner?

The Honourable Sir Basil Blackett: The Government have no detailed information on the subject and do not propose to call for any.

YEARLY REQUIREMENTS OF SLEEPERS BY RAILWAYS FORMING THE NORTH WESTERN RAILWAY SLEEPER GROUP.

347. *Lala Duni Chand: (1) Will the Government be pleased to state the names of railways forming the pool, which use the coniferous sleepers, and which buy their annual requirements through the N. W. R.

(2) Will the Government be pleased to state what have been the yearly requirements of coniferous sleepers of each of the railways that have been forming this pool for the last ten years?

(3) Will the Government be pleased to state if the N. W. R. consulted these railways as to what their yearly requirements would be from the year 1923 to 1928, when the N. W. R. fixed up a contract for 5 years in 1922? If the answer be in the affirmative, will the Government be pleased to state what was the number indented by each of the railways?

(4) Will the Government be pleased to state if the railways which combine in this pool are taking the same number of sleepers that they used to take before the year 1922? If not, why?

(5) Will the Government be pleased to state if it is a fact that the N. W. R. will have a surplus of sleepers during the years 1925-26, 1926-27, 1927-28. If so, why?

What will be the approximate number of such sleepers, and what steps does it intend to take to dispose of the surplus?

(6) Will the Government be pleased to state if it is a fact that there is a surplus of deodar sleepers at present, and they can be had at Rs. 6-8 and the cost of a creosoted fir and chir sleeper is also about Rs. 6-8, and that the age of the deodar sleeper is nearly double of the creosoted sleeper?

Mr. G. G. Sim: As the answer to this question is very long I propose, if there is no objection, to lay it on the table.

(1) The following railways form the North Western Railway sleeper group:

North Western, Bombay, Baroda and Central India, East Indian, Great Indian Peninsula and the Oudh and Rohilkhand Railways.

(The Jodhpur and Bikaner Railways are also in this group but information about their requirements is not available.)

(2) A statement showing the yearly requirements of coniferous sleepers for each of these railways for the last 7 years and for next year is laid on the table.

Information regarding the years prior to 1918-19 is not available, as the 'Sleeper Pool' was not in existence then and each railway used to make its own purchases independently before the formation of the 'Sleeper Pool'.

(3) The North Western Railway did not consider it necessary to consult these railways afresh about their requirements for the years 1923 to 1928, when entering into the 5-year contract in 1922, as this question had been fully discussed at the annual meetings of Chief Engineers of the different railways, and the number of sleepers to which each railway concerned had a first claim had been fixed.

(4) In the year 1922-23 the number taken by the above railways from the North Western Railway section of the sleeper pool was higher than the numbers in the last two years; in the years 1919-20 to 1921-22 the numbers taken were considerably lower than in the last two years, while in the year 1918-19 also the number taken was rather lower than in the last two years. It may be explained that in the years 1919-20 to 1921-22 supplies were very seriously short of requirements.

It is difficult to reply to the second part of this question, but it can hardly be expected that the numbers taken would not vary and, as will be seen from the statement, the requirements vary considerably.

(5) It is not anticipated that there will be any unused surplus of sleepers during the years 1925-26 to 1927-28 as those not required on the open lines will be utilised on the construction of new lines.

(6) It is a fact that there is a surplus of deodar sleepers on the market at present, and it is understood that they can be obtained at Rs. 6-8-0 each. The cost of creosoted fir and chir sleepers at present has come down to Rs. 6 each. The life of a deodar sleeper is reckoned at about 15 years; there has not yet been sufficient experience of treated fir and chir sleepers to allow of a fair estimate of their average life being given, but it is anticipated that their life will be about 12 years.

Statement showing the yearly requirements of Railways for sleepers.

Year.	N. W.	B., B. & C. I.	G. I. P.	E. I.	O. & R.	Total in lakhs.
1918-19 . .	600,000	140,000	20,000	50,000	47,750	8.58
1919-20 . .	800,000	150,000	26,500	50,000	12,000	10.38
1920-21 . .	1,200,000	310,500	...	100,000	50,000	16.60
1921-22 . .	1,200,000	600,000	...	100,000	*	19.00
1922-23 . .	800,000	264,000	50,000	200,000	70,000	13.84
1923-24 . .	1,050,000	125,000	50,000	50,000	...	12.75
1924-25 . .	800,000	50,000	70,000	50,000	...	9.70
1925-26 . .	800,000	55,000	21,000	50,000	...	9.26

* A demand for 45,000 sleepers, during 1921-22, was first placed on the N. W. Railway, but was subsequently cancelled.

STEPS TAKEN BY GOVERNMENT TO SECURE THE LIFE AND PROPERTY OF THE INHABITANTS OF THE TRANSFERRED DISTRICTS IN THE NORTH-WEST FRONTIER PROVINCE.

348. ***Mr. Gaya Frasad Singh:** (a) Is it not a fact that Lord Elgin, the then Governor General of India, and Sir Mackworth Young, the then Lieutenant-Governor of the Punjab, were strongly opposed to the creation of a separate Frontier Province?

(b) Will the Government be pleased to lay on the table the recorded opinion of Lord Elgin on the subject?

(c) Has the attention of the Government been drawn to the following passage in the book called "India under Lord Curzon and After" by Mr. Lovat Fraser:

"In a Province primarily occupied and manned to handle people and issues beyond the administrative boundary, the ordinary details of administration are liable to be somewhat disregarded"?

(d) What steps have the Government taken to secure the safety of the life and property of the inhabitants of the transferred Districts in the N.W. Frontier Province?

Mr. Denys Bray: (a) Yes.

(b) I would refer the Honourable Member to the Blue-book on the North-West Frontier published in 1901, a copy of which is in the Government of India Central Library.

(c) No.

(d) The energies of the forces of Government on the frontier—regulars, police, Frontier Constabulary, Militia Khassadars and levies—are directed to this end and the statistics of trans-frontier crime testify to the success of their efforts.

Nawab Sir Sahibzada Abdul Qaiyum: Do the Government propose to extend the benefits of education to the tribesmen across the border as a civilizing measure resulting in the protection of the life and property of the neighbouring settled districts?

Mr. Denys Bray: Wherever Government find an opportunity to do so without undue expenditure of money they do so.

349. (*Vide* reply to question No. 212.)

ASSAULT BY SOLDIERS ON MR. SIDHVA OF KARACHI.

350. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1910 of the 15th September last, regarding the assault on Mr. Sidhva at Karachi, is it not a fact that "one of the airmen forcibly ejected him (Mr. Sidhva) from the railway compartment" as admitted by the Government themselves in their official account sent to the Secretary of State?

Have the Government been able to find out the name of the airman, who "forcibly ejected" Mr. Sidhva? And under what law was the airman justified in forcibly ejecting him?

(b) Has the attention of the Government been drawn to the following passages in their report referred to above:

"It appears that Aircraftman Blood on being confronted by the Commanding Officer with Aircraftman McEwan made some sort of an admission"?

"The Government of India are advised that the admission proved to have been made before the Commanding Officer, does not amount to a confession"?

(c) Will the Government be pleased to give the text of this admission as recorded?

(d) Will the Government be pleased to lay on the table "the proceedings of the Court Martial", and "the summary of evidence" of the case? And if not, why not?

Mr. E. Burdon: (a) and (b) The Government of India are naturally aware of the contents of their letter to the Secretary of State. They are, however, ignorant of the means by which the Honourable Member obtained access to it, and they do not intend to discuss its contents in this House.

(c) and (d) No, Sir.

Mr. Gaya Prasad Singh: Are the Government aware that the contents have been published in the newspapers—I am referring to the *Amrita Bazar Patrika*, of the 23rd December, 1924, a copy of which I specially kept for my friend, Mr. Burdon.

(The copy was handed to the Army Secretary.)

Mr. E. Burdon: Thank you very much.

351. (*Vide* pp. 284-285 and 289 *ante*.)

INSTRUCTIONS TO THE GOVERNMENT DELEGATE TO THE OPIUM CONFERENCE
ON THE QUESTION OF THE CURTAILMENT OF OPIUM PRODUCTION.

352. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a London cable, dated the 14th December 1924, and published in the press (*Englishman*, 16th December), regarding the opium conference of the League of Nations, that "the discussion of the American proposals submitted by an exceptionally authoritative American delegation is being resisted. The centre of resistance is India's British representative presumably instructed from Whitehall. That is not the position we can creditably maintain under the keen scrutiny of American and world opinion. We trust that early instructions will be sent for its abandonment"?

(b) Will the Government be pleased to state what instructions, if any, have they issued to their nominee in Geneva on the question of the curtailment of opium production?

(c) Has the attention of the Government been drawn to a cablegram from Geneva, published in the *Statesman* of the 23rd November 1924 in which it is stated that "when the opium conference was discussing the Philanthropic Societies' suggestions, Mr. Campbell objected to certain remarks by Mr. E. J. Dukes, representing the Board of the Anti-Opium Society, to the effect that the Indian Government delegate did not represent the people of India, and to Mr. Duke's speaking in the name of the 400 signatories of the petition, representing 216,000 people of India, who are in favour of limiting the cultivation of poppy to medical and scientific needs"?

(d) Will the Government kindly state the credentials of Mr. Campbell to speak in the name of the people of India?

(e) Will the Government state their reasons for not giving an opportunity to the representatives of the people of India in the Central Legislature to elect their own representative to the Conference of the League of Nations?

(f) Is it not a fact as stated by Mr. Alexander in the cablegram referred to in (c) above that "he had received a telegram from Mr. Gandhi declaring that all India wanted the suppression of opium traffic except for medicinal purposes"?

The Honourable Sir Basil Blackett: Clauses (a) and (c).—The answer is in the affirmative.

Clause (b).—It was not necessary to provide the Indian Delegates with specific instructions on the particular point now raised by the Honourable Member. They were fully seized of the general policy of the Government of India in the matter.

Clause (d).—Mr. Campbell was appointed by the Government.

Clause (e).—The principle that it is the Government that is represented at the League of Nations is a fundamental one.

Clause (f).—The Government of India have, like the Honourable Member, seen a statement to this effect in the press.

SUITABILITY OF CERTAIN AREAS IN KENYA FOR INDIAN COLONISATION.

Sir Purshotamdas Thakurdas: Sir, I have given private notice of the following question to my Honourable friend, Mr. Bhore, which he has accepted and agreed to reply to here:

(a) Has the attention of the Government of India been drawn to the statement made by the Right Honourable Srinivasa Sastri regarding the announcement made in the inaugural speech of His Excellency the Viceroy to the Legislature this Session that the Government of India were considering the deputation of an officer to Kenya to investigate the suitability of certain areas in Kenya for Indian colonisation?

(b) If so, will they kindly say whether they have reached any decision in the matter?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) With your permission, Sir, I shall explain the general position regarding this proposal at some length. In the Parliamentary White Paper on Kenya, which was published in 1923, the temporary reservation in the Lowlands of an area which did not infringe on native reserves or conflict with native requirements was foreshadowed in order to test the strength of the Indian demand for land for agricultural purposes. In their representations on this subject the Colonies Committee of the Government of India strongly emphasised that they were averse from the principle of reserving land for any immigrant race in Kenya, but suggested that if it was decided to allot land for Indian colonisation, before applications were invited, opportunity should be given to send an officer from India to report on its suitability from the Indian point of view. Information was received last November that an area had been inspected by the local officers and earmarked provisionally for Indian occupation. It is also understood that the East African Indian National Congress has been invited to send its representatives to inspect this area and has agreed to do so. In the circumstances the Government of India decided that the Standing Emigration Committee of the two Houses of the Legislature should be consulted on the proposal to send an officer from India to investigate its suitability for Indian colonisation. The Committee will consider the matter at their next meeting, and until their report is received no decision on it can be arrived at. From the reservation made by the Colonies Committee on the general principle of allotting land to particular communities in Kenya, to which I have already referred, and in which the Government of India entirely concur, it will be observed that at no time has there been any question of acquiescence in a policy of segregation.

Mr. A. Rangaswami Iyengar: May I know, Sir, if before any decision is reached on the conclusions of the Emigration Advisory Committee, this House will be given an opportunity to discuss the report of that Committee?

Mr. J. W. Bhore: The Standing Emigration Committee is a body which represents both Houses of the Legislature, and I think we may confidently take their advice in the matter without further reference to the Houses of the Legislature especially on a matter of this description.

Mr. A. Rangaswami Iyengar: May I take it, Sir, that the Government are not going to give the House the opportunity that I ask for?

Mr. J. W. Bhore: I did not say so, Sir?

Diwan Bahadur T. Rangachariar: May I ask the Honourable Member whether the Emigration Committee will be supplied with a copy of the memorandum furnished by the Colonies Committee on this subject?

Mr. J. W. Bhore: That is a point, Sir, I have not yet considered, but if the Honourable Member had been here two or three days ago he would have heard the reply that I gave on this particular question of the memorandum by two members of the Colonies Committee.

Diwan Bahadur T. Rangachariar: I did not mean " by two members of the Committee "; I meant the memorandum furnished by the Committee to the Colonial Office on this very question?

Mr. J. W. Bhore: No, Sir. I do not think that will be placed before the Emigration Standing Committee.

COMMITTEE ON PUBLIC PETITIONS.

Mr. President : Under Standing Order 80 I have to appoint at the commencement of each Session a Committee on Public Petitions. The Standing Order provides that the Deputy President of the Assembly shall be the Chairman of the Committee. Diwan Bahadur T. Rangachariar is accordingly appointed Chairman of the Committee. The following Members will form the Committee:

Mr. K. C. Neogy,

Diwan Bahadur M. Ramachandra Rao,

Mr. E. H. Ashworth, and

Khan Bahadur Saiyid Muhummad Ismail.

RESOLUTION *RE* INQUIRY INTO THE QUESTION OF CURRENCY AND EXCHANGE—*contd.*

Mr. President : The Assembly will now resume discussion on the Resolution moved by Mr. Venkatapatiraju. Resolution moved:

" This Assembly recommends to the Governor General in Council that a Committee with a majority of Indian non-officials on it, and with an Indian chairman be immediately appointed to examine the whole question of exchange and currency in the light of the experience gained since the date of the publication of the Babington-Smith Report, and to make recommendations as to the best policy to be pursued to secure a system of currency and exchange best suited to the interest of India."

Since which an amendment has been moved:

" That for all the words after the words ' to make recommendations ' the following be substituted :

• ' so as to organise the currency system in India on the basis of gold as the only unlimited standard of value and currency.' "

The Honourable Sir Basil Blackett (Finance Member) : Sir, I rise at once in the hope that this particular amendment, now under discussion, may be quickly disposed of, in order that we may return to the more general subject raised by the Resolution itself. The particular amendment

[Sir Basil Blackett.]

now proposed would restrict the reference of the Committee when appointed by requiring it to ignore all other possibilities except a recommendation for the introduction in India of a currency system complying with the definition, whatever that may be, of a genuine gold standard. We had a very interesting discussion from Dr. Lohokare of the advantages of a genuine gold standard, as understood by him, and the Honourable Pandit Madan Mohan Malaviya gave us what, I think, is probably the strongest argument in favour of the introduction of a gold currency into India, namely, the argument that many people in India have some suspicion that they have been refused something which they want and that therefore they want it. I recognize the real importance of that argument, but I think that when deciding on so important a question as the future currency policy of India, we must be very careful that we are not guided purely by an argument of that sort. I do not propose to-day to enter deeply into the question what are the relative advantages of a gold standard with a gold currency in circulation and other possible currency systems. When I spoke at some length on the Bill which I introduced last Thursday, I happened to say that there were comparatively few people who claimed a full knowledge of currency in India and even fewer who possessed it. That remark of mine has, I am sorry to observe, been taken in some quarters as something of a warning to people to keep off the subject. But if the context in which those words were used is examined, it will be seen that they were not intended in that sense at all. It was in the first place an apology on behalf of the Finance Member for delivering a six thousand word speech on a sixty word Bill. It was in the second place an invitation to the House to the discussion of a subject the measure of whose importance in our daily lives is in inverse proportion to the measure of its general intelligibility. The discussions that we have had have, I think, been quite fruitful. I should like to read to the House a few paragraphs from an article in the *Economic Journal* for December 1924 on the monetary standards of New Zealand and Australia which I happened to be reading last night. It is curiously apposite to our discussion of the gold standard and the gold exchange standard :

“ An essential preliminary to any profitable discussion of present monetary conditions is the frank admission that the Gold Standard, as a means of providing for the automatic regulation of the world's prices and exchanges by movements of gold, is now in active operation nowhere. The achievement within the past year or two of a considerable measure of price and exchange stability is due, not to the gold standard, but rather to the cessation of inflationary finance, and to the increased attention given to the exchanges as indicators for monetary regulation to follow. Before the war, when currencies were kept convertible with a common medium, gold, it followed of necessity that they were also kept convertible with one another at rates fixed within narrow limits; since the war when currencies are no longer convertible into gold, it is being more fully realised that they can maintain this desired convertibility with one another without the intervention of the common gold medium and simply by the adoption of some form of exchange standard. Any country whose monetary regulation is centred on the maintenance of an approximately fixed exchange rate may be said to possess an exchange standard; but this standard exists in its most perfect form where monetary regulation is made to depend on reserves held, not in the home country, but overseas, and where both the home money supply and the overseas exchange reserve expand and contract automatically to the extent of the net balance of payments made through the exchanges.

The Gold Exchange Standard, where it operates chiefly through regulation of currency, as in India, has been fully discussed; but where similar systems are operated by overseas banks which by the use of credit instruments link together the monetary conditions of different countries, little beyond slight passing references is to be found in current economic literature. Yet the existence of what might be termed “ Credit ”

Exchange Standards is widely, if somewhat vaguely, recognised. With the great extension of deposit and overseas branch banking that is taking place, and with the attempts to stabilise paper currencies by means of foreign balances held to support exchange, such standards are becoming of increasing importance, and, if effect is ever given to the recommendations of the Genoa Conference, they are destined to become more important still, both in practice and in theory.

At the present time this "Credit" Exchange Standard is probably most completely developed in New Zealand."

The article, which I would recommend to all those who are interested in the subject, goes on to claim that New Zealand possesses a perfect credit exchange standard.

I quote that in order to show that there is a great deal to be said on the subject of currency systems which does not support the belief which was widely held before the war that a Gold Standard with gold in circulation is the last word in the perfection of currency systems. I have said myself that I am not in favour of a gold currency with gold in circulation—by which I do not necessarily exclude some system of gold certificates,—but I have no authority on behalf of the Government of India to express a view either in favour of, or against the ultimate introduction of, the sort of currency that Dr. Lohokare wishes, or any other system of currency. My view in regard to this amendment is quite simple. We ought, whatever we do, to leave this question open to the Committee, and an amendment to the Resolution as it stands limiting the reference of the Committee is I suggest unwise. The negating of this amendment will not prevent the Committee from recommending a Gold Standard with gold currency in circulation if that be the view which it holds. The matter should, I think, be left perfectly open, and therefore I suggest to Dr. Lohokare and Pandit Madan Mohan Malaviya that without in any way modifying the views they have expressed in favour of a gold currency they would be well advised to leave the matter entirely open for the Committee's examination and for its final recommendations when it is assembled.

Mr. President : The original question was the Resolution as it appears on the paper. Since which an amendment has been moved :

"That for all the words after the words 'to make recommendations' the following words be substituted :

'so as to organise the currency system in India on the basis of gold as the only unlimited standard of value and currency.'"

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

The motion was negatived.

Mr. President : With regard to the next amendment standing in Mr. Jamnadas Mehta's name the first line is disposed of by that decision; and his proposal for the establishment of a State Bank is, it seems to me, outside the scope of the Resolution. Does he wish to move the remaining part of his amendment of the exact bearing of which I am not sure?

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhamadan Rural): If you will hear me, Sir, I may say, with reference to the establishment of a State Bank, that as the proposal is to examine the whole question of the currency and exchange system of the country, the way in which the currency can be best managed is indicated here. In the light of that explanation will you, Sir, consider whether I am not in order in moving that part of my amendment?

Mr. President : The establishment of a State Bank is clearly a separate proposition altogether and must be considered on its own merits. I do not say that as a matter of argument the Honourable Member would not be otherwise entitled to argue that a State Bank would be a better general manager of the currency than the present authorities; but he cannot propose the establishment of a State Bank as an amendment to the original Resolution.

Mr. Jamnadas M. Mehta : Then if the only question which is relevant in the remaining part of my amendment is the question of the location of the reserves I will speak on the general proposition.

Mr. President: Does the Honourable Member wish to move the remaining part of his amendment? If not, I shall call Mr. Ramachandra Rao to move his amendment.

Mr. Jamnadas M. Mehta : I do not wish to move it.

Diwan Bahadur M. Ramachandra Rao (Godavari cum Kistna: Non-Muhammadan Rural): Sir, I beg to move :

“ That in this Resolution all the words beginning from ‘ a majority of Indian non-officials ’ to the words ‘ be immediately appointed ’ be deleted and the following be substituted therefor :

‘ an effective and adequate representation of Indian interests be appointed without any avoidable delay. ’ ”

Reading the Resolution as proposed to be amended by me it will run thus :

“ This Council recommends to the Governor General in Council that a Committee with an effective and adequate representation of Indian interests be appointed without any avoidable delay to examine the whole question of exchange and currency in the light of the experience gained since the date of the publication of the Babington-Smith Report, and to make recommendations as to the best policy to be pursued to secure a system of currency and exchange best suited to the interests of India. ”

Sir, I do not wish to detain the Council with any lengthy speech as many Honourable Members have already covered the whole ground raised in this Resolution. There seems to be very little difference between my Honourable friend the Mover of this Resolution and the Honourable the Finance Member in regard to the main object of this Resolution. The Honourable the Finance Member has admitted the necessity of bringing under examination all the outstanding questions of currency and exchange, not only in the light of the further experience gained since the Babington-Smith Committee's Report was submitted, but also in view of the past history of the currency and exchange policy of the Government of India before that Committee was appointed. Sir, when there is so much agreement between both my Honourable friends, it seems to me that there is no use in shelving this question indefinitely merely on account of the unsuitability of the language that has been used in the Resolution. The Honourable the Finance Member suggested some difficulty by the use of the word “ immediate ” in the Resolution, and I propose therefore to alter the wording of the Resolution so as to remove his objections. The words that I use are sufficiently elastic to enable him to appoint this Committee without any unnecessary delay. The speeches that have been made already have indicated the absolute necessity of taking action in the direction suggested as early as it is possible to do so.

Sir, as regards the composition of this Committee, several Honourable Members have already given their views as to how this Committee should be constituted. I do not wish to detain the House with my own observations as to how this Committee might be constituted ; but there is no doubt whatever that every section of this House regards it as absolutely essential that if the work of this Committee is to be successful and useful, it must have before it only one consideration, namely, the interests of this country. In these circumstances, in order to avoid affording any opportunity to Government to say that we passed a Resolution which they may find it difficult to carry out, I propose to insert in the Resolution the words that I have chosen in my amendment, but with the fullest hope that the views expressed by the terms of the Resolution and in the speeches will be carried out as far as the Honourable Member is able to do so. With these words, Sir, I commend my amendment to the House.

Mr. President: Amendment moved :

“ That all the words beginning from ‘ a majority of Indian non-officials ’ to the words ‘ be immediately appointed ’ be deleted and the following be substituted therefor :

‘ an effective and adequate representation of Indian interests be appointed without avoidable delay.’ ”

Mr. Jamnadas M. Mehta: Sir, I beg to support the original Resolution and to oppose the amendment of my friend, Diwan Bahadur Ramachandra Rao. The original Resolution, as the House will realise, is different from the Bill which the Honourable Sir Basil Blackett moved last week and from the two Bills which my Honourable friend, Sir Purshotamdas Thakurdas proposes to move next week. Those two attempts at legislation, each from its own point of view, seek a solution for the temporary period of transition of our currency difficulties. This Resolution of my friend, Mr. Raju, however, attempts to have a comprehensive inquiry with a view to find some fresh, safe and stable moorings for our currency system which has been dislocated for some years. I want to make it clear that the passing of this Resolution will not in any sense be an indication that the House does not want to proceed with Sir Purshotamdas Thakurdas' Bills when they are reached.

Sir, we have heard a great deal of the unanimity both on this side and on the side of the Government about the necessity for an inquiry. But I venture to say that there is a great deal of difference between the Resolution of my friend, Mr. Raju, and the attitude which Government have taken up in this matter. My friend, Mr. Raju, wants an immediate inquiry ; my friend, Mr. Raju, wants an Indian majority ; my friend, Mr. Raju, wants an Indian Chairman ; and I say, Sir, each of these elements is a matter of the greatest importance to the currency and monetary system of this country. It must be immediate because if any country in the world was entitled on account of its economic position to revise or finally to place on a stable basis its economic system long before now, it was this country. Next to America after the war there was no country in the world which was better prepared than ours to place its currency system on a suitable basis at the earliest possible moment. It was not necessary for India to wait for five years, to wait on the pleasure of other countries ; to wait till the bankrupt countries of south-eastern Europe, and Belgium and France which had been ruined by the war had

[Mr. Jamnadas M. Mehta.]

had their own schemes ready. Not at all. It was not necessary for India to wait till the last moment till every other country had stabilised exchange, and I cannot see that we should adopt a policy of what is called watchfulness or a "wait and see" policy. The "wait and see" policy, as is well known, led Mr. Asquith to the mummies of Egypt which refused to speak or answer his questions. In this country the "wait and see" policy has led to a very great dislocation of trade and industry. I say, Sir, that every day that we waste in finding out suitable and safe moorings for the currency system of this country means a loss,—I would say that in spite of the wrath of the Finance Member,—at the rate of 43 crores of rupees every year to the producer and an immense amount of loss to the industries and trade of this country. Therefore there is no time to waste. We must here and now, if possible, adopt the system of the gold standard. But that has been ruled out by the House not on its merits, but because it is to be left as an open question. But as to the immediate necessity for an inquiry there cannot be the least doubt. My fear is that the Government by suggesting a period of twelve months within which to appoint an inquiry committee are waiting to see whether the exchange could still be stabilised at 1s. 6d. if not at a higher level, and that is why the Government do not agree with us. Well, Sir, all that I want to say is that we need not wait till the exchange rises to a higher level and remains there. We want an immediate inquiry into the currency system of this country.

Then, Sir, we heard from the Finance Member that the higher exchange had done a lot of good to this country, that prices had been stable and that the consumer had been greatly benefited. I say, Sir, that this concern of the Finance Member for the interests of the consumer will not be taken at its face value in this country. Government may talk as loudly as they like about their concern for the consumer; but these protests, as I say, are not going to be taken at their face value because the stability of prices is the only respectable garb to a policy of systematic raising of the exchange, a very immoral, sordid and sorry policy which has been pursued during the last five years. Sir, let us examine whether the consumer was at all prejudiced by the pre-war ratio and whether a higher exchange is necessary in his interest. I have before me figures from the Calcutta Trade Journal which show that between 1914 and 1924 the prices of almost all necessities of life except tea and cotton which were 100 rupees in 1914 were only 104 in 1924; that means during ten years the only rise has been 4 per cent. and that too when the exchange was, as in last January, much lower than it is now. In the interval in 1919 all the public bodies, Government and other employers of labour, have given increases in salaries and remuneration on the basis of the top prices ruling then. Under the circumstances, if there is a rise of 4 per cent. after 10 years with increased salaries in the meantime, can it be said that the consumer will be paralysed if there will be a lower exchange? The real reason for maintaining a higher exchange has been to see that there is as much saving on the home charges, that there is as much stimulation to imports, that there is as much bounty on the salaries of civilian officers as possibly can be given. These are believed by the people of this country to be the real reasons for the maintenance of a higher rate of exchange. How does it work? Take only one case. Only yesterday the House had to vote fifty lakhs of rupees in the interests of one industry alone because the rise in

exchange has made the position of that industry absolutely impossible. But every industry does not belong to the Tatas and every industry is not a key industry. Imagine the vast enormous recurring losses which every trade and industry in this country has to bear because of the higher exchange policy of the Government. It is well known, Sir, that after the close of the war, when conditions had still been fluid, when there was a clear case for watchfulness, within six months of the Armistice, Government hurriedly appointed the Babington-Smith Committee; that Committee included only one Indian Member. It took evidence abroad in England and recommended the ratio of 2s. gold for the rupee. It was a packed Committee in the sense my Honourable friend Sir Campbell Rhodes mentioned the other day. If merely the existence of a majority of Indians meant packed Committees, then all the Commissions and Committees that have been hitherto appointed by the Government have been packed Committees in so far as there has always been a majority of non-Indians on those Committees and Commissions. By the way, Sir, why should we not have a majority of Indians on a Committee which concerns only the people of India, and merely to say that there should be adequate, sufficient and effective representation means nothing whatever? We must claim an absolute majority of Indians on this Committee. I know that Government can still by appointing flunkeys and flatterers defeat our object. After all, nominations on the Committee are still in the hands of the Government, and they can defeat our object by appointing all manner of people whom they still possess in their armouries to silence the voice of this country, but still we must insist that the majority of the members on this Committee shall be Indians.

Then, Sir, I was referring to the 2s. ratio which the Babington-Smith Committee accepted. On what? On the report of evidence taken six thousand miles away, on the strength and in the face of the evidence of the Indian witnesses to the contrary, they recommended the 2s. ratio which the Government of India and the Secretary of State required. It was a registration of the decree of the authorities, and although the exchange at that time was 2s. 4d. sterling they began to enforce the new ratio of 2s. gold. Then came into existence that policy of selling reverse councils which will for ever remain a blot on the Government of India's management of our finances. It led to the dissipation of the sterling reserves of this country in England which were accumulated at Rs. 15 to the sovereign. These reserves were sold at Rs. 7, Rs. 7-8-0 and Rs. 8, to the sterling, so that on every £ sterling we lost as much as Rs. 6, Rs. 7 or Rs. 8. Reverse Councils were sold to the extent of 55 millions involving a loss of about 40 crores to the sterling reserves of this country, and that too for the mad gamble of maintaining the high rate of 2s. gold. Again, as a writer in the *Times of India* stated—the *Times of India* is not a paper which will unnecessarily come down upon Government unless it feels convinced that the Government are absolutely wrong,—the *Times of India* stated that no tyro in economics or finance would have dared to enforce the rate of 2s. gold unless he was forced to do so from the secret conclave of Whitehall. These are the words of the *Times of India*. A secret conclave at Whitehall which forces a 2s. gold rate on this country; and Government in their endeavour to enforce that policy put this country to a loss of about 40 crores only on the Reverse Councils. It has further meant an enormous loss to trade in this country and it has been followed by an immense social and economic distress in the country which still

[Mr. Jamnadas. M. Mehta,]

continues as a result of an effort to maintain the exchange at a higher level. The immense crores that have been lost will never be known. Sir, it is high time that we did not leave the management of our currency in the hands of the Government which have so thoroughly mismanaged affairs to the detriment of this country involving the country in losses of crores upon crores, dislocating the money market, strangling the trade, and making the producer lose heavily. I challenge anybody to deny that under the present policy the producer loses Rs. 43 crores a year.

Sir, this country is entitled to a sound monetary system, and once that system is established, it is entitled further to see that the legal relations which arose under that system are protected by Government, and that these legal relations are regarded as sacred and inviolable as any other law of the land. But the 1s. 4d. ratio which was the legal ratio, which the Government were bound to protect, under which our industries were organized, under which our borrowings were taking place, under which the poor peasant and the agriculturist was borrowing at a high rate of interest from the *sowkars* was torn to pieces, and a higher ratio was at once established without caring for the position of the debtors, or of the position of the industries, or of the position of the trade. Why? Because the Government could have a saving of a few crores on home charges, and because the imports to India could be stimulated. But, Sir, the home charges, after all, come to only 3 to 4 crores and it is a concealed method of taxation. The 3 or 4 crores do not drop from the heavens. They do not come out of the coffers of the Government, but they are obtained only when the agriculturist is made to suffer a loss of 43 crores. The 4 crores of saving which is effected at a loss of 43 crores to this country is not a businesslike proposition, and this country is not interested in allowing the Government to have such a secret manner of taxation which really leads to immense losses far greater than the savings which the Government can effect on remittances to England.

Then, Sir, if the rise in exchange would lead to the stability of prices, why does not my Honourable friend the Finance Member begin to raise the exchange higher and higher till we can get everything for nothing? Let him raise the exchange to a tremendously high level so that we may get everything for nothing. If that is in the interests of the consumer, why does he not do it? If he does not do it, it is because he knows that it will break down. On the other hand, what we temporarily want is not to reduce the exchange as low as possible, but to restore it to its original level, to its legally established ratio, which was so rudely disturbed, so wantonly dislocated, five years ago, in order that other interests than Indian might be protected. Sir, this problem to-day is of the greatest importance to this country. Every day gone means so much injury to the interests of this country, and therefore the immediate appointment of this Committee is absolutely necessary.

My Honourable friend Sir Campbell Rhodes asked the other day that if Indians are placed in a majority on the Committee, what would happen to the Bengal Chamber of Commerce, to the Associated Chamber of Commerce and to the Exchange Banks. He also asked what would happen to the representatives of the Imperial Bank. Now, Sir, the gentleman who represents the Exchange Banks is very often a Member of the Bengal Chamber of Commerce, and this representative of the Bengal

Chamber of Commerce is very often again a Member of the Associated Chambers of Commerce, and he is the same individual under various guises and disguises, for the same individual may be the Member of the Exchange Banks, the Bengal Chamber of Commerce and the Associated Chambers of Commerce. So after all it is not necessary that these bodies should have tripple or fourfold representation. One representative of the Exchange Banks can very well represent both the Bengal Chamber of Commerce, and the Associated Chambers of Commerce, in fact he ought to represent, he must represent, all these associations, and if there is going to be an honest representation in this matter, one representative ought to suffice for all these associations and they cannot ask for more. For that reason, Sir, we must have an Indian majority. There will of course be experts from England who will represent Imperial interests, but I do not see why any other question except that of the question of the interest of India should enter into this matter. Other parts of the Empire do not care to consult the Government of England. South Africa does not even care to consult the Colonial Office. It does not care two brass buttons whether and when the Cabinet in England is going to return to the gold standard. It simply invites two eminent financiers, one from the Netherlands and the other from America, Dr. Vissering and Professor Kamerar and on their advice it has decided to return to a gold standard from June next whether the Government of England does or not. Why? Because the Government there watches and is concerned only about the interests of that country. The Government of India have, as the *Times of India* points out, to act under the mandates of secret conclaves at Whitehall. Sir, a man who gives short weight and measure is treated as a criminal. A forger if convicted is sentenced to 7 years' jail. A deliberate policy of higher exchange is not to be easily distinguished from the practices of a man who deals short weight and measure. The man who in the stress of economic distress gives short measure goes to jail for five years. The Government of this country have given short measure for the last five years and have practised fraud on the producer. They are still practising it. And some people who are responsible for the policy—I do not blame Sir Malcolm Hailey personally; he is a very amiable gentleman. In fact, there is no Member of this House who did not know him only to love him, and I am very sorry not to have him here. But such is the irony of fate that the forger goes to jail for years while the Finance Member under whose régime immense crores were lost finds himself on the *gadi* of the Punjab Government. . . .

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-official): Is not that a kind of penal servitude?

Mr. President: I must ask the Honourable Member now to bring his remarks to a close.

Mr. Jamnadas M. Mehta: I will do so, Sir. Then, Sir, I have only one more point to add; in spite of the Resolution about a gold standard being defeated, I say, as the Finance Member himself has admitted, it does not follow that the Committee will be precluded from considering the question of the gold standard for this country. The gold standard is under the present circumstances the only proper standard. The gold exchange standard is, I agree, theoretically more scientific. I am ready to agree that the gold exchange standard is more scientific and more perfect, and

[Mr. Jamnadas M. Mehta.]

when education in the world has become general, when enlightenment has been universal, when Governments can be trusted by their subjects, when the League of Nations has become a more powerful lever for peace and goodwill, then I think the gold exchange standard can be kept not only in this country but all over the world. But to-day the gold exchange standard is neither proof against knaves nor against fools. It is neither a fool-proof standard nor a knave-proof standard. And the people of this country do not want that they should be under a standard which can be manipulated by the Government. Not only in this country. It has been manipulated everywhere, wherever Governments require more money than they are legitimately entitled to. We do not therefore want to be chained down to it if we can help it. I say, Sir, that we are free to raise that question of the gold standard when the Committee meets. I further say that the Bills of Sir Purshotamdas stand quite apart from this committee of inquiry; that we will still consider it our duty to support them. And that we will not be precluded by this Resolution from supporting them. With these words, Sir, I beg to oppose the amendment of my friend Diwan Ramachandra Rao; there is little or no difference between the Government policy and his amendment. If that is the position, why have any Resolution at all? Let us say we are satisfied with the Government's explanation. No Resolution. Go home. This is not moderation; this is not sobriety. I cannot distinguish this kind of moderation and sobriety from madness and senility. I have done.

The Honourable Sir Basil Blackett: Sir, this is not moderation and this is not sobriety, and it is time we got back to the Resolution. Mr. Jamnadas Mehta is a licenced libertine, but some of the things that he has said about other people are, I think, even inside this House, a little bit stronger than he would regard himself as justified in saying if his very eloquent gifts did not sometimes carry him away. I found it difficult to discover in the course of Mr. Jamnadas Mehta's speech just whether he was opposing or voting for or against the Resolution which is now before us. The whole of his speech was devoted to an argument that no committee of inquiry of any sort is required because 1s. 4d. is the only possible rate and it ought to be introduced at once. I despair of succeeding in persuading Mr. Jamnadas Mehta that there is something to be said on the other side. Until the day comes when Mr. Jamnadas Mehta ceases to be suspicious of Government, I think that the effort in open Assembly to persuade him would be largely wasted, but I should be very glad indeed to have the opportunity of discussing with him in private—and with some of the other Honourable Members who have spoken—some of the immensely interesting subjects that have been raised in the course of this debate. I do not desire to prolong the debate now. I know that the House is very keen to get ahead and to deal with some of the other Resolutions that are coming on. My Honourable colleagues are straining at the leash in order to discuss other subjects. Even their interest in the subject of currency has not persuaded them to remain here and they have gone out to prepare themselves. So that I do not want to delay the House much longer on this particular Resolution. Let me, however, now deal with the amendment proposed by Mr. Ramachandra Rao. First of all, in regard to the word "immediately", for this word he proposes to substitute "without any avoidable delay". I recognise the very strong view held in many quarters of this House about the urgency of the appointment of a committee, but I

should be deceiving the House if, in accepting the amendment "without any avoidable delay" for the word "immediately", as I am prepared to do, I were in any way to suggest that the Government of India are prepared to go beyond what was stated very clearly by His Excellency the Viceroy in the speech that he delivered here at the opening of the Session as regards the date on which this could be established. I do not want to mislead the House or to leave any room for differences of opinion. The Government of India are prepared to accept the Resolution as thus amended in regard to the words "without any avoidable delay" if it is understood that they are not themselves thereby committing themselves to anything beyond what was definitely stated by His Excellency in the speech that he made the other day. At the same time, the Government of India recognise the view that is held in the House by a great many of those who have spoken that that is not as early as the majority in this House might desire for the appointment of the Committee. As regards the other words the Government of India are prepared to accept the amendment as it stands, that is, in place of the words "a majority of Indian non-officials and an Indian Chairman" the words "an effective and adequate representation of Indian interests". Mr. Jamnadas Mehta provided me with what I think is the very best argument that has been produced thus far for the amendment proposed by Diwan Bahadur Ramachandra Rao. He pointed out that in South Africa they have recently had a Committee to consider the question of South African currency and they have not a single South African.

Mr. Jamnadas M. Mehta: Nor any one from England.

The Honourable Sir Basil Blackett: They did not have any one from England

Mr. Jamnadas M. Mehta: Will you promise not to have any Englishman?

The Honourable Sir Basil Blackett: I happen to know, though Mr. Jamnadas Mehta does not know it, that the two members who were appointed were originally not the first and only choice of the South African Government and two first chosen, one of whom was the late Mr. E. S. Montagu, were both Englishmen. The Government of India are therefore prepared to accept the Resolution as thus amended, provided that it is clearly understood that in doing so they are not committing themselves beyond what the words say, namely, that there should be a Committee to inquire into the currency system of India with an effective and adequate representation of Indian interests to be appointed without any avoidable delay. I have said over and over again, and even in the face of Mr. Jamnadas Mehta I repeat, that the Government of India will be concerned, in considering this question, solely with interests of India; the interests of India alone are the interests which must determine India's currency policy. But that currency policy depends not entirely on internal conditions in India. Two quite separate things have to be considered, internal conditions and world conditions. The Committee will consider what is the best currency policy in the interests of India in the light of Indian internal conditions and world conditions, and for the purpose of doing that, obviously an authoritative committee is required,—a committee that can duly take into account all the considerations. I hope that the House will be able to agree to this concordat between the slightly varying views that are held in different quarters of this House and pass this amendment unanimously.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Before I address myself to the Resolution I should like to congratulate my Honourable friend, Mr. Jamnadas Mehta, on the excellent manner in which he presented his case. I am in entire agreement with the view point presented by him, and I may say at once that I am opposed to the amendment moved by my Honourable friend, Diwan Bahadur Ramachandra Rao. There is no question after what Mr. Jamnadas Mehta has said that there should be a Committee appointed immediately. I was waiting to hear the Honourable Sir Basil Blackett reply to one very important argument advanced by Mr. Jamnadas Mehta. Of course, Sir Basil Blackett wants Mr. Jamnadas Mehta to see him in private and hear from him all the explanations with regard to the various points made by him; but this House will not have the opportunity of being wiser by those arguments which might be advanced by Sir Basil Blackett to Mr. Jamnadas Mehta privately. But there is one argument which the Honourable the Finance Member should have met openly on the floor of the House. That argument is this. Mr. Jamnadas Mehta said that Government were waiting to see if the exchange can be stabilised at 1s. 6d. and that therefore they were not willing to appoint a Committee immediately. If that is the intention of Government, then of course a case has been made out for the immediate appointment of a Committee. We do not want Government to manipulate matters in such a way that the Committee would have no alternative but to find that the exchange should stand at 1s. 6d. A definite, deliberate charge has been made against Government that their intention in delaying the appointment of a Committee is to create conditions under which the Committee can have no alternative but to find that the ratio must stand at 1s. 6d. If that is so, then this Assembly must press with all its vigour the appointment of a Committee immediately. As I said, I was waiting to hear the Honourable Sir Basil Blackett reply to that charge, but unfortunately I was disappointed.

Now, coming to the Resolution itself, it wants three things; the appointment of a committee immediately, a majority of non-official Indians on it, and an Indian Chairman. Government are willing to appoint a Committee, but they are not willing to appoint it immediately, and the words proposed by my Honourable friend, Diwan Bahadur Ramachandra Rao, are accepted by Government according to their own interpretation. I do not know what the interpretation of my Honourable friend, Diwan Bahadur Ramachandra Rao, of those words is, but Government have their own interpretation and they ask the House to accept that interpretation as Government are not willing to raise any hopes in the mind of the Assembly that they are going to appoint a committee very soon. The speech made by His Excellency the Viceroy the other day is there and Government are prepared to abide by it and appoint a committee in due time in accordance with that speech. So Government are not going to shift from the position they have taken up in this respect in regard to time. I do not know what my Honourable friend, Diwan Bahadur Ramachandra Rao, means by saying "without any avoidable delay". But Government have put their own interpretation, and, if this amendment is now passed by the Assembly, that interpretation stands and Government will be free to appoint a committee any time within the course of twelve months as stated by His Excellency the Viceroy in this Chamber the other day. Something has been said about moderation. I should like to say that moderation has run amok in this case: it is nothing else. His Excellency the Viceroy made the statement in open Council the other day. The Honourable Sir Basil Blackett made a similar statement today emphasising the statement of His Excellency and my Honourable friend.

Diwan Bahadur Ramachandra Rao now comes forward, though in different words, with the same proposal. I do not know what is the necessity of my Honourable friend, Mr. Raju's Resolution at all under these circumstances? Let him withdraw the Resolution and Government will appoint a committee at their own convenience with such men on it as they like. Government have already stated so. Whether the amendment of my Honourable friend, Diwan Bahadur Ramachandra Rao, is carried or not, the position of Government is quite clear. They will act in the matter as they have already outlined; there is no necessity of this Resolution at all because Government have already stated their case that they are going to appoint a committee in due course. Therefore, I submit that if we really want a committee, and a committee immediately, in order not to allow Government an opportunity to manipulate conditions under which the committee would have to find the ratio at 1s. 6d., then it is absolutely necessary that we must carry the Resolution of my Honourable friend, Mr. Raju.

Now, with regard to a non-official Indian majority, we know, we have heard something about the Babington-Smith Committee. We had only one Indian, Sir Dadiba Dalal, on it and he stuck to his guns. He expressed the Indian public opinion and wrote a separate minute of dissent stating that the ratio should be 1s. 4d. If at that time the Committee had had a majority of Indians, then the view point of the Indian public would have been effectively represented and the report would have been quite different. All these manipulations in the currency during the last 5 or 6 years would have been impossible and the country would have saved crores of rupees, as Mr. Jamnadas Mehta has very rightly pointed out. Therefore it is necessary now to take care to see that any committee which is appointed to examine the question of exchange and currency should have on it a majority of Indians. Of course there are Indians and Indians, and so long as Government are what they are and not responsible to the people, they will appoint such Indians as will play into their hands and register their decrees. That cannot be helped. But there are Dadiba Dalals sometimes. There is absolutely no reason why after the experience we have had in the past of such committees we should not demand an Indian majority on this committee. Without an Indian majority on this committee, the committee will be absolutely futile because we have already expressed our suspicion against Government that they want to manipulate this currency. They want to stabilise exchange at 1s. 6d. and it is for that purpose that they are biding their time and they want to appoint a committee sometime within the course of 12 months and not immediately, and with this suspicion against Government on the part of the Indian public, it is absolutely essential that the personnel of the committee should be such as will be above suspicion. The personnel should be so independent that they would not carry out the dictates of the Government because we have that fear that Government would like that the exchange should stand at 1s. 6d. and that the finding of the committee should be to that effect. If we have a committee with non-Indians on it in a majority, then that committee will justly register the decrees of the executive. That being so, it is absolutely necessary, in view of past experience and in view of the suspicions we have had against the Government in this matter, that we should demand that there should be a majority of non-official Indians on this committee. And if there is a non-official Indian majority on the committee it follows as a matter of course that the Chairman should also be an Indian. On these three points we are very strong and I hope that my Honourable friend Diwan Bahadur Ramachandra Rao will not be tempted by the offer,

[Mr. V. J. Patel.]

a very good offer indeed, made on behalf of Government by Sir Basil Blackett and will see his way to withdraw his amendment in view of the arguments advised by my friend, Mr. Jamnadas Mehta.

Now, Sir, with regard to the Resolution itself moved by my friend Mr. Raju, I may say at once that his idea is to have a committee to examine the whole question of exchange and currency in the light of the experience gained since the date of the publication of the Babington-Smith Committee's report. What is the experience we have gained? My friend interjects and says that it is a loss of 35 crores. That is quite true and I will just say a few words on that point. The report was made fixing the ratio at 2s. gold to the rupee at the end of the year 1919 and Government proceeded to give effect to the recommendations of that report immediately. They wanted to enforce the recommendations of that report and they devised all sorts of methods for that purpose. They were determined to keep the ratio at 2s. gold as recommended by the committee. That ratio was based on gold but the exchange rate quoted was in terms of sterling because there was no free market for gold in England. Further, the sterling market was steadily depreciating as can be seen from the sterling dollar exchange rate quoted and therefore Government had to give 2s. 6d., 2s. 7d. and even to the extent of 2s. 11d. in sterling for a rupee worth 2s. in gold. This went on for months and months with the result that the money market was thoroughly demoralised, lots of people began to gamble in these Reverse Councils and several people made fortunes in the course of a few weeks. But Government could not effectively keep the ratio at 2s. gold. The market would not support them and Government went on with their policy of selling Reverse Councils. They were persistent. They were determined to keep the ratio at 2s. gold and they went on spending India's sterling resources till the loss amounted to 35 crores as my friend, Mr. Raju, just mentioned to me. Ultimately they found that it was absolutely impossible to keep the ratio at 2s. gold as they wanted to do, and therefore they gave up that mad policy of selling sterling; but the result was that trade was thoroughly demoralised. The money market was strangled and the currency of the country was discredited in the eyes of the whole world. If only a portion of so many crores wasted had been spent in stabilising the exchange at 1s. 4d. all these things would not have happened. They could easily have done so. India would have been saved crores of rupees if they had only spent a portion of these 35 crores in stabilising exchange at 1s. 4d. But they did not do it. All this manipulation could be prevented only by a gold standard. It is because there is a gold exchange standard that it has been possible for the authorities to manipulate currency in the way they have done for the last five years, and therefore it is that India demands gold standard. My friend Sir Basil Blackett says that Mr. Jamnadas Mehta has not made out a case for a committee because he is for a 1s. 4d. ratio and therefore there is no necessity for the appointment of a committee according to him. No. Mr. Jamnadas Mehta does not want that the exchange should be 1s. 4d. He wants a gold standard. He supports the appointment of a committee because that committee is to inquire into the question whether a gold standard should be established in India or not. Mr. Jamnadas Mehta agrees to the appointment of the committee because that committee is to be empowered to go into the various questions of the establishment

of a gold standard, the location of the reserve and like questions affecting the currency. It is wrong to say that Mr. Jamnadas Mehta has not made out a case for the appointment of a committee. Now this manipulation is not the only evil of this gold exchange standard. The Secretary of State is keeping large reserves in the gold standard and paper currency reserves in England. So long as this gold exchange standard exists he will have the excuse of keeping the reserves there. These reserves, it will be remembered, amount jointly to about 60 million pounds, and had it not been for the devaluation according to the fictitious ratio of 2s. gold, this amount would have been much more to-day. But the Secretary of State keeps these reserves in England on the ground that in the case of an adverse balance he would have to pay money there on behalf of India and therefore it is necessary according to him to keep these reserves there. But if you examine the facts you will find that no more flimsy excuse for such a grievous wrong was ever given. As a matter of fact the balance of trade has always been in favour of India. It is only once in a decade that the balance of trade is against India. It is England and other countries of the world which have to pay to India almost every year regularly, and therefore, if anything, a case has been made out for keeping their reserves in India rather than for keeping ours in England. So these are some of the evils of the gold exchange standard, and therefore it is necessary to examine the whole currency question. My friend Sir Basil Blackett says he is opposed to the gold standard, but that it is possible to improve the gold exchange standard. I shall be very glad if he can show to the Committee some way by which this gold exchange standard can be so improved as to prevent once and for all the Government from manipulating it as it suits their purpose. In fact that Chamberlain Committee in 1913 in their report stated that although the gold exchange standard was a managed system, it was not managed in the sense that the Government could manipulate it for their own ends. But the experience of the last five years has shown us that it is possible under the gold exchange standard for the Government to manipulate the currency for their own ends. As we have found that this prophecy of the Chamberlain Committee has proved to be false, let us see now if, as Sir Basil Blackett says, it is possible to improve this gold exchange standard. Other questions also will be considered by this committee. The question of establishing the gold standard will also be considered; the question of the location of the reserves will also be considered; the question of starting a State Bank and of handing over the management of currency to it will also be considered. These are the various questions for the consideration of that committee, and therefore it is absolutely necessary that the committee should be appointed immediately and, in order that no suspicion might attach to the Government and that no suspicion might attach to the findings of that committee, it should consist, as my friend Mr. Raju has rightly asked, of a majority of Indians with an Indian Chairman. And I say no time should be lost in appointing a committee of that character. I once again appeal to my friend Diwan Bahadur Ramachandra Rao to allow this Resolution of Mr. Raju to pass and then leave the Government to do what they like.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I had no desire to take part in this debate because I do not claim to understand the intricacies of the questions which are involved in this Resolution, but having regard to the amendment which has been moved by my Honourable friend Diwan Bahadur Ramachandra Rao, I thought I might make

[Mr. M. A. Jinnah.]

the position clear. Now, Sir, with regard to that amendment there are two points involved. First, instead of the word "immediately" the words "without avoidable delay" are substituted. Secondly, instead of "a majority of non-officials being appointed on this Committee" we have "adequate and effective Indian representation on this proposed Committee". I was glad to hear from Sir Basil Blackett that he was willing to accept that amendment. But I was somewhat puzzled when I heard his commentary or his reservation on it. While he accepted the amendment, I fail to understand what were the exact implications of the reservation that he made. Does he mean that the Government have already decided that they will not appoint this Committee until the end of the year? Does he mean that the Government have already fixed any period on which auspicious day this Committee will be appointed? What did he mean then when he said that he wanted to make it clear that the statement made in the speech of His Excellency the Viceroy is final? I take it that, when this House passes a Resolution which is accepted by the Government that a Committee should be appointed without any delay, if Government have got any justification for delaying its appointment it means that, if it is delayed, the Government will account to this House as to why they delayed. (A voice: "When?") When! And supposing you say "immediately" and the Government find that it is impossible to appoint a Committee immediately, when they explain that to you (Mr. V. J. Patel: "Therefore take what they give.") Therefore let us have some common sense in the matter. (A voice: "What is common sense?") Common sense is this, that when you say "immediately" that means the Government must appoint a committee to-morrow or within a week. But if you say to the Government that you must appoint this Committee without avoidable delay then I say that, if the Government accept that position, they will have to justify any delay there may be in appointing the Committee. (A voice: "That was their position from the beginning.") I beg your pardon, that was not their position from the beginning. That is why I quarrelled with the commentary or reservation of Sir Basil Blackett. What is the meaning of that reservation? That is what I want to understand before I vote. If that reservation means nothing beyond the terms of the amendment then say so. Do you accept that or do you not? If you accept it, I ask Sir Basil Blackett not to complicate it by any further commentary or reservation, and I expect the Government then to say that, unless they have got some serious reasons, some real difficulty in their way which prevents them from appointing this Committee, they will appoint it as soon as possible. If that is your intention and if you make that clear, Sir, I have no hesitation in supporting the amendment of Diwan Bahadur Ramachandra Rao.

Now, Sir, with regard to the other point about a majority of Indians, I think my Honourable friend Mr. Patel answered his own arguments. He said, "Appoint a majority of Indians." I know, Sir, the only one committee on which I ever had the good or bad fortune to serve consisted of a majority of Indians and I know that we were reduced to a minority. I could understand the Honourable Member insisting not only upon a majority of Indians, but that those Indians should be elected by us. That I could understand. But what does Mr. Patel say? He says: "You appoint, but they should be Indians." Very well, and he himself answered that question. There are Indians and Indians he said. Then you might

appoint some Indians who will probably agree with you and register your decree. Then what is the good of it? (*A voice*: "Safer Europeans.") No, no. Well, I will put it bluntly. According to your argument, your neck is in the hands of Government. Very well, I will at least say this, "Give us an adequate and effective representation." I think that is the object of the Mover, and it is fairer and more reasonable than to fight over words the meaning of which, the effect of which, is useless. I therefore, Sir, strongly support the amendment of my Honourable friend, Diwan Bahadur Ramachandra Rao, and I understand Sir Basil Blackett cannot mean anything else than what the amendment itself says (*Mr. V. J. Patel*: "He has already stated what he means.")

The Honourable Sir Basil Blackett: Sir, I may intervene in response to the appeal that has been made by Mr. Jinnah, I should like to explain the difference between us. The words "without any avoidable delay" are, I take it, moved by the Mover of this amendment in the sense that he and the majority of those who support him, including Mr. Patel and Mr. Jamnadas Mehta even, are of opinion that it is desirable that this Committee should be appointed immediately. But in order to meet the difficulty that they know the Government are in, they alter the word "immediately" to the words "without any avoidable delay." The Government are anxious not to be misunderstood or to lay themselves open to any charge of breach of faith. I thought it necessary therefore to explain that I am not in a position to promise on behalf of the Government that any advance will be made on the position as stated by His Excellency in regard to the appointment of a Committee probably within a period of 12 months. I recognize that the House regards that as insufficient. But I, on behalf of the Government, am not in a position to make any promise that there will be an advance on that. If that is understood, I think that we are both prepared to agree in the meaning of the word.

Diwan Bahadur M. Ramachandra Rao: After the statement made by Sir Basil Blackett that he is not in a position to alter in any respect the position indicated by His Excellency's speech, there is no use, Sir, in pressing my amendment in this House.

The Honourable Sir Basil Blackett: "I am not in a position to promise," I said.

Diwan Bahadur M. Ramachandra Rao: Even when promises are made, we find it extremely difficult to keep the Government to their promises. But without any definite statement in this House by Sir Basil Blackett as to the time when this committee will be appointed, there is no object in my pressing my amendment.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President: The question is that the following Resolution be adopted, namely:

"That this Assembly recommends to the Governor General in Council that a Committee with a majority of Indian non-officials on it, and with an Indian chairman, be immediately appointed to examine the whole question of exchange and currency in the light of the experience gained since the date of the publication of the Babington-Smith Report, and to make recommendations as to the best policy to be pursued to secure a system of currency and exchange best suited to the interests of India."

The Assembly divided.

AYES—52.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Abul Kasem, Maulvi.
 Acharya, Mr. M. K.
 Aiyangar, Mr. K. Rama.
 Almuzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Chetty, Mr. R. K. Shanmukham.
 Dalal, Sardar B. A.
 Das, Mr. B.
 Duni Chand, Lala.
 Dutt, Mr. Amar Nath.
 Ghose, Mr. S. C.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Gulab Singh Sardar.
 Hans Raj, Lala.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kasturbhai Lalbhai, Mr.
 Kelkar, Mr. N. C.
 Mehta, Mr. Jannadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.

Mutalik, Sardar V. N.
 Nambiyar, Mr. K. K.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Piyare Lal, Lala.
 Purshotamdas Thakurdas, Sir.
 Rajan Bakhsh Shah, Khan Bahadar
 Makhdum Syed.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. S. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Mohammad.
 Shams-uz-Zoha, Khan Bahadur M.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Venkatapatiraju, Mr. B.
 Wajihuddin, Haji.
 Yakub, Maulvi Muhammad.

NOES—38.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Aiyer, Sir P. S. Sivaswamy.
 Ajab Khan, Captain.
 Ashworth, Mr. E. H.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Clarke, Sir Geoffrey.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Drival, Mr. H. P.
 Fleming, Mr. E. G.
 Gidney, Lieut.-Col. H. A. J.
 Graham, Mr. L.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.
 Makan, Mr. M. E.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to
 Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. Deputy President in the Chair.

RESOLUTION RE GRIEVANCES OF THE SUBORDINATE EMPLOYEES OF THE INDIAN RAILWAYS.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): Sir, I beg to move the Resolution standing in my name which runs as follows:—

“ This Assembly recommends to the Governor General in Council that he may be pleased to take immediate steps to institute an inquiry into and report on the grievances of the subordinate employees of the Indian Railways with special reference to :

- (1) the rates of wages, methods of payment and deductions by fines;
- (2) hours of work and holidays;
- (3) provision for old age, leave, gratuity, provident fund, medical relief, etc.;
- (4) opportunities for promotion to higher grades;
- (5) housing accommodation;
- (6) unequal treatment regarding the conditions of service based on racial grounds;
- (7) unfair retrenchment;
- (8) recognition of Railwaymen's Unions by the Railway Agents;

and further that the above inquiry should be conducted by a Committee consisting of five members to be elected by the Legislative Assembly, three representatives of the Railway employees to be appointed by their organisations and three members to be appointed by the Government of India, one of whom to be the Chairman.”

Before I enter into any explanation of the Resolution I have just read I desire to make a preliminary statement. The fact that I sent notice of this Resolution and tacked along with it an alternative Resolution relating to postal grievances; the further fact that in announcing the result of the ballot the alternative was also put in—this seems to have misled a good many people to think that it was in my option to choose which of the Resolutions I should move. In consequence I was flooded with telegrams from postal associations all over the country asking me to give preference to their Resolution. Under the rules even if I had the inclination it was not in my power to go against the order of the ballot; and therefore I have had to assure the postal employees that they have my fullest sympathy and the fullest sympathy of a great many members of the Assembly; but that they must wait a little longer, and that if possible we shall give them our attention at as early a date as we possibly can.

I now pass on, Sir, to the Resolution itself; and here again I desire to state that the drafting of the Resolution is not mine. Well, that does not seriously matter. If I had drafted it I might have made it—at any rate in my opinion—slightly better than it is. At least I should have eliminated all the indefinite articles which are used in the wrong places. However, I repeat the wording does not matter. In the subject-matter of the Resolution I have been taking very great interest for some years and I shall be really glad if I can be of any service by bringing to the notice of this House the very pitiable condition which obtains among those who are employed in the subordinate services of the railways. The recommendation contained in the Resolution rests upon some general and as I consider indisputable facts. The service rendered by the subordinate employees on railways is most invaluable, whether considered from the administrative or

[Mr. M. K. Acharya.]

the national standpoint; and when we consider the hard work which they perform and the efficiency with which through them the railway administration is carried on, we can make this equally indisputable assertion that in return for their hard work they are entitled to adequate remuneration, proper treatment, satisfactory service conditions and if possible a constitutional tribunal to ensure all this from time to time, along with periodical inquiries into the condition of these employees. If then it is a fact that these men are rendering great service, are earning crores of rupees for the State or the Companies concerned, and if we therefore are bound to ensure proper treatment and working wages, living wages, for the men who do all this hard work, then we cannot but know with great concern that among these men there is at the present moment widespread and, as I consider and hope to show, legitimate discontent with respect to the conditions in which they are at present placed. They have very many serious, tangible, substantial grievances such as those that are enumerated in the sub-clauses of my Resolution.

I will now, Sir, pass on very briefly to enumerate what I consider to be the root causes of these grievances. In the first place there is the commercial origin, character and standards of the Indian Railways. Almost all Indian railways have been started by private companies and some of them are still owned by private companies; and the objective of all private companies naturally is perhaps best summed up in the words—maximum profits for the company or the State, and for the employees concerned minimum wages and maximum work. I am not here to dispute the correctness or incorrectness, the rightness or wrongness, of these standards, but there is the fact—that every company tries to get as much as possible out of its employees and tries to give them as little as possible; and that is the Commercial or Company way of looking at things. Therefore, even where officers, and I have the pleasure of being acquainted with one or two officers personally, who try to be sympathetic—even when they wish to be generous to those under them, they find that the business organisation of which they are practically the agents does not permit them to be as generous as they would like to be. Owing to this commercial character of the railways, they desire to make as much profit as possible and therefore to pay as little as possible to their employees; and this very often stands in the way of adequate interest being taken in the employees.

(At this stage Mr. Deputy President vacated the Chair which was taken by Mr. President.)

Here let me answer the question which some one has put to me—the question of what is meant by the subordinate employees to whom I refer. I am not using that term in any technical sense. I am not acquainted with the technology of the Railway Department, and who exactly comes within the superior and who within the subordinate categories. I really do not know whom the Railway Department regards as the subordinate staff; but I am myself speaking of those who are not officers, of all those whose salaries are less than Rs. 300 or less than Rs. 400 per mensem. All these I regard as subordinates and they cover practically a very wide field. The number of men who come into that rank including outdoor workers, indoor workers, clerical staff and so on and so forth, according to the cadre list put in my hands, is something like 7 lakhs of men on whose behalf and for whose sake I am now moving this Resolution. These subordinate employees are under the thumb of the officers; and one of the main causes

of the grievances that these employees legitimately feel consists in the fact that the railway services draw into their ranks as officers not probably the very best men. The best men go into the Government or other services, and into more lucrative professions. If I may be pardoned for putting it in this way, those belonging to the class of boys known as "bad boys" become recruited as officers in the railways; and naturally when these boys grow older, though some of them may become and do become very good men (I know there are many honourable exceptions), the generality of them never quite get over their earlier natures, and when they get into the railways they want to rule with their fists, and try to put down all opposition to their wishes in a mechanical way. This unfortunately is called "the capacity to rule". The man who is more considerate and more cultured is very often put down as incapable of controlling and ruling over workmen. This is one of the causes that lies at the basis of the complaint of several people that they are badly treated. But if in many cases the officers have had low qualifications to start with, the rank and file of the men for whom I am pleading to-day, are of course very much worse from the point of view of education. They are therefore unable to take care of themselves. They get into the railways in the lowest grades and after working there for some years they find they have made a mistake; they cannot get out after putting in five or ten years' service. Further in the case of Indians, they are generally burdened with a family by the time they get to Rs. 30 or Rs. 40, that is after some years' service, on which they have to support themselves and their families. They find they are unable to make both ends meet; their low educational qualification and their middling status, if I may so put it, stand very much in the way of their improving their lot.

Fourthly the racial discrimination is a very old question. Here I have got a copy of the G. I. P. Railway Union Magazine, a very well edited paper, containing a list of the grievances categorically set out: Leave rules outstanding for 3 years, time-scale one year, working hours for two years, education for three and a half years, medical for two years, free pass rules for two years, racial bar for seventy years—this is an old legacy of the East India Company; that is the fact. I know that many deplore it; we all deplore it; at times attempts are made to lessen the rigour of the racial bar, but its existence is a fact. The only place where its rigour is not perhaps so much felt is my own happy, though sometimes called benighted, Presidency. But in Northern India I find that practically an Indian has to stop at the most at Rs. 300; he cannot get to anything above that. There is the G. I. P. classification into 'A' class, 'B' class and 'C' class; only white-skinned men can get into the 'A' class. Here then is the fact; and the theory that these are better men, with better qualifications and better aptitude and better capacity is only invented to justify the existing state of affairs, and does not justify the fact itself. This differentiation is kept all along—in the matter of recruitment, training, pay, leave, housing, gratuities, etc. These I consider, Sir, to be the general causes of almost all the grievances of the subordinate railway employees.

I now pass on—I am very anxious, Sir, to finish as quickly as possible—to a word or two about the detailed grievances that are put down in this list. Pay and promotion is perhaps the most important. I shall just give one or two instances by way of illustration, and, as I say, I shall be very brief. Here is a small statement which I happened to draw up in 1923 with respect to the South Indian Railwaymen, when I was a Vice-President of one of their Unions; and although I know that some slight relief has been

[Mr. M. K. Acharya.]

given since 1923 the facts have not materially changed. Here is the calculation I then made which in the main stands correct to-day. "Of 5,000 and more out-door employees, 30 draw salaries ranging from Rs. 250 to Rs. 400, about 100 draw from Rs. 150 to Rs. 250, and some 230 between Rs. 90 and Rs. 150—total 344. The remaining 4,600 and odd draw below Rs. 90 and may again be divided into two classes—those drawing above Rs. 50 and those drawing below that figure. There are 700 or 800 in the former category and over 3,800 in the latter, drawing below Rs. 50. It is the lot of these 4,500 and odd men that is hard to think of. For almost all of these are family men who have put in long service of at least 15 years on the average. Here are a few instances taken at random. There are 7 booking clerks in the Madras district on Rs. 36, the youngest of whom has put in 20 years' service; one has actually served 27 years; and he still gets only Rs. 36. Again, there is a clerk in Chingleput who joined the railway in 1894 and who after 28 years' service gets only Rs. 41. Among the clerks on Rs. 31 the youngest have put in 6 years; the vast majority more than 10; while there are two who have put in 23, one 24, and one 29 years. Among the station masters on Rs. 50, two have put in 31, one 33, one 36 and one 39 years. Among the guards there are nine getting Rs. 33 after 5 to 10 years' service and one drawing Rs. 31 who joined in February 1908." I do not wish to weary the House with any more details; it may be said that the South Indian Railway is a Company-managed railway and must therefore be allowed to give its subordinates what salaries it likes. But I will take another railway, the Eastern Bengal Railway, which is a State railway. Here I find that an assistant station master gets only Rs. 40 and that is at least after five years' service and he can rise to Rs. 170 at the very maximum, unless somehow he happens to get into some kind of officers' grade. The scales of pay for Indian station masters and assistant station masters are as follows:

	Rs.
For Assistant Station Masters, "A" class	40 to 76
" " " " "B" class	80 to 95
" " " " "C" class	100 to 120
For Station Masters, "A" class	52 to 80
" " " " "B" class	85 to 120
" " " " "C" class	130 to 170

In the Oudh and Rohilkhand Railway I find there are more divisions still. I have perhaps heard a great deal more of the Oudh and Rohilkhand Railway during the past year that I have been here than of any other Company. There too they have to begin at Rs. 40 and the maximum is Rs. 290 so far as Indians are concerned, while Europeans and Anglo-Indians can go up to Rs. 475 and Rs. 550. The Great Indian Peninsula Railway has its own classification of employees. Europeans get Rs. 300 and above; Anglo-Indians between Rs. 120 and Rs. 300 and Indians below Rs. 120; these are called A, B and C classes. The 'A' class draws the most pay and is entitled to most privileges; those who draw the least pay get the least things. I am here reminded of the old biblical saying that "Unto him that hath more shall be given and from him that hath not, even the little he hath shall be taken away". So it is here. To them that have not much, very few facilities are given; and to those that get more pay, more and more facilities are given. I know that that biblical saying was not intended to be used in that sense, however. This then will

show, so far as pay and promotion are concerned, that these men who earn small salaries are very hard put to make both ends meet. As for the burden of work it is not the officers in the railway service, or anywhere else for that matter—it is not the top men that do the most work, it is the toiling men, the rank and file to whom we owe the good work in every department. So it is also in the railways. It is the men that work day and night with no holiday, no Saturday, no Sunday, working twelve hours per day, whose conditions have to be considered. An attempt is being made to bring down the twelve hours to eight—I do not know how far it has been established in all railways; it is in fact one of the points of grievance that the hours of work are not yet reduced reasonably. So these men who work day and night and toil hard for 20, 25, and 30 years rise to the magnificent salaries of Rs. 50, Rs. 70 and Rs. 120; I believe in the South Indian Railway a station master gets Rs. 170 and perhaps in the Oudh and Rohilkhand Railway, Rs. 200 after 30 years of service.

I hope, Sir, I have made out a case from these instances. I have got here cartloads of representations. I do not think I shall be able to read out to you even the names of all the places from which I have got these representations. I have got a lot of material here to show how keenly the men feel the very low salaries they are getting.

I now pass on to the next item—provision for old age, leave, gratuity, provident fund, medical relief, etc. And here the story is even sadder. Not only do the men have to work for many long years, but at the end what do they go home with? In many cases they are made to retire compulsorily, or shall we say, dismissed? The department objects to the word "dismissed" being used, they prefer to say that the services of the man are dispensed with "with a month's salary in lieu of notice." But whether the man is dismissed or whether his services are dispensed with, the effect is the same. In this connection, Sir, I wish to refer to a case which has been the subject of many interpellations in this House, I mean the case of Mr. Naidu, who after 23 years' meritorious service, found himself one day with a notice that his services had been dispensed with "with a month's salary in lieu of notice." This man I say had to go away after 23 years' meritorious service and think out what else he could do to live on for the rest of his life. Now, Sir, I am sure such a thing would not be tolerated anywhere else. Here is the case of a man, mark you, who gave all his best life and all his time to railway work, who gave 23 years to railway work, who received very high commendations from all officers above him; and he has been sent away with a month's salary. Here is a small typed sheet put into my hands. I suppose it has been put into the hands of several other Members also. This sheet gives the story of Mr. Naidu, and because in this House, as I said, many Members have tried to raise interpellations and to obtain redress for Mr. Naidu and because up to date their attempts have been of little avail, therefore it is perhaps worth while to read a line or two from this typed sheet. "The case is of Mr. Naidu who after 23 years' meritorious service rose to the position of a senior station master on the Oudh and Rohilkhand Railway but alas, was one day packed out bag and baggage, 'with a month's salary in lieu of notice', and has since been refused his gratuity as well. What was Mr. Naidu's crime? In the course of his 23 years' service, Mr. Naidu made many good friends, but also made some enemies. One of these who rose from very low ranks in the Oudh and Rohilkhand Railway service to the position of an officer has managed somehow, by means more foul than fair, to get most of the higher officers under his

[Mr. M. K. Acharya.]

influence, and has been able to have everything his own way on the Oudh and Rohilkhand Railway. All those who purchased his good-will have got fat appointments; those who dared to incur his ill-will have been summarily got out. Mr. Naidu was one of the latter. He dared to bring a charge of corruption against the Khan Bahadur gentleman; after a confidential departmental inquiry behind the back of Mr. Naidu, in which the Khan Bahadur's tactics had full play, the charge was held to be false, and Mr. Naidu was dismissed, or in the official language sent away 'with a month's salary in lieu of notice'. Mr. Naidu demanded an opportunity openly to prove his case, but could get none. Interpellations in the Assembly failed to secure any redress. Appeals to the Railway Board and to the Viceroy alike have received no response. Mr. Naidu was denied even his hard earned gratuity and has gone back a ruined old man home." I was one of those, Sir, who put interpellations on this subject, because Mr. Naidu is a Madrassi and indeed some of his people are my voters. Mr. Naidu has gone back, as I said, a ruined man. This is a case which demands surely the sympathy of the higher officers, who were responsible for sending away Mr. Naidu. Even supposing he had made

3 P.M. a mistake, you have not only sent him away after 23 years meritorious service, but you have doubly punished him by denying him even his gratuity. Gratuity technically is supposed to be given only as a matter of grace. We believe however that gratuity is earned for service rendered and not that it is given as a matter of grace dependent on the good-will of the immediate superiors. Anyhow, this is one of the points which the Committee will have to investigate. After all, Agents generally endorse what the General Traffic Managers say, or what the immediate superior of the aggrieved party says. The question whether gratuity is to be given only to people who have earned the good-will of their immediate superiors, or whether it is to be given to all those who render good service, is really a matter that should engage the attention of this Committee. In this present case, Sir, Mr. Naidu was not only sent away after 23 years' meritorious service, but he has been denied his gratuity. What is he to do in his old age? I tried to see and influence the Agent of the Oudh and Rohilkhand Railway but to no purpose. I tried to see Mr. Hindley, but he will not receive me. The case of Mr. Naidu is a most tragic instance, it is the case of a man who worked hard for 23 years. Mr. Naidu conducted the operations of the railway at the last Kumbha Mela in Hardwar; he received a very brilliant certificate from the officers above him; and such a man has been dismissed from service and has also been denied his gratuity. I do not know, Sir, how many more cases there are of this description. Mr. Naidu has been lucky to interest some of us in his case, though all our interest in Mr. Naidu has not got him any benefit. But how many thousands of cases there may be of men absolutely unknown, who have been dismissed or sent away, who cannot approach us and about whom we know nothing. This is a state of affairs which, I trust, will appeal to the sympathetic heart of the Honourable Sir Charles Innes.

Now, Sir, I will pass on to another point, I mean the question of retrenchment. There is a good deal of feeling about the manner in which retrenchment is effected in the railways. If it is desired to effect real retrenchment in any department, it must be all round. I would like to ask:—During the past three or four years since the retrenchment policy was inaugurated, how many cases of officers have been seriously taken

in hand. I mean how many officers have been retrenched? Has there been any reduction in the number of officers at all? After all, even if 200 low paid men are sent away, the saving effected would not in most cases be equal to the salary of even one highly paid officer. That is the position. From what I have read, the worst cases would seem to be in the Great Indian Peninsula Railway, where low paid men are sent away and top men are in too large numbers kept on. This is really inexplicable. Of course, top men have great influence; it is they who formulate "the fundamental rules" on which depend the well-being and prosperity not of the Companies or State but of themselves. Under these fundamental rules furlough is granted to the top men for 6, 8 or 14 months on half pay and full pay. I have here some information in last week's Gazette regarding two cases on the Eastern Bengal Railway. Two officers are granted furlough, one for 3 months and the other for 14 months; these rules with regard to furlough are more in favour of the officers than of the low paid men. An officer can take leave for 8 months and 14 months on average pay; but if a poor Indian employee, or for that matter an Anglo-Indian employee,—I do not think that the electors of my friend, Colonel Gidney, are very much better off than their Indian compeers, in this respect,—but if a poor Indian employee applies for a month's leave. I know what is put on his leave application, "Leave granted—to be availed of when available", but it is never made available. The leave never is really granted, the exigencies of the service demand that the man should stick to his post; but in the case of officers, the leave is always at hand. The more service an officer puts in, the greater the amount of privilege leave, the greater the passage money given to him; and we are all quite familiar with such cases from the Lee Commission's report.

Lastly, Sir, I will say a word or two about the question of recognition of Railway Unions. I have noted the deplorable fact that in most of the railways there are Unions but they are not recognised. Many of them, of 3 or 5 years standing, even remain unrecognised. They are unrecognised. Why? Because the Unions will not work according as the officers want the Unions to work. If the Unions are constituted in the way in which the officers desire, then of course it is all right with the Unions. The Great Indian Peninsula Railway staff Unions are doing excellent work; they are not recognised. The Eastern Bengal Railway had a Union in 1920. It was recognised at first, but disaffiliated in 1924. The Oudh and Rohilkhand Railway Unions were recognised at first but later on disaffiliated. The Bombay, Baroda and Central India Railway Union is struggling for recognition. I cannot understand, Sir, what difficulty the railway Agents have in the matter of recognising the Unions. On the other hand, I should have thought from the speeches made by big men interesting themselves in the question that these big men were anxious that there should be well-constituted Unions in the lines with which they are connected. But, of course, we are familiar with the attitude of some of them, we know how there is a great deal of grand talk on the platform and little doing outside. That probably accounts for the general disinclination on the part of these gentlemen to recognise the Unions. Of course, this is an old story. My friend, Mr. Joshi, will probably talk about it at greater length, and with more knowledge, as to how these Unions are discouraged for fear of strikes and so on and so on. And this is exactly one of their grievances. A very major grievance indeed it is that Railway Unions do not get recognition. And another grievance, Sir, about which the men are very keen is with regard to what is called the fines fund. These men are fined arbitrarily. They want to appeal but cannot. The fines are spent arbitrarily for the

[Mr. M. K. Acharya.]

amusements of the officers. The funds are spent not for the benefit of those who contribute to them but for the benefit of those who do not.

Now, Sir, I hope I have established the following facts, namely: that these railway men work hard. That is an indisputable fact. And it was admitted by His Excellency the Viceroy the other day that there has been a marked increase in the gross receipts of railways. And the marked increase in these gross receipts were almost entirely due to the hard work of these toiling men, plus of course, the supervision, I have no objection to admitting that. But we owe the receipts mainly to the men who are toiling in the ranks. Therefore they have a right to proper treatment. And I hope from the number of examples I have cited, more examples are not required—the House will see that there are widespread grievances and that discontent is spreading fast among these people. It is to our interest that these hard-working men are content. It is to our interest that they are kept well. We ought not to drive them into discontent, because, if we do so drive them, we shall be harming our own interests. If these three facts are granted, Sir, the fact of their good work, their right to proper treatment, and the existence of grievances, I trust that if these things are granted, the recommendation follows which this Resolution makes; the reasonableness of the recommendation which it makes ought to be admitted. I do not know on that grounds, if any, there is going to be any opposition to this. I cannot, of course, forestall those objections. But possibly one or two that I can think of I propose to answer very briefly before I sit down. Possibly, it may be stated that these railways are under different managements, some under State and some under Company management, and so on. The answer is simple: the committee that will investigate the matter will make recommendations some of them suitable for Company railways and some suitable for State railways. And that is exactly why the committee should be appointed. Or it may be objected that after all the grievances are not so very grave and serious as we are trying to make out. If that be so, let a committee go into the matter, and if such a committee as is here recommended say that there are no serious grievances, I will bow to the decision of the committee. But if simply the department says, the railways are doing their best, the officers are doing their best, the matter will be duly considered, that will not be a satisfactory answer. Or it may be said, the field is too wide. We cannot help it. Or it may be said that the cost will be very heavy. Well, they are earning crores for us, these men. A little bit may certainly be given back to them—it is not too much. I forget what it cost to carry out the recommendations of the Lee Commission. If a very small percentage,—5 or 10 per cent., of what these men are earning is given back to them, it should suffice. I therefore, Sir, reiterate that I have made a case for the appointment of a committee. As to the constitution of the committee, here is some number given, but I personally am not very keen about the number. Three men I would suggest to be elected by this Assembly, three men by the Railways employees' organizations and one officer to represent the whole Government and because he will represent the whole Government, three men are not necessary. If thus a smaller committee will please better the Member to whose department this Resolution relates, if a smaller committee will please him, I certainly will have no objection. And therefore, Sir, I make this appeal. It is a bare duty we owe to the poor men who are struggling to earn their livelihood and who are earning for us as I have said crores

of rupees, it is a bare duty we owe to them to listen to what they have to say and to decide what we can do for them. I hope, Sir, I have done my best in the very limited time at my disposal to present their case. I am ready to confess that I may not have done sufficient justice to the subject which is so very wide. I am old enough to know that in this very imperfect world of ours the incapacity of the pleader damages the cause of his client. But in this House, Sir, where every Member has evinced such keen interest in railway matters and where I am sure the bulk of my Colleagues have great sympathy with the sufferings of the weak and the down-trodden, I trust that my shortcomings will not prejudice the case of these seven lakhs of men who are toiling day and night. I am appealing to the Members of this House, both official and non-official, for the better treatment of these men in order that in our own interests these men may become more contented, more hard working; so that both the efficient working of Government and our national interests may be safe in their keeping. I move this Resolution, Sir, and commend it to the most sympathetic consideration of this House.

The Honourable Sir Charles Innes (Commerce Member): Sir, before we go any further, I wish to raise a point of order in regard to the amendments on the paper. I wish to bring to your notice, Sir, the fact that I received notice of all these amendments, except No. 2, yesterday at 2-30 P.M. Under rule 116, I am entitled to two clear days' notice of amendments. This Resolution has been for some days on the paper and I take formal objection to these six amendments on the ground that I have not received proper notice of them and because I feel that Honourable Members of this House ought to treat Members of the Government Bench with more consideration. We have a lot of work to do and we ought to have more time to prepare for amendments.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-official): And other Members of the House.

Mr. President: The Honourable the Commerce Member has raised an objection under Standing Order No. 65 against 6 out of the 7 amendments on the paper, the exception being amendment No. 2 standing in the name of Mr. Joshi of which due notice was given on the 23rd instant. The notice in respect of the other 6 amendments was given on the 26th. I confess at once that I have some sympathy with the objection raised by the Honourable the Commerce Member, and yet I am not sure that I shall be entitled to use the discretion with which Standing Order No. 65 invests me in view of the fact that this is not a Resolution inviting the Governor General in Council to take immediate action on the different questions. It is a Resolution inviting them to institute an inquiry into them and it is quite open to the Member representing Government to say that he is prepared to consider the matters raised by the amendments though perhaps he is not prepared to commit himself to them. Therefore, I do not propose to deprive the proposers of these amendments of an opportunity of speech upon them. At the same time, I must deal with the amendments from this point of view, whether they are within the scope of the original Resolution. The first amendment standing in Dr. Lohokare's name is in order. It appears to me to entail only a slight alteration of sub-paragraph (1) of the Resolution. Mr. Joshi's is equally in order and also within the period of notice. Khan Bahadur Sarfaraz Hussain Khan's amendment is also in order. The amendment standing in Lala Duni Chand's name is, I think, not in order, because the Resolution is deliberately framed to exclude from

[Mr. President.]

discussion all subjects except the grievances of subordinate employees on the Indian railways and therefore the grievances of the public against those employees are not in order in this debate. Amendment No. 5 standing in Khan Bahadur Sarfaraz Hussain Khan's name is also in order as also No. 6. Amendment No. 7 in the name of Khan Bahadur W. M. Hussanally is out of order in respect of the new sub-paragraph (9) which he proposes to add to the Resolution, and in respect of sub-paragraphs (10) and (11) I am not certain as to precisely what he means by the use of the words "concessions to some employees of railways". But it appears to me that whatever doubt there may be about his proposed new sub-paragraph (10) there can hardly be any doubt that the "working of refreshment rooms, dining cars and food stalls at railway stations" is rather a matter for contracts entered into by the Railway Administrations than any matter connected with the grievances of subordinate railway employees who in the ordinary course of events do not make use of these establishments. Therefore I propose in the course of the debate first of all to call upon Dr. Lohokare when the time for moving amendments comes.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): I have only to say a few words with regard to the amendment that I have sent in. My object in sending in these further heads of inquiry was to make the inquiry a perfect and comprehensive one. That was the only object I had, otherwise it may result in the appointment of another committee which will be expensive to the State. I admit, Sir, that sub-paragraphs (9) and (11) are not quite in consonance with the original Resolution, but if you are going to have an inquiry by a committee, I think the committee should once for all inquire into all matters relating to the working of the railways, make a comprehensive inquiry and save further cost to the State.

Mr. President: The Honourable Member from Karachi has used the words "all matters connected with the administration of railways." Those matters are precisely not in order here. I understand he accepts my ruling regarding the proposed new sub-paragraphs (10) and (11) and proposes to put in a plea to the Chair in favour of sub-paragraph (9). But it appears to me that if the Honourable Member were able to substantiate his contention, on which I do not pronounce, that there is corruption in the Indian railways it would not be an accusation directed against the subordinate employees but against those responsible for the administration of railways as a whole.

Khan Bahadur W. M. Hussanally: So far as the admission of corruption is concerned, we have it in our own records. In 1923 there was a question put by Dr. Nand Lal and the reply was that there was corruption.

Mr. President: In that case the Honourable Member should have used his influence with the Honourable Member from Madras to include that in his original Resolution.

Khan Bahadur W. M. Hussanally: I hope he will include it now.

Mr. President: It is too late.

Mr. E. F. Sykes (Bombay: European): My reason for intervening so early in this debate is that my experience in various grades of railway service will enable me possibly to introduce into the debate a certain degree

of proportion and possibly a little calmness which may later in the debate be necessary. In this matter of proportion I think many of the Honourable Members will have received this card referring to the grievances of railway men. I do not think that anybody who has ever occupied any responsible position in any large organisation will admit that nine lakhs of railway men have grievances. If you were to go down any assistant engineer's beat and ask him about grievances in his beat I am afraid he will say he has many needy knife-grinders. At the same time I have no intention of denying that railway subordinates like most other people have grievances. But I think it will be admitted that they are not so universal as the Honourable Mover and the gentleman who has issued this card will like to make out. I do not wish to go into the causes because I have no immediate knowledge of the specific grievances of railway subordinates, but I know generally that the railway world like all other worlds has been a great deal disturbed. I do not think that there is any profession or occupation that did not suffer from the results of the war and was not disorganised, and disorganisation and discontent mean much the same thing. Then we had the Incheape Committee. I do not want to enter into that part of the Incheape Committee's report that dealt with railways. I think there are some things there which one finds rather surprising and from what one can hear there was a certain amount of panic in the methods that were adopted to put them into force. However, in the railways as in any other occupation there are permanent causes of discontent, and there are one or two perhaps that are peculiar to railways. In the first instance, owing to facilities for supervision there are not a very large proportion of superior posts to the inferior posts and there is stagnation, I have got a pamphlet here that gives a lot of instances of stagnation. Stagnation there is I agree and you will certainly find assistant station masters stagnating at a wayside station for years, but it is rather difficult to expect the railway organisation to adapt itself to the requirements of assistant station masters. Everybody knows when he enters the railway service that there is stagnation. Further one possible reason why the stagnation is accentuated is that on the whole railway service is remarkably popular. You do not find people who once they get into it wish to get out of it. However there is no doubt that in any service where there is no great scope for promotion there will be discontent. Cases of discontent were referred to by the Honourable Mover. I do not propose to go into them in any great detail except to say that owing to the exigencies of the service it is necessary at present, in the present state of education and development, to employ men of different races in various jobs and these points cause, as we know, a considerable amount of discontent. This is a matter on which my friend Sir Campbell Rhodes will perhaps have something to say later. Further there will always be grievances that arise from excessive zeal on the part of officers and on the part of subordinates. There is another probably a worse class which arises from the indolence of the same parties. So you have got to reckon on these grievances. They are going to exist and so I think the Honourable Mover will agree with me. But when it comes to remedies, then I must part company with him. The Honourable Mover as a matter of fact went into a great deal of detail but the motion on the paper is for the appointment of a committee to consider these questions. In enumerating the grievances that can be fairly recognised among railway subordinates and many railway officers, for the matter of that, there are those that we may regard as permanent and I think it is optimism on the part of the Honourable Mover to think that these

[Mr. E. F. Sykes.]

grievances are going to be remedied by the appointment of a committee or of any kind of inquiry because, as soon as one set has been removed, another set will have cropped up. That is inevitable. There is a further point about the remedying of these grievances. The Railway Department includes very large numbers of administrations and the conditions are very diverse. If the inquiry is conducted by a single committee it will probably find it very laborious to inquire into all the grievances that are brought before it and into the circumstances in which the aggrieved persons are working. From the point of view of the administration of railways the appointment of a committee of this nature would be extremely serious. We have only got to see this card once more. No sooner than Mr. Acharya's motion was put up, we find that nine lakhs of railwaymen have developed grievances. If a committee were constituted, as proposed by the Honourable Mover, probably it would tour the country for a couple of years during which time everything will be in a ferment and the effect on discipline, which is as important in a railway as in an army, would be very serious. Now the Honourable Member will see that I have agreed on the existence of the grievance but I differ from him on the means for remedying them. I may be asked what I propose to do in the matter. I am not quite sure whether it is my business to make any proposals of this kind but at the same time destructive criticism is always deprecated in this House, as elsewhere, and I would suggest to the Honourable Member and those who feel with him that if these grievances require any action on the part of this House they should look and see whether there are no other means of bringing about those remedies. There are a good many things that can be done. The Lee Commission made some proposals about the Public Services Commission and subsequently we heard some more about it. We may perhaps in the course of this debate expect to hear from the Government whether the Public Services Commission when it comes into existence would be in a position to deal with matters connected with railways. Perhaps they may not but short of a Public Services Commission it is a little difficult to see how any organisation except a local one will be able to deal with these grievances. The committee proposed by the Honourable Mover would not be able to deal with those things that are permanent and it will not have the local knowledge to deal with it. I should suggest that the House might inquire from the Government whether any further measures of decentralisation are possible, whether greater powers can be given to Agents so that the remedies for grievances may be not only sure but swift because after all delay in disposing of grievances constitutes an additional injustice. I think the committee proposed by the Honourable Member will fall short of requirements in that it is neither permanent, nor local, nor, and I need not produce any arguments for it, is the constitution of it one that will command a very great deal of confidence. I therefore oppose this Resolution.

Maulvi Abul Kasem (Bengal: Nominated Non-official): Sir, I do not deny that there is a good deal of force in the arguments placed before the House by the learned Mover of this Resolution. There is a real and substantial grievance of the railway employees, subordinate and superior, but I do not believe like some people that a Committee, like pills, is a remedy for all evils and will remove all grievances. I oppose the formation of a committee on the ground that the committee will not be able to remove those grievances and in the second place it will be a very expensive matter,

but mainly because there is an Advisory Railway Committee and this matter along with other matters may be referred to that committee for consideration and advice to the railway authorities. After all this committee which is proposed to be created will be an advisory committee. Why not hand over the matter for decision and inquiry to that very committee. That committee is elected by the Legislature and I believe to some extent it enjoys the confidence of this House. I have been told that some of the rules of this committee are defective and that individual members of the committee are not under the rules allowed to put forward Resolutions or to bring forward subjects which they want to be discussed. I think the rules may be amended in that respect and that will satisfy the present demands. Secondly, even if the rules are not amended or cannot be amended immediately, I think the President of the Committee may bring forward this matter for consideration by the Central Advisory Committee and that if necessary a small committee of men may be chosen from the Central Advisory Committee to inquire into the grievances of railway employees and to report the matter to the railway authorities for their consideration. That will save time, expense and, if I may say so, botheration. And I hope and trust that, though the amendments standing in the names of Lala Duni Chand and of my friend Mr. Wali Muhammad Hussanally have been ruled out of order, when the Standing Railway Committee, if my suggestion is accepted, comes to consider this question it will consider also the allied question as well. Because if we have to consider the grievances of railway employees I think the Railway Committee will be quite justified in considering the grievances of the people who have to deal with the railway employees.

Lala Duni Chand (Ambala Division: Non-Muhammadan): Sir, I see that the Honourable the President is inclined to rule my amendment out of order, but I venture to think that I am equally entitled to submit for the kind consideration of the Honourable the President that my amendment is in order. I submit that the principle underlying my amendment is exactly the same as that underlying the Resolution. There is no inconsistency or contradiction between the principle of my amendment and that of the Resolution. All that I want is to bring out prominently one aspect of the case, namely, that, when the question of the salaries, etc., of the subordinate employees of the Indian railways is considered, it should be also considered whether there is any corruption prevailing amongst a certain section of railway employees. In fact my amendment simply seeks to emphasise the reason why the demand made in the Resolution should be complied with. One of the main reasons why further concessions should be allowed to railway employees is the fact that they are so poorly paid that they cannot withstand the temptation of being corrupt. Therefore, what I submit is this that my amendment represents one side of the question, and the Resolution represents the other side of the question. I say so far as the Resolution goes it is very good, it is all right. But I submit that if this Resolution is considered the other aspect of the question should also be considered, namely, whether the public has got any grievances against the railway employees. The question underlying my amendment is closely connected with the matter of the Resolution and the two cannot be separated. The railway employees demand that they are entitled to certain concessions. I say that they are entitled to those things, but at the same time the public is also entitled to place before the Government the grievances which they feel against the subordinate employees of the railways. Assume for the sake of argument that my amendment is out of order, suppose this Resolution is passed and a committee is constituted

[Lala Duni Chand.]

to go into the whole question, and the attitude then taken up by the other side is that the employees are entitled to all their demands because they are extremely insufficiently paid and cannot resist the temptation of taking illegal gratification from the public; then I do not think it will be open to any committee to rule that kind of evidence out of order which some representatives of the public may like to produce in support of their case.

Mr. President: The Honourable Member is suffering from some confusion of mind. The Mover of this Resolution had only in mind the grievances of subordinate employees of the railways and therefore that is the only question under discussion to-day. But if my Honourable friend were happy enough, or perhaps unfortunate enough, to have to undergo the labours of this inquiry he would be perfectly well entitled sitting at the table of inquiry to press that all the wages of all the employees of the railways should be raised and so place them beyond the reach of bribery and corruption. But here he is not entitled to argue it because unfortunately his Honourable friend from Madras has chosen to restrict the debate to the grievances of subordinate employees. I hope he appreciates the distinction.

Lala Duni Chand: As I see that the arguments that I have so far submitted before the Honourable the President have not convinced him; I will not pursue the matter any further. But the Honourable the President will be indulgent enough to allow me a few minutes to support the Resolution as it stands. My amendment may raise a certain amount of implication that I am in some way against this Resolution. I want to make it clear that I am whole-heartedly and fully in favour of the Resolution. In spite of the shortcomings of the railway subordinates and in spite of those things that I have attributed and rightly attributed to them, I say that they are the most deserving class of public servants. They are the people who keep awake while the rest of the world sleeps. They work while other people enjoy holidays. In most of the Departments of the Government six hours is the maximum amount of time for which work is taken from the employees. But railway subordinates are required to work not for 6 but for 8 and even 10 to 12 hours. Therefore, so far as the demands of these people are concerned, they should be generously responded to. It has always appeared most unnatural to my mind that the people who are at the top of the administration should get very fat salaries, while the poor people who are at the bottom get very very insufficient wages. I am one of those people who would like to take away good slices from the salaries of these high Government officials who are paid fat salaries, and distribute them amongst the subordinates. I am a believer in what I should call the process of levelling down the whole administration. (Hear, hear.) I do not like to see a man, perhaps an unmarried man, or even a married man with perhaps one or two children, drawing three or four thousand rupees, while another man who I think really does equally good work gets only Rs. 50 or Rs. 100. That is the policy which has been pursued under this Government and I consider that it is a most pernicious policy. I do know that there should be a certain amount of difference between the pay of the subordinates and that of the higher officers, but the contrast, the difference, should not be so great as it is. I want to place this aspect of the question for the consideration of this House. Why is it that all the officers whose case is dealt with in the Lee Commission's Report should get much more than they are entitled to, while the poor railway subordinates should be altogether neglected? If I know

that the financial condition of my country cannot afford to pay so much, I will be the first man to cut down the salaries of these people who are paid too much. So long as the present conditions are what they are, it is the duty of the Assembly that the case of these poor people should be brought prominently before the Government. I know it is only in our power to cry in this House and that it is not in our power to do anything substantial. But we should continue to cry and cry till the cry is heard and responded to.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I have great pleasure in supporting this Resolution. Sir, the grievances of the railway employees are of various kinds and are many also. I do not propose to go over all of them in detail just now. I think the Mover of this Resolution has placed some details before this House which I feel will be quite sufficient to convince this House that these grievances are real and that they require to be removed as early as possible. I feel, Sir, that it is not difficult to make out a case that the grievances require to be investigated. It is not possible for non-official Members like myself to place all the details before this House. I shall therefore content myself by making only a few remarks about some of these grievances. As regards the salaries, naturally they vary from grade to grade. If we take the lowest grade of people, known as the inferior servants, the pointsmen and porters, their salaries vary from Rs. 8 a month to Rs. 20 a month. I hope, Sir, that there is nobody in this House who considers that this salary is sufficient for the maintenance of a family. Rs. 8 a month may be sufficient for one man, but Rs. 8 certainly will not be sufficient for maintaining a family. I know, Sir, there are people who maintain that in case of people who take up jobs like those of pointsmen and porters the women and children also work, but is it right, is it in the interests of humanity that women and children even of these poor people should give up the proper work which they should do? The children ought to go to school, and the women ought to manage the household. Sir, if you take another grade of railway employees, the station masters, their salaries vary generally from Rs. 20 a month to Rs. 80 a month at the time of retirement. This too will I hope not be considered a very high salary. I feel, Sir, if the Members of the Assembly can place themselves for a moment in the position of people who begin on Rs. 20 and end their service on Rs. 80 a month, they will realize how hard the lot of these people must be. Sir, the guards and drivers, especially the Indian guards and drivers, generally get the same salaries. There are railways on which the Indian guards begin on Rs. 20 and end their service on Rs. 50, and I am told that in the case of the Rs. 50 grade there may not be more than four or five people. But, Sir, this is not the only thing. On railways there is a practice of fining these subordinate employees, and that practice is very general. Fines of Rs. 5, fines of Rs. 10, fines of Rs. 15 are very common; and these fines are pooled into a fund. This fund is utilized for the recreation and entertainment of the better paid railway employees. I do not say that there is any rule that the fines paid should be spent for the education, recreation and entertainment of only the better paid railway staff on the railways. Moreover, Sir, I feel that if the fines fund is utilized for the entertainment and recreation of the better paid employees of the railways, there is a temptation for these better paid employees to get a good fines fund by fining the subordinate people. I therefore feel that the railway administrations should at once look into this matter, and if they at all want to have the power to levy fines on the subordinates, let the fines be credited to the general treasury of the railway instead of pooling them into a separate fines fund. I should also like to

[Mr. N. M. Joshi.]

recommend to the railway administrations that they should spend money out of their general treasury for the recreation, education and entertainment of the railway employees. But there should be no connection between the fines fund and the entertainment of the better paid employees of the railways. Now, Sir, let us also now look to the hours of work. Generally, the railway employees have to work for about 12 hours a day. Sir, even for factory workers we have got a law that the maximum hours of work should not be more than sixty hours a week. The Government of India have accepted the convention passed at Washington as regards the hours of work, and that convention applies to some branches of railway work. I do not know what the Government of India have done to see that this convention is enforced, at least as far as they have accepted it. But, Sir, for the majority of the people on the railways the hours of work per day is twelve; and I may say that in the case of some people the hours of work are twenty-four. There are stations on branch lines where there is only one station master, and he must work for all the twenty-four hours. (Mr. W. S. J. Willson: "How many trains run on that line?") I will come to that question. Sir, my Honourable friend there asks me how many trains run on that line. There may be few trains. But, Sir, I can quote instances of station masters of these small stations having been fined and dismissed because they were not on duty. If a man, Sir, has to do duty for twenty-four hours and has to be in the station, it does not matter to him how many trains pass that station. If he is absent for five minutes, he is liable to be fined, liable to be dismissed. He has no leisure. It is easy for you to say that only a few trains go there, but when the man is always in fear of being fined and dismissed even for a moment's absence from the station, certainly he has to be on the station for twenty-four hours if he cares for his job. I am quite ready to satisfy any friend of mine here with instances of people, simply because on a particular occasion they had to leave the station or they left the station, having been fined and reduced to a lower grade. It is therefore no good saying that there are only few trains on branch lines and therefore one station master is quite sufficient and he can do duty for 24 hours. Moreover, Sir, as regards the housing conditions of these people, the Indian staff and the European staff are provided with different kinds of houses. I challenge any Member here to say whether people of the same grade do or do not get the same kind of houses. An Indian gets a worse kind of house than a European even if he belongs to the same grade. Then, Sir, there is the question of retrenchment. Thousands of people during the last two years have been dismissed from the railway service on the ground of retrenchment. Sir, if proper inquiry is made I shall be able to prove that thousands of new employees have been also taken into the railway service. Complaints have been made several times that soon after dismissal of some employees, new people practically for the same work have been re-engaged. Retrenchment has been made an instrument of economy in this way. A man is dismissed and he loses sometimes his gratuity. But, Sir, if a new man takes his place he always gets a lower salary. This is the temptation to which the railway administration falls a victim and which makes them dismiss people and employ some others in their place. Sir, if a Committee is appointed I am quite sure this point will be amply proved. Then, Sir, I would like to say one word as regards the method of dismissal on the railways. The Honourable the Mover has already said, that on the railways it is the easiest thing to dismiss an employee. No doubt he has a right of appeal; but, Sir, my experience is that the right of appeal is very seldom

allowed. If a man sends an appeal, generally the appeal is not forwarded.

4 P.M. If the appeal is forwarded, the Railway Board generally does not see any ground for interference. Sir, if a question is asked in this Assembly the Honourable the Member in charge of the Department generally tells us that he cannot interfere in the action of the railway administration. Sir, where are these poor people to get justice from? Let the railway administrations make some arrangement by which proper hearing will be given to these people before they are dismissed. But, Sir, it is not the intention of the railway administrations to give justice to their employees. For this very purpose, when a railway employee takes service an agreement is taken from him. That agreement is that his service is temporary; therefore the railway administration will always be entitled to dismiss him after a month's service or by giving him a month's salary in lieu of notice. Sir, I will just read to the House the second paragraph of the agreement which is taken from the railway employees:

"The railway servants will serve subject to the following conditions of service, namely, that such service is temporary and terminable, etc., etc."

I do not know, Sir, why the service of every railway employee should be considered temporary. I appeal to the Honourable the Commerce Member to say whether it is a good method of securing good service from your employees. Sir, the service to which he belongs and several other services want all sorts of guarantees. They are not content with the guarantees given by the people of India or the Legislative Assembly. They want guarantees from the Secretary of State and from Parliament. I should like to know whether these poor railway employees need some guarantee or not, and whether it is proper that an agreement should be taken from them that the services of every one of them should be considered temporary. Is it a proper method of treating your employees? Sir, this is the case of the monthly rated men; but on the railways there are thousands of people who are considered to be daily rated. Not that they serve the railways casually like day labourers. They serve the railway administration for years together, perhaps till the end of their lives, but still their service will be regarded as the service of daily rated men. This is very useful to the railway administration. Some concessions as regards leave and provident fund and other things are given to the monthly rated men, and in order that these concessions should not be given to all poor labourers and artisans, they are generally treated as daily rated men, so that they should not be given leave or even if they are given leave, that they should be given only a very small amount of leave. I do not know, Sir, why Government should treat people who serve in their workshops all their lives, for 20, 25 or even 30 years, as daily rated men. I hope the Government of India will inquire into this question, and if people are serving in their workshops for years together, for 20 and 25 years, let them be treated as permanent servants and not even as monthly rated or daily rated men.

Mr. President: I may observe that the Honourable Member has exhausted his time and further that, as he will have another opportunity of speaking on his own amendment, I think I had better enforce the time limit strictly on this occasion and call upon another Member to speak.

Mr. N. M. Joshi: If you will let me, Sir, I will finish in a very short time. Shall I have another opportunity?

Mr. President: I may point out to the Honourable Member that I cannot help giving him a further opportunity!

The Honourable Sir Charles Innes (Commerce Member): Sir, I may say at once that I regard this as a thoroughly dangerous Resolution. For the last two and a half years our relations with our men have been on the whole very good indeed. As is bound to happen with a labour force of 700,000 men we have of course had occasional disputes now and then; but these disputes have on the whole been easily settled and you may say that for 2½ years the railways have been free from any serious labour trouble. Now I regard that as proof that our railway servants are, generally speaking, happy and contented and the reason for that contentment is that in 1919-20, we gave all the railway servants in India a very liberal increase of pay and since then prices have tended to fall. Now, partly as the result of these favourable relations with our men, our railway prospects I think I may say are for the moment favourable. You all know that a short time ago for about 2 years we were a charge upon the State; we were not able to pay even our interest charges. Last year we paid you from the Railways, over and above our interest charges, 6½ crores of rupees. This year we have undertaken a very heavy obligation. We have undertaken to pay 519 lakhs of rupees, and that contribution increases year after year. Just as we have undertaken that obligation, just as we have entered upon a new order of things, my friend Mr. Acharya selects this very moment to throw an apple of discord between the railway administrations and their men. I know that Mr. Acharya is not the real culprit. I could see that from his speech, from a certain vagueness, I may say, in his remarks. You will note that he admitted to us that he did not draft the Resolution. I have here, Sir, a very interesting document which throws some light upon the origin of this Resolution. It is dated "Servants of India Society's Home". I may at once reassure Mr. Joshi. . . .

Mr. N. M. Joshi: May I know how the Honourable Member came by that document?

The Honourable Sir Charles Innes: I may at once reassure Mr. Joshi that this is not part of the machinations of my Honourable friend the Leader of the House. We do not in any way intercept his correspondence. But what happened was that this letter was addressed to the Secretary of a certain railway union. Now, Sir, we all know that many of these railway unions have a temporary existence and frequently fade out of existence altogether. In this particular railway union, that is exactly what had happened. There was no such person as the secretary of the railway union and it was delivered to the railway administration. It was opened by a railway clerk and the Agent found it upon his table next morning; he read it with some surprise and sent it to the Railway Board with the dry remark "This is the way that railway grievances are manufactured." Let me read the letter:

"DEAR SIR,

I am sending you herewith a copy of a Resolution drafted by me and which I propose to move during the next session of the Legislative Assembly if I get an opportunity to do so. But before I gave notice of this Resolution I feel it may be useful for me to consult you regarding the terms of the Resolution as well as regarding the desirability of moving it at this time. Kindly let me know if you can suggest any change in the Resolution. I also want to know whether you will supply me at an early date with the necessary information regarding the subject. You may be able to give detailed information regarding each grievance so that the case may be included in it."

(*An Honourable Member*: "Signed by whom?") "N. M. Joshi." Sir, in the days of my innocence I used to regard Mr. Joshi as a really responsible labour Member of this House, as a man who believed that the way to improve labour conditions was to work with the employers and not against them. But, Sir, I am afraid that that letter must make me revise my conclusions. I think that Mr. Joshi may have been studying science at his Servants' Home. I am aware that it is a common scientific method first to frame your hypothesis and then to proceed to prove it. That may apply to a cold and aloof science like astronomy, but let me tell Mr Joshi that it is an extremely dangerous method to apply to the difficult and delicate relations between master and man. (*An Honourable Member*: "Who is the master?") Sir, what is his proposal? It is proposed to set up a roving commission composed mostly of people with very little knowledge of railway administration—indeed I may say of managing men at all. It is proposed to set up this commission to wander about our railways and to nose about 700,000 men and find out whether they have got any grievances. Now, Sir, what must be the inevitable result of a commission of that kind? Mr. Acharya said that we ought not to drive our railway men to discontent. Sir, if you send this commission round about our 700,000 railway employees, most of whom are illiterate men, that is the very way to excite them to discontent. What will they regard the commission as? They will regard the commission as an automatic machine for raising their pay. Now we all want more pay; I want it myself. (*An Honourable Member*: "You have got it.") But I want more. If you appoint this Commission the men will apply for more pay. The mere fact that this commission has been appointed will excite their hopes and will create general unrest; and when their hopes are disappointed their discontent will become greater still. So I say without hesitation that the mere discussion of this Resolution is a very bad thing indeed, and it would be fatal if this House passed the Resolution.

You are bound to create a general labour unrest among the biggest labour force in India and that unrest will not stop with the railways; it will spread to all other forces of labour in this country. It will set caste against caste, community against community, man against master, and it will throw back our railways for years to come. I should just like to draw the attention of the House to the terms of this very extraordinary Resolution. There is a very long list of grievances in this Resolution and I regret that time will not permit me to deal in detail with every one of these grievances. I do not pitch my claim too high; as Mr. Sykes said, in every large labour force of this kind you are bound to have grievances. But my point is that, even if there are grievances, a roving commission is not the right way to remedy them; and what is more I claim that in the matter of wages and general conditions of service, railway servants are as well off as, and probably better off than, any other large labour force in this country, and I propose to prove that statement. I have just told the House that in 1919-20 we gave very liberal increases of pay to all railway servants in India. Now, that is not a mere figure of speech. In 1921, in response to certain representations made to us we appointed, not a railway officer, but an expert officer of the Finance Department, to examine the increases of pay we had given to all the railways and report whether those increases were adequate or whether we should give more. That officer reported to us that his deliberate opinion was that we had treated railway servants more generously than any other class of Government servants. That was in 1919-20 and since then it is a matter of

[Sir Charles Innes.]

common knowledge that prices have fallen. Let me give you some statistics. I cannot go into the matter in very much detail. For purposes of prices let me take the latest *Labour Gazette* published in Bombay which I picked up the other day. It is dated December 1924. The cost of living index number shows that, taking food grains, the amount purchasable per rupee was less than the amount purchasable in July 1914 by the following percentages: Rice 26; wheat 22, jowar 26; bajri 26. The actual percentage of increase of prices according to the above figures since July 1914 was: Rice 35, wheat 28, jowar 35, bajri 35. Now, as a result of the investigations of that officer, I have a statement here which shows that in 1920 our staff was costing us 52 per cent. more than it cost us in 1913-14; a small amount of that increase may be due to an actual increase of staff, but the greater part of the increase was due to the increase of wages which we gave in 1920. We have increased the wages of our men, taking it broad and large, by 50 per cent. If you consider that whenever you have a reorganisation of pay you always deal far more liberally with the lower-paid men than with the higher paid men, that will show that the actual increase as given to the lower paid men was very much greater than 50 per cent., and I have got figures here to prove it. I just take at random certain figures. In the North-Western Railway the pay of the watermen. Head Office in 1913-14 was Rs. 7; in 1919-20 it was Rs. 15, and an increase of pay over a hundred per cent. I have got many instances of that kind; but I will give them by percentages. In the increases of pay to menials on the North-Western Railway the maximum was 167 per cent.; on the Oudh and Rohilkhand Railway it was 158 per cent.; on the East Indian Railway 200 per cent.; on the Bengal-Nagpur Railway 200 per cent. on the Eastern Bengal Railway 156 per cent. on the Madras and Southern Mahratta Railway 134 per cent. and on the South Indian Railway 88 per cent. (*A Voice*: "And on the Bengal and North-Western?") That is not a Government railway, Sir. Then, again, let me take the increases of pay given to men on pay of less than Rs. 50. On the North-Western Railway the actual increase of pay varied from 51 to 78 per cent.; on the Oudh and Rohilkhand Railway from 44 to 156 per cent.; on the East Indian Railway from 33½ to 112½ per cent.; on the Bengal Nagpur Railway from 26 to 93 per cent.; on the Eastern Bengal Railway from 31 to 130 per cent.; on the Great Indian Peninsula and Bombay, Baroda and Central India Railways from 50 to 73 per cent.; on the Madras and Southern Mahratta Railway from 25 to 66½ per cent.

Now, Sir, I have shown that, taking the figures in the *Labour Gazette*, the prices of food grains in December 1924 were something like 30 per cent. greater than they were in July 1914, and I have shown that in 1919-1920 we increased the pay of our men roughly by 50 per cent. all round and by a great deal more in the case of the lower paid subordinates. But the story does not end there. You have got to remember that we have done a great deal more for our railway servants than merely give them an increase in their pay. What is it that the poor man feels the increased price of, I ask my Bombay friends. They will give me an answer at once; it is cloth, is it not? Well, Sir, the price of cloth has gone up probably more than that of any other article. Now a large percentage of our railway staff receive substantial aid in this matter. Drivers, shunters, firemen-guards, assistant station masters, station masters, ticket collectors, in fact, all running and station staff are provided with uniforms. Linemen

and others are provided with warm coats. We give housing accommodation to a large proportion of our railway staff, and all our staff get their travelling absolutely free. The increase in the third class passenger fares which my friend Mr. Joshi stresses so much, when he is not talking about the grievances of the subordinate employees, does not hit them at all. We give them medical attendance free.

Now, Sir, I think that I have proved taking the railway staff as a whole, the grievance of which Mr. Acharya has made so much, boils down to very little. We have given our men a very liberal increase of pay, a much greater increase than the rise in the cost of living would warrant, and in addition we give them numerous benefits, clothing, housing accommodation, free medical attendance and the like.

Now let me just read a sentence or two from the report of the expert of the Finance Department, to which I have already referred :

"I did not commence the investigation as the result of which this note has been written with the object of trying to prove that railway servants had received more than others. My endeavour was to get at the truth. . . . It has surprised me more perhaps than it will surprise some of those who read this note to find how much really has been done in recent years—at, of course, enormous cost, present and prospective, to the State—to make the lives of railway servants easier and their prospects brighter. I am absolutely convinced that though there still may be isolated cases in which further concession is permissible, as much has been done for these men as a body as they can in reason demand."

That was written in 1921, and since then, as I have said, prices have fallen.

As I have said, I have no intention of going through the long list of grievances. I think that every one will agree that what the men think most of is the amount of pay they get, and I have shown that in the matter of pay I do not believe that railway servants as a body have any grievances at all.

Let me just refer to the question of hours of work, of which Mr. Joshi complained. For the history of the matter, as Mr. Joshi himself said, we have to go back to the Washington Conference. At that Conference Mr. Joshi was present. The Conference appointed a Committee to consider this question of hours of labour, and my Honourable friend Mr. Joshi was a member of that Committee. This Committee pointed out as follows :

"In India conditions do not approximate to anything which is known in the western world . . . and that conditions in India are not such as to make easy in the immediate future the application of western standards in the restriction of working hours."

That was Mr. Joshi's own report,—at any rate, he signed it. Consequently, the Convention contains an Article which specially refers to India. It is as follows:—

"In British India the principle of a 60-hour week shall be adopted for all workers in industries at present covered by the Factories Act administered by the Government of India, and in such branches of railway work as may be specified for this purpose by the competent authority."

That is to say, while the Indian Labour Organization did not recommend less than a 60-hour week for ordinary factories, they left it to us to decide whether we could properly apply even this recommendation to railway labour. That was Mr. Joshi's own recommendation. He says that a majority of the railway servants work something like 12 hours a day. That is not true. We have applied the 60-hour week to all our railway workshops which are governed by the Factories Act. We have applied it to all our clerical staff. He says that we have not applied it to the running staff. That is true, but we are within the terms of the convention.

[Sir Charles Innes.]

Now, just let me refer to this question about the poor station master who works for 24 hours a day. That poor station master is generally a station master at a small wayside station. He has a nice little house, close to the railway station and he has to come twice or four times a day to the railway station in order to let a train through. This is all, and Mr. Joshi calls it 24 hours work a day.

Then again, my friend Mr. Acharya gave some very heart-rending stories about provident funds, dismissals and forfeiture of deposits. I would like the House to realise what nonsense it all is. Let me give him some figures. Last year 8 Railways distributed 82½ lakhs in provident fund bonuses. They withheld on account of dismissals Rs. 25,000. Sir, railways withheld their provident fund bonuses from 28 men of over 5 years' service. 17 of these men were implicated in thefts, two were dismissed for misbehaving with women, one was dismissed for being found drunk, and two were dismissed for taking bribes. Now I ask the House whether there is anything to complain of in those figures. Mr. Acharya also referred to the question of gratuities. These gratuities are supposed to be a reward for good, faithful and continuous service. The railway staff, I agree, had a grievance when we treated absence on strike as a break in the continuity of their service. That grievance has been remedied, and now I say they have no grievance if we do not give them their gratuity if the Agent cannot honestly say that their service was faithful or efficient or good.

Sir, I do not want to go any further into details, but I am just going to take one more general objection to this Resolution. My first objection, as I told the House, is that it would be absolutely fatal if this House, were to appoint at this time this Commission to wander about India and call railway men to come before them with their grievances. If you do this, I guarantee that you will have strikes on every Railway and you will throw back trade and commerce. Again, let me advise those who are anxious to get the third class passenger fares reduced to be careful about passing this Resolution. It will start fresh labour unrest. Once you get your railway men to believe that if they want a rise in their pay, they have merely to apply to this House, then good-bye to any chance of running your railways in an efficient and economical manner. And if you do not run your railways in an efficient and economical manner, you yourself will pay in higher fares and in higher goods rates, and it will ruin in every possible way the prosperity of this country.

There is one other general objection which I have got to take. This is a more delicate matter. I am aware that a democratic Assembly invariably tries to get details of administration into its own hands. It is my business to try to prevent that. I do not like doing it. You will no doubt call me a stiff-necked bureaucrat for attempting to do it. But the experience of every democratic country in the world shows that, if the democratic Assembly gets its own way and if it gets details of administration of Railways into its own control, then the game is up. Your railways inevitably must be a charge upon the State instead of paying money to the State. You paralyse the efficiency of your Agents. How is the Agent going to do his work? How is he going to control his staff if he knows that at every attempt to punish a clerk or station master that station master or clerk is going to a Member of the Assembly and is going to try and have pressure put upon him in that way? That is the way to paralyse the efficiency of your railways and moreover

you are going to corrupt your own Assembly. You are going to corrupt your own politicians. To-day we have seen the results of this Resolution. Mr. Acharya moves it. It is down in the papers. He at once gets letters from a gentleman writing and saying: This is my case, cannot you do something for me. I do not for a moment suggest that Mr. Acharya had any improper notice in bringing that matter before this House. It is only natural nowadays that Members of the Assembly should not object when disgruntled constituents of theirs come before them and ask them to take action in this Assembly. But, Sir, where is it going to end? If it is going to be known that, if you come to the Assembly, individual Members will get power in that way, what is going to be the effect on this Assembly itself? Let me remind you what I have often said in this House and what is said by Sir William Aeworth in his book, if you start allowing the Legislature to interfere in the details of railway administration, politics will corrupt the railways and railways will corrupt politics. And I do hope, Sir, that whatever the Members of this Assembly may feel about individual grievances upon the railways—as I say there may be some—I do hope that you will take your stand against this Resolution, that you will have nothing to do with it and that you will express your agreement with me that if grievances exist, a roving commission of this kind is not the way to remedy them.

Dr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): Sir, the case of this Resolution has just been objected to by the Honourable Member opposite. His main objection is that this sort of Resolution will firstly create discontent in the staff. This will be the instrument on account of which it will be very difficult to conduct the administration and it will be the first seed of further strikes and discontent. I am afraid I have to give the Honourable Member an idea of what things actually are in the railway service. Mr. Joshi has just been accused of manufacturing the Resolution. But, so far as my knowledge goes of the railway service, amongst whom I had been one formerly, I know so many of their grievances, so much discontent, that Mr. Joshi must have promised by this Resolution to organise a constitutional effort of redress of their grievances without having anything to do with their ebullitions of discontent and other feelings. If Mr. Joshi has done anything, I think he has given them the proper remedy by putting in a circular by which he directed their attention to constitutional methods of work rather than doing things which are perhaps wrong even. So the Resolution, instead of creating any discontent in the rank and file of the railway service, will I think teach them the proper method of getting their grievances redressed. The second objection is that the railway administration will corrupt politics and politics will corrupt the railway administration. It is not the whole of the railway administration, Sir, that we have been taking into consideration; it is only the subordinate staff. And as this subordinate staff is a part and parcel of the population of India, I think it is no sin that the Legislative Assembly Members may have taken their case down to this floor because they did not find redress anywhere else. If this is a sin that is going to put politics into conflict with the railway administration I am sorry the case is misunderstood. On the other hand, if it does anything, it will set not only the railway administration but the Legislative Assembly Members even on their proper track in putting any questions regarding individual servants and other persons. If once the general lines have been laid down, there will be no opportunity of creating individual disturbances and putting individual cases for being heckled here before the official Benches. So if they at all want to avoid that sort of

[Dr. K. G. Lohokare.]

thing, I think it is much better for them to put on definite lines the practice of the administration which deals with the services.

The second argument in regard to the futility of the Resolution has just been advanced in terms of price levels. The index of the cost of living in 1914 was 100 and now it is 160 and a comparison of pay in 1914 and 1920 is the argument. I beg to invite the attention of the House to one fundamental fact in referring to these figures; that wages scarcely follow the rise in prices. If you compare the index figure for 1895 and the rate of pay in 1895 with the rate of pay they got in 1919 and the price index I am afraid I shall have sufficiently answered the Honourable Member's argument. Now, in 1895 the starting pay in railways was Rs. 15. Was it adjusted in 1914 according to the standard of prices then? That is my first question. If it was not adjusted, the adjustment in 1919 was long overdue. The adjustment in 1919 was simply a result of the adjustment which was due in 1913-14 already. The adjustment in 1920 does not satisfy the case that they were sufficiently paid then. Secondly, the question of the percentage of rise in the starting and the maximum pay of the railway services is still on the same lines. A man drawing Rs. 15 to start with in the railway subordinate service has now only to start on Rs. 20, or at most in some cases on Rs. 25. That means he is only increasing his start by 60 per cent. If we take the start of Rs. 15 that used to prevail in 1895, the first basis as it were, and if we compare it with the prices of 1895 and the prices to-day, I am afraid the theory that the wages have not followed the prices prevails here too and consequently the argument of the railway servants having been paid according to the rise in prices falls to the ground.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

I leave the other things and come direct to my amendment. My amendment proposes to put in place of clause (1) of the original Resolution the words "Methods of recruitment, rates of pay or wages, service conditions, punishments including fines and removal from service, and disposal of fines funds." At this stage I may state that it was only on Saturday night that I got a copy of the agenda for to-day. Sunday was a holiday and I am sorry I troubled the Honourable Member in charge by sending the amendment too late. But I beg to point out that this difficulty was not of my own make. I got the agenda on Saturday night, the office was closed on Sunday. I drafted the amendment and posted it on Sunday only but the office having been opened only on Monday he got it only 24 hours earlier. The delay therefore is not of my making. The wording of my amendment is "methods of recruitment." Sir, methods of recruitment have much to do with the satisfactory conditions of service in the railways and if properly laid down they leave no room for favouritism. I shall give instances to support my contention. Government try to lay down the standards of qualifications for employment in various departments under their control. Is there anything like that in the railways? Let me take the engineering department of the railways, or rather what you call the transport department in these days. In the engineering department persons with acknowledged qualifications are to this day never admitted. If a man wants to get in even as a permanent way inspector the railway administration would think more of a man who has served as a time-keeper than of a man who is actually qualified. The Government engineering department want at least the sub-overseer's qualification for being entrusted with engineering

work. The railway departments want nothing of the kind. I do not know if that is the keynote of the whole railway administration in India, making the railway departments spend unnecessarily heavily upon the working and administration of the railways. If properly qualified persons are put in proper places I think the railway departments will gain, the people of India will gain and the employees, that is, the shareholders of the railways, will get a good return from the work that will be expected of such subordinates. But the methods that are followed even to this day are absolutely such as to leave every room for favouritism and corruption everywhere in employing men. I mean to say that if they had introduced some sort of system or certain qualifications for certain branches and then made the selection of employees I would have nothing to say about it. At present a fad of selection is going on. Selection! selection! selection! and no qualification at all is required. If you have a certain examination and then selection, it will be something—I mean to say a certain standard is absolutely necessary. Similarly, in the case of mechanical engineering appointments Government require a person who wishes to take charge of a boiler or machinery to pass the boilers' certificate examination or a mechanical engineering examination. In the case of the railways nothing of the kind is necessary and any man may be put in charge anywhere, so that there is absolutely every room for favouritism. In order to avoid this favouritism and give proper scope for the energies of the people, it is absolutely necessary that all these branches of our subordinate railway service should have some standard of recruitment. The second point I put in here is punishment. At the time of the Provident Funds Bill I explained my case as regards punishments. I will give you an illustration now. In 1921 the District Traffic Superintendent, Belgaum, dispensed with the services of not less than 30 people for the sake of retrenchment. I have here questions in my name, Nos. 513, 514 and 515, giving some of these cases. In order to find money for retrenchment and put in new persons he asked them to resign. He said, "If you do not resign I will dismiss you." By this the men lost their gratuity and thus money was found for retrenchment. This is a case in which I really feel that there should be a judicial hearing or some such method before such a step is taken. I mean to say that the method of punishment in the railways ought to have some form—put it in any form you like, in any way you choose without any detriment to the interests of the employer. I shall never question that there is always the paramount interest of the employer, the shareholder and the Government in the railways, but at the same time I feel that there should be a judicial hearing of these cases. No such system prevails now and the same unsatisfactory manner in which these cases were dealt with in the days when I worked in the railways still continues. That is why I want that these cases of punishment should be properly dealt with according to a certain code if the Committee to be appointed deems it desirable.

The last thing I come to is the disposal of the fines funds. I know that there will be objection raised to this, but I beg to inquire if the fines fund, as Mr. Joshi said, is not used for the entertainment of persons getting high salaries. Let the railways if they so like, set apart a separate fund for the entertainment of highly paid officials, but why should the railways spend money out of the fines fund for the recreation of highly paid officials? The fines fund is not utilised for the education of the menial staff or their children or for giving amelioration to the lot of the low-paid labourer. If the railway administrations are so inclined, let them found a certain fund known as the Entertainment Fund out of which they can lavishly entertain their

[Dr. K. G. Lohokare.]

highly paid officials, but why do they use the fines fund, which is made up of the fines levied from the low-paid staff for the recreation of highly paid officials and thus create an inducement in the minds of the higher paid officials to levy more fines from the low paid staff? Moreover, this use of the fines fund causes heartburning in the minds of the low-paid staff who think, "A fine of four annas was deducted from my pay yesterday and with that amount these big people are making a *tamasha* out of it." This is keenly felt by the low-paid men and that is why I have put in my amendment in place of item (1) of Mr. Acharya's Resolution. I hope the Honourable Mover as well as the House will accept my amendment.

Mr. Deputy President: Amendment moved:

"That for clause (1) of the Resolution the following be substituted:

(1) methods of recruitment, rates of pay or wages, service conditions, punishments including fines and removal from service, and disposal of fines funds."

Mr. M. K. Acharya: I am willing to accept it, if you will permit me.

Mr. Deputy President: The question is that that amendment be made.

The motion was adopted.

Sir Campbell Rhodes (Bengal: European): I do not wish to enlarge on the question of discipline which has been so ably dealt with from first-hand knowledge by my friend Mr. Sykes. But I should like to emphasise one point. Circumstances have brought me into very close connection with railway management both in India and in England and I have also had the honour of presiding over a railway conciliation committee. To my mind the successful working of any railway system depends on something more than discipline, though discipline is the foundation of it. I mean *esprit de corps*. The amalgamation of the London and North-Western Railway and the Midland Railway in England did not produce the economies that were anticipated and the cause has been put down by experts to the fact that *esprit de corps* has been destroyed between the competing lines. We are threatened with the same dangers here under State management and it must be our care to do all we can not to jeopardise but rather to increase this *esprit de corps* on the railways. For on *esprit de corps* depends, as Sir Charles Innes has said, the prosperity of the country, the prosperity of the railways and also I might add the safety of the millions of passengers who travel. It can be disturbed in two ways, from the bottom and from the top; from the bottom, as Sir Charles Innes has amply shown, by Resolutions such as this. It can be disturbed from the top if the heads of the railway administrations do not feel that they have wholeheartedly behind them not only the Commerce Member but also the Railway Advisory Committee. The watch word of every successful business is "Trust your manager wholeheartedly or sack him."

But I do want, as Mr. Sykes said, to say a word about the Anglo-Indians on the railways in India. There appears to be an idea that they are specially favoured. Nothing could be farther from the truth. They are not specially favoured but they have been found specially suitable for certain tasks on the railways during the last three quarters of a century. The Mover of this Resolution says that this is merely a theory. I could show him photographs indicating the work undertaken by some of these Anglo-Indians at the risk of their lives during the recent floods, work which I personally should not like to have undertaken. They have

an extraordinary ability for coming up to the scratch in an emergency. In my office I have had the same experience. I find that it is necessary to employ a certain number of Anglo-Indians on special tasks and I do it because I find it pays me to do so. There is nothing unique or strange in this. India draws its armies from one community, its business men from others. Certain communities have a *penchant* for law and certain communities even for politics. Our motto with so many communities in India must be "From each according to his powers, to each according to his needs." Quite recently Sir Malcolm Hailey told the Anglo-Indian community in the Punjab that they were not suited as a community for peasant proprietorship. They doubtless went away disappointed, but Sir Malcolm was right. It is useless and wasteful to the State to put round pegs into square holes. It will lead to the grossest inefficiency if we do not retain our square pegs in square holes. During December, Sir, I took a keen interest in the Anglo-Indian Unemployment Committee in Calcutta. I can assure the House that the conditions are heart-rending. Men whose only offence is that they have done their bit in the war are living with their families, not living but merely existing, under conditions which if they were Indians would bring down all the eloquence at Mr. Joshi's command. It is neither just to the railways nor just to the community that they should be deprived of work for which they are eminently suited. It is sad that for them and for them alone the Reform scheme seems to offer nothing but disillusionment and despair. Admittedly they have at times been badly led. Admittedly there are black sheep in every flock. They do not know, and that has been one of their difficulties in the past, whether to throw in their lot with the Indian or the European. They do not realise, this House itself does not realise that it is a dead issue and what the first fruits of the Reforms have really been. Some thought that the Reforms meant that the British were leaving India. Even to-day few recognise that the first effect of the Reforms has been to cause my community to take deeper root in the country than ever before. For never before were we called upon, with our Indian fellow subjects, to take an active part in the Government of the country. Five years ago would our Carters, our Darcy Lindsay, our Willsons, our Flemings, be devoting their well-earned leisure to the political interests of the community at large? I think not. Even the Government themselves hardly seem to realise the fact judging by the silence, I do not use strong words, Sir, and therefore I will not say the contemptuous silence, even from criticism, in their latest publication "India in 1923-24" presented under authority and with the general approval of the Secretary of State regarding the honest work of our community in the Central and the Provincial Councils. I feel confident that our friends on this side of the House, however we may at times differ from them, will not endorse the apparent view of the Government trumpeter that we are of no use to the State and are here merely to waste our time and yours. The Reforms have brought us all closer together and when the dust of conflict dies down I think we shall realise the fact. It will be illustrated in half an hour's time in another place. It will be illustrated once more outside these walls to-morrow, after the futile strife of tongues in the Assembly has died down for the night.

Mr. T. C. Goswami: What has this got to do with the Resolution?

Sir Campbell Rhodes: The Anglo-Indian Community, misunderstood and misunderstood, must take its part amongst us. This House has yet to realise

Mr. T. C. Goswami: I must really protest that all this is out of order. I do not think that whatever he has got to do to square up or promise Colonel Gidney has anything to do with the matter before us. He cannot make this an occasion for it.

Sir Campbell Rhodes: Before you give your ruling I wish to say. . . .

Mr. Deputy President: I have no doubt about my ruling. The Resolution concerns railway employees and Anglo-Indians are railway employees.

Sir Campbell Rhodes: The Anglo-Indian community, Sir, misunderstanding and, as we have seen from my Honourable friend, misunderstood, must take its part amongst us. This House has yet to realize that it is the trustee of the Anglo-Indian community as it must be the trustee of all minorities if it is to impress the Indian and British public with its sense of responsibility and its capacity to assume greater powers when the time comes for the Reforms to be reconsidered. And its trusteeship of the Anglo-Indian community is especially borne in upon us by the fact that of the Anglo-Indians alone can it be said that they are the blood relations of every community practically in this House. I appeal therefore to the House to take a larger, a generous and a just view of its responsibilities and to keep this community on the rails until it has reached that station in the political and economic life of the nation which all at heart must wish it to occupy.

The debate was adjourned.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 28th January, 1925.

LEGISLATIVE ASSEMBLY.

Wednesday, 28th January, 1925.

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

QUESTIONS AND ANSWERS.

CASE OF MR. KAILASHNATH, ASSISTANT STATION MASTER, BENARES CANTONMENT.

353. ***Mr. Chaman Lall:** Is it a fact that Mr. Kailashnath, assistant station master, Benares Cantonment, was granted 22 months' leave and after he had availed himself of two months' leave, the rest of his leave was cancelled and he was discharged from the service without assigning any reason?

Mr. G. G. Sim: As stated in my reply to a similar question No. 318 by Maulvi Muhammad Yakub, Government are inquiring into the matter and will let the Honourable Member know the result.

PAY OF STATION MASTERS AND ASSISTANT STATION MASTERS AT ROADSIDE STATIONS ON THE O. AND R. RAILWAY.

354. ***Mr. Chaman Lall:** Is it a fact that formerly on the O. and R. Ry. the difference in pay of the station masters and assistant station masters on roadside stations was Rs. 5 only and after the revised scale came into force, the difference increased to Rs. 20, that is the maximum pay of a station master of "A" class was raised to Rs. 75 and that of an assistant station master to Rs. 55. What responsibility of the assistant station master has been noticed that the pay has been raised to such a low scale?

Mr. G. G. Sim: The Honourable Member is referred to the reply given yesterday to Maulvi Muhammad Yakub on a similar question.

PROMOTION OF INDIAN STATION MASTERS ON THE O. AND R. RAILWAY.

355. ***Mr. Chaman Lall:** (a) Is it a fact that about 500 assistant station masters after reaching the maximum of their grade, have to wait for promotions for years? Will the Government please state how their promotions will be regulated with a few higher class stations?

(b) Is it a fact that while hundreds of Indian "A" class station masters are waiting for promotions to higher grades, the Railway Administration stopped their promotion by reverting many of the "B" class stations to "A" and "C" class stations to "B" class whereas Anglo-Indian and European station masters have not been affected in any way?

(c) Is it a fact that several junction stations are classified special class for providing Anglo-Indian or European station masters whereas bookⁱ and parcel clerks of these stations are granted in "A" class. Why^{not} the clerks not given the advantage of drawing the pay according to the class of stations?

(d) Is it a fact that many "A" class Indian station masters on the O. and R. Railway, who are drawing Rs. 75, have been served with retirement notice? Is it a fact that they have been serving the railway for more than 35 years to the entire satisfaction of the authorities? If so, why were these senior station masters not given a lift for their faithful continuous services in class "B" "C" or "D" and so on?

(e) Is it a fact that "9" per cent. of the stations on the O. and R. Railway are classified as "A" and the station masters after reaching the maximum of the class, wait for promotions for years? Will the Government please state how the promotions of these station masters will be regulated with a less percentage of higher class stations?

Mr. G. G. Sim: (a) to (e). I would refer the Honourable Member to the reply given by me to a similar question by Maulvi Muhammad Yakub.

APPEAL OF BABU RAJARAM, STATION MASTER, O. AND R. RAILWAY.

356. ***Mr. Chaman Lall:** Is it a fact that Mr. M. S. Scott O'Connor, Traffic Manager, O. and R. Railway, who recorded the statement of Babu Rajaram, station master, at the inquiry omitted to record important points and the Agent filed the appeal of Babu Rajaram without taking any notice of this fact?

Mr. G. G. Sim: The reply is in the negative.

PAY OF BRAKESMEN ON RAILWAYS.

357. ***Mr. Chaman Lall:** Is it a fact that when the Free Service Brakesmen were appointed to receive and deliver dak at stations, they were in receipt of a salary of Rs. 36 and since the system is abolished, the same work in addition to brakesmen's duty is entrusted to the brakesmen whereas the scale of the brakesmen is from Rs. 16—2—28? Will Government please state when the brakesmen are doing both the duties whether it is proposed to raise their scale of pay to Rs. 36.

Mr. G. G. Sim: The Government cannot answer the Honourable Member's question as he does not say to which railway he refers. In any case they do not interfere in matters of this kind. They presume the Agent gets men of the numbers and class required for the rate of pay offered.

RENEWAL OF THE RECOGNITION OF THE O. AND R. RAILWAY UNION.

358. ***Mr. Chaman Lall:** (a) Is it a fact that certain facts regarding corruption and bribery were brought to the notice of the administration through the *Weekly Mazdoor* which caused the Agent, O. and R. Railway, to withdraw the official recognition of the O. and R. Railway Union and thereby withdraw the passes of the workers on the alleged ground that the tone and character of the official organ of the Union is calculated to impair the relation between the administration and the staff and generally to undermine the authority of the administration?

(b) Is it a fact that the General Secretary of the Union challenged the administration to prove that the allegations are incorrect and based on rumour but the administration refused to look into the papers which were available?

(c) Is it a fact that when a strike was threatened by the employees in June last the Agent of the Railway agreed to restore the recognition on certain terms which were sent to the Union through Mr. Inglis, Superintendent of Police, Lucknow and the Executive Committee of the Union accepted the terms without any amendment? If so, why was the recognition not restored? Will Government be pleased to inquire from the Superintendent of Police, Lucknow, if this fact is not correct?

Mr. G. G. Sim: (a) No. Recognition was withdrawn because the attitude of the Union as evidenced in their official organ was calculated to impair the relations between the administration and the staff and to undermine the authority of the administration.

(b) A representation was made to the Agent as stated, but the facts in the principal allegations had already been examined and in others were found to be devoid of foundation.

(c) For the information of the staff the Agent in reply to a petition mentioned certain conditions under which he was prepared to recommend to the Railway Board that recognition should be renewed. No offer was then or since made to the Union.

SCALES OF PAY OF INDIAN AND ANGLO-INDIAN OR EUROPEAN ASSISTANT STATION MASTERS.

359. ***Mr. Chaman Lall:** Is it a fact that the promotions of qualified Indian assistant station masters are restricted to "D" class whereas unqualified Anglo-Indian and European assistant station masters are given a lift to "E" and "F" class. Further is it a fact that at junction stations out of three assistant station masters one Indian is getting "C" or "D" class scale of pay whereas two Anglo-Indian or European assistant station masters are getting "E" or "F" class scale of pay? When the nature of the duty and responsibility of all these assistant station masters are equal, and each performs eight hours duty, why is not equal pay given for equal work?

Mr. G. G. Sim: I would refer the Honourable Member to the reply given by me to a similar question by Maulvi Muhammad Yakub.

REPRESENTATIONS OF THE INDIAN MATCH MANUFACTURERS' ASSOCIATION.

360. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state whether a deputation of the Indian Match Manufacturers' Association waited upon the Honourable Sir Basil Blackett at Calcutta on the 18th December last? If so, what representations did the said deputation make to him and what actions are the Government taking thereon?

The Honourable Sir Charles Innes: The deputation in question was received by the Honourable the Finance Member and myself in conjunction. The representations made by the deputation were mainly to the effect that an excise duty should be imposed on matches manufactured in factories financed by foreign capitalists, but that factories financed by Indian capitalists should be exempt from the payment of such a duty. The Government do contemplate action on such lines.

ATTEMPTS AT TRAIN WRECKING IN NORTH BENGAL.

361. ***Mr. Kumar Sankar Ray:** On how many occasions had train wrecking attempts been made in North Bengal during the year 1924 and with what results on each particular occasion; and on how many occasions have the culprits been apprehended and punished?

Mr. G. G. Sim: On the Eastern Bengal Railway seven attempts were made. One of the attempts resulted in the derailment of No. 1 Up Darjeeling mail train, causing damage to the permanent way and rolling stock to the extent of about Rs. 2,700. Another attempt resulted in the engine of No. 11 passenger train being slightly damaged. In regard to the other five attempts the action of the culprits was detected, before any train had passed over the portion of the line affected.

Out of the seven attempts, in one case a boy was found guilty, and his guardian executed a bond; in two cases no clues were found; in another case a warrant has been issued for the arrest of the suspected person; the other three cases are still under police investigation.

On the Darjeeling Himalayan Railway there were four instances of stones being placed up on the line, but in each case the stones were discovered in time to prevent accidents. All the cases were reported to the police, but the culprits were not detected.

ALLOWANCES AND COMFORTS OF DÉTENUS IN BENGAL.

362. ***Mr. Kumar Sankar Ray:** What arrangements as regards supply of food, warm clothing and bedding have been made, and what allowances are being paid to each particular détenu, who has been arrested either under the Bengal Regulation III of 1818 or the Bengal Ordinance No. 1 of 1924 in the years 1923 and 1924?

The Honourable Sir Alexander Muddiman: I invite the Honourable Member's attention to the reply I have already given to part (f) of his earlier question on the subject.

Mr. A. Rangaswami Iyengar: May I know whether, having regard to the fact that a number of prisoners under the Regulation have now been made prisoners under the Ordinance, there has been any difference in regard to the conveniences provided, for example, in respect of bedding, food, and so forth?

The Honourable Sir Alexander Muddiman: I am not able to answer that. So far as I know, the existing arrangements are still continuing.

ERECTION OF A WIRELESS BEAM STATION IN INDIA.

363. ***Khan Bahadur Saifuraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 19th December, 1924, page 7, under the heading "Beam Station in India" "Government and the Site"?

(b) If so, will they please state if they intend that a high power station should be erected in India without delay, provided the Admiralty favoured the course, as reported?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) It is not proposed to proceed at present with the construction of a high power station as originally intended. Negotiations are in progress for the erection of a Beam station.

THE TATA NARROW GAUGE RAILWAY.

364. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 19th December, 1924, page 9, under the heading "Tata Narrow Gauge Railway"?

(b) If so, will they please state if the statement made therein with regard to the absence of gates, gatemen, watchmen on the railway referred to, is correct?

Mr. G. G. Sim: (a) and (b). Government have seen the letter referred to. They have no information on the point because the railway line is not in any way under the administration of the Government of India. They are, however, making inquiries into the matter.

RETURN OF HINDU REFUGEES TO KOHAT.

365. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government please state:

(a) the Hindu population of Kohat?

(b) the number of such refugees as evacuated their refuge in the cantonments to Rawalpindi?

(c) whether the refugees have returned to Kohat?

(d) if not, on what conditions do they wish to return to Kohat, and what is the obstacle in the way of their return to their homes?

Mr. Denys Bray: (a) According to the last census 3,200 roughly.

(b) Nearly all.

(c) Not as a body.

(d) It is hoped that with the settlement recently effected the last obstacle has been removed.

EXAMINATION OF EVIDENCE AGAINST PERSONS ARRESTED UNDER BENGAL REGULATION III OF 1818 AND THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

366. *Pandit Nilakantha Das: (a) Was the evidence in possession of the Government regarding the persons recently arrested and interned in Bengal under the Bengal Ordinance of 1924 and the Bengal Regulation III of 1818 only based on police and C. I. D. information or have they any independent source?

(b) Was that evidence examined with judicial scrutiny before the orders for arrests were issued?

(c) If so, by whom, or by men of what standing or position?

(d) Was any further corroborating evidence against the persons recently arrested in Bengal found after the arrests were made?

(e) If so, was it likewise examined, and if examined, examined by whom, or by men of what standing and position?

The Honourable Sir Alexander Muddiman: The general grounds on which action was taken have been fully explained in several recent public pronouncements which I do not propose to recapitulate now, as I shall have an opportunity of dealing with the matter to-day. The evidence was not judicially scrutinised before the orders for the arrests were issued. If the Honourable Member suggests that this would be a normal or generally practicable procedure in cases of cognizable offences under any system of criminal law, his view must, I think, be unusual. As regards the persons

recently arrested under Regulation III of 1818, the evidence was scrutinised by two Judges of the standing of Sessions Judges who were satisfied that there were reasonable grounds to believe that all those persons were members of a revolutionary conspiracy and that their being at large involved a danger to the State.

As regards persons arrested under the Ordinance, I would invite the Honourable Member's attention to section 19 of the Ordinance. I am not prepared to make any further statement which might have the effect of prejudicing further criminal proceedings which it may be found necessary in the public interest to undertake.

Mr. Devaki Prasad Sinha: With regard to the prisoners arrested under this Regulation, what was the procedure followed in expounding to them the charges and the evidence against them placed before the two Sessions Judges?

The Honourable Sir Alexander Muddiman: Charges were framed, and their answers were invited.

CONNECTION OF INTERNEES IN BENGAL WITH ANARCHICAL MOVEMENTS.

367. ***Pandit Nilakantha Das:** (a) Does the evidence against the persons recently arrested and interned in Bengal under Bengal Regulation III of 1818 and the Bengal Ordinance show that the internees had any connection with any anarchical movement after 1921?

(b) Have the Government any evidence to be convinced that Mr. Subhas Chandra Bose was in any way connected with any anarchical movement after he came back from England?

(c) Are the Government in possession of any evidence which may prove at least some of the recent internees in Bengal to be connected with any anarchical crime?

(d) If so, are the Government prepared to bring at least a selected few of the prominent internees before courts of law?

The Honourable Sir Alexander Muddiman: I have already replied to this.

CONDEMNATION OF THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE BY THE ALL PARTIES CONFERENCE.

368. ***Pandit Nilakantha Das:** (a) Are the Government aware of the fact that the recent arrests and internments in Bengal, under the Bengal Ordinance of 1924, and Bengal Regulation III of 1818 are the very issue of the Ordinance itself have been viewed with disapproval by leaders of all the Indian political parties, at their united meeting at Bombay?

(b) Do the Government propose in any way to show any practical respect to the united Indian public opinion, expressed at Bombay, regarding the recent actions under the Bengal Ordinance of 1924, and the Bengal Regulation III of 1818?

The Honourable Sir Alexander Muddiman: I have seen the Resolution adopted by the Conference at Bombay. Government's attitude will be stated in the course of the debate to-day.

THE POSTAL ECONOMIC INQUIRY COMMITTEE.

369. ***Kumar Ganganand Sinha:** Will the Government be pleased to state (a) the items which the Postal Economic Inquiry Committee will consider during their investigation, (b) when the Committee is likely to submit its report, and (c) whether this House will or will not be given a chance to consider the Committee's recommendations?

The Honourable Sir Bhupendra Nath Mitra: (a) The Honourable Member's attention is invited to the reply given on the 23rd January, 1925 to part (a) of the Honourable Mr. C. Duraiswami Aiyangar's question No. 171.

(b) Before the end of March, 1925.

(c) Without knowing what the Committee's recommendations are I am unable to give any undertaking in the matter. I shall in any case consider the question of placing the report if opportunity offers, before the Standing Advisory Committee attached to the Department of Industries and Labour.

AMALGAMATION OF THE ORIYA SPEAKING TRACTS.

370. ***Kumar Ganganand Sinha:** Do the Government contemplate any change of jurisdiction so far as Orissa is concerned? If so, how? How far, if at all do they propose to give effect to the recommendations of Philip-Duff Committee?

The Honourable Sir Alexander Muddiman: The Government of India do not at present contemplate any change of jurisdiction as far as Orissa is concerned. As regards the second part of the Honourable Member's question I refer him to my reply to Khan Bahadur Sarfaraz Hussain Khan's question No. 85 answered on the 23rd January.

INTERNMENT WITHOUT TRIAL OF PERSONS ARRESTED UNDER THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

371. ***Kumar Ganganand Sinha:** How long do the Government propose to shut up persons arrested under the Bengal Criminal Law Amendment Ordinance, 1924, without proper trial in the ordinary law courts of the land?

The Honourable Sir Alexander Muddiman: I invite the Honourable Member's attention to the reply I have given already on the same subject.

PUBLICATION OF CORRESPONDENCE, ETC. IN CONNECTION WITH THE PROMULGATION OF THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE.

372. ***Kumar Ganganand Sinha:** (a) What objections, if any, have the Government to publishing documents and other materials that have convinced them of the desirability of the Viceroy's promulgating the Bengal Criminal Law Amendment Ordinance, 1924, and arresting the persons who have been arrested under it?

(b) If they have no objection to doing so, will they publish them at the earliest possible date?

The Honourable Sir Alexander Muddiman: The documents are confidential and their publication would not be in the public interest.

DISCONTENT IN REGARD TO THE PROMULGATION OF THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE, 1924.

373. ***Kumar Ganganand Sinha:** (a) Are not the Government aware that there is a wide-spread discontent in India with regard to the promulgation of the Ordinance?

(b) If so, have the Government any objection to placing the materials they have, with regard to persons arrested being connected with revolutionary conspiracies, before Mahatma Gandhi on pledge of secrecy, if

necessary for perusal and expression before the public whether they are really guilty and dangerous people or not? If the Government have any objection, will they be pleased to say what they are?

The Honourable Sir Alexander Muddiman: (a) The answer is in the negative.

The facts justifying the issue of the Ordinance were fully explained both by His Excellency the Viceroy and by the Bengal Government at the time of its promulgation.

(b) Government do not propose to adopt the course suggested.

Kumar Ganganand Sinha: Will the Government trust any other leader of Indian opinion with the work?

The Honourable Sir Alexander Muddiman: The matter has been explained in answer to so many questions that I do not consider it reasonable to answer any further questions on the subject.

USE OF DEVANAGARI SCRIPT IN GOVERNMENT STAMP PAPERS.

374. ***Kumar Ganganand Sinha:** Are not the Government aware of the fact that Devanagari is more extensively used and read in North India than any other script? Will the Government be pleased to state why does it not find a place in the Stamp papers published and sold by and for the Government?

The Honourable Sir Basil Blackett: I should hesitate to answer the first part of the question in the affirmative.

I am aware that the Devanagari script has many supporters. My researches have not enabled me to answer the second part of the question.

LOCATION OF THE EAST INDIAN RAILWAY DIVISIONAL HEADQUARTERS AT HOWRAH.

375. ***Kumar Ganganand Sinha:** Will the Government be pleased to fully state the reasons that have weighed with them to disregard the public representations for not establishing a Railway Divisional Headquarters at Sahebgunj? How do they meet the objections of the public with regard to such removal?

ABOLITION OF THE LOOP DISTRICT OF THE EAST INDIAN RAILWAY AT SAHEBGUNJ.

376. ***Kumar Ganganand Sinha:** In what way do the Government propose to keep supervision over the loop line after the abolition of the Loop district at Sahebgunj? In what way will the proposed method of supervision be efficient and economic?

Mr. G. G. Sim: I propose to answer these two questions† together. It is understood that a Resolution on the subject will be moved on the 5th February when a full statement will be given of the reasons for locating the Divisional Headquarters at Howrah.

377. (Answered on the 22nd January, 1925.)

COMPENSATION TO CERTAIN PUNJAB POSTAL EMPLOYEES REINSTATED AFTER ALLEGED WRONGFUL DISMISSAL.

378. ***Mr. Chaman Lall:** (a) Do Government intend to consider the question of compensating certain Punjab postal employees who have been reinstated by orders of the Government after their wrongful dismissal by local officials, for the unnecessary suffering caused to them?

(b) Will Government state as to what punishment has been meted out to the officials directly and indirectly concerned in these wrongful dismissals?

The Honourable Sir Bhupendra Nath Mitra: Government do not admit that there has been any case brought to their knowledge of wrongful dismissal by the local officials in question and are not prepared to take any action in the direction suggested by the Honourable Member.

RESULT OF APPEALS FROM THE DECISIONS OF THE POSTMASTER GENERAL,
PUNJAB.

379. ***Mr. Chaman Lall:** (a) Will Government be pleased to state how many appeals submitted against the decisions of the Postmaster General, Punjab, between 23rd March, 1922 and 7th May, 1924, have been overruled either by the Government of India or the Director General and how many upheld?

The Honourable Sir Bhupendra Nath Mitra: Eighty-seven appeals were submitted against the orders of the Postmaster General in the period in question. In 16 cases the decision of the Postmaster General was overruled by the Director General. Nine appeals were submitted to the Government of India of which 5 were withheld and 4 were rejected. In one case the decision of the Director General regarding subsistence allowance of an official was modified by Government.

GRANT OF GRATUITIES TO POSTAL OFFICIALS EMPLOYED IN CONNECTION
WITH THE WAZIRISTAN FIELD POSTAL OPERATIONS, ETC.

380. ***Mr. Chaman Lall:** 1. Will Government be pleased to state (a) what postal staff including the Postmaster-General was employed at the headquarters of the Postmaster General to cope with the Waziristan Field postal operations, and (b) whether any remuneration or gratuity or allowance or staff pay for such work was disbursed or is contemplated to such officers?

2. If so, will Government be pleased to state the amounts drawn or sanctioned for disbursement and the names of the recipients?

3. Is it a fact that the Postmaster General, Punjab, never visited the war area during the course of his official duties connected with the Waziristan operations?

4. Is it a fact that he has nevertheless drawn some remuneration for this service in addition to his pay?

5. Is it a fact that the Postmaster General, Punjab, who has done this is the same individual who drew an allowance for several days for a trip to Islamabad giving the reason that he had spent these days inspecting the small sub-post office of that village?

6. Have Government taken any action against that Postmaster General for having drawn such allowances?

7. Is it the general practice of postal officials to draw allowances ostensibly for inspection but in reality for pleasure trips?

Sir Geoffrey Clarke: 1 and 2. A statement furnishing the information is laid on the table.

3. No.

4, 5 and 6. Do not arise.

7. No.

Staff in the office of the Postmaster-General, Punjab and North-West Frontier, who performed duties in connection with the Waziristan Field Postal Operations.

Class.	Name.	Substantive appointment.	Period.	TEMPORARY PAY OR ALLOWANCE PER MENSEM.		Total amount drawn.	REMARKS.
				Temporary pay.	Temporary allowance.		
Officers	Mr. P. G. Rogers, C.I.E., I.C.S.	Postmaster-General, Punjab and North-West Frontier.	6-5-19 to 6-4-20	...	Rs. 25 per cent. of pay.	Rs. A. P. 6,524 4 5	Performed the duties of Deputy Director of Postal Services, Field Army, India, in addition to his proper civil duties. Ditto. The question of granting these officers a suitable allowance is under consideration.
	Mr. O. H. Bulach	Officiating Postmaster-General, Punjab and North-West Frontier.	7-4-20 to 25-4-20	...	...	...
	Mr. H. N. Hutchinson, O.B.E., I.C.S.	Postmaster-General, Punjab and North-West Frontier.	26-4-20 to 5-8-20 and from 11-4-21 to 22-3-22	...	...	...
	Mr. W. A. Rousseau	Ditto ditto	6-8-20 to 10-4-21	...	...	...
	Mr. J. R. T. Booth, I.C.S.	Ditto ditto	23-3-22 to 30-4-24	...	...	...
Clerical staff.	Bai Salub Pandit Monohar Nath.	Superintendent, office of the Postmaster-General, Punjab and North-West Frontier.	1-4-20 to 11-11-20	...	50	368 5 4	
			14-2-21 to 30-11-21	...	50	476 12 6	
	Mr. Baijnath Singh	Officiating Superintendent, office of the Postmaster-General, Punjab and North-West Frontier.	1-2-21 to 30-6-22	...	100	700 0 0	
			12-11-20 to 13-12-21	...	50	154 14 1	

2	Pandit Chuni Lal.	Clerk, office of the Postmaster-General, Punjab and North-West Frontier.	6-5-19 to 31-12-19	200	...	1,567 11 10
			1-1-20 to 9-7-22	...	50	1,514 8 3
3	Pandit Sant Ram	Ditto ditto	6-5-19 to 31-5-24	150 to 200	...	10,967 13 11
4	Mr. Ishar Das	Ditto ditto	14-9-21 to 13-3-22	180	...	1,077 7 8
5	Mr. Uttam Chand	Ditto ditto	7-6-19 to 31-3-20	100	...	980 0 0
6	Mr. Puran Chand	Ditto ditto	8-1-20 to 26-4-20	60	...	218 7 2
	Mr. Beni Pershad	Ditto ditto	27-4-20 to 30-9-21	60	...	1,028 0 0
	M. Sarwar Khan	Outsider	1-10-21 to 31-5-21	60	...	480 0 0
	Pandit Suraj Kishen	Clerk, office of the Postmaster-General, Punjab and North-West Frontier.	1-6-22 to 24-9-23	81 to 85	...	1,333 2 1
7	M. Ghulam Rasul	Ditto ditto	1-7-21 to 31-5-24	80 to 89	...	2,643 9 7
Menial staff 1	One peon	.....	6-5-19 to 31-5-24	16 to 17	...	997 6 8
Total			...	...	...	31,032 7 6

N.B.—The office of the Postmaster-General, Punjab and North-West Frontier, controlled the work of the Postal Staff in Waziristan as well as other Field Service areas on the Frontier and in the Base Postal Depot at Lahore from the 6th May 1919 to the 31st May 1924.

PROMOTIONS FOR WAR SERVICES RENDERED BY POSTAL OFFICIALS.

381. ***Mr. Chaman Lall:** (a) With reference to starred questions already asked regarding specific promotions for war services rendered by postal officials, will Government be pleased to state the number and the names of Superintendents and Postmasters so promoted and the number or names of those superseded?

(b) Is it a fact that the officials who were superseded have also rendered meritorious war service?

(c) Will Government state the exact reasons for superseding these officials in view of the admission by Government that such promotions are wrong in principle and have been forbidden?

The Honourable Sir Bhupendra Nath Mitra: (a) to (c). No Superintendent was so promoted. In the case of Postmasters only one officer in the gazetted cadre was so promoted, going above four others, three of whom were shortly to retire and none of whom rendered any war service or had any particular claim. No further information is available beyond what was stated in my reply to the Honourable Member's question No. 1482 on the 2nd June 1924. Government do not consider that any useful purpose would be served by publishing the names.

EXTRA REDIRECTION CHARGE OF POSTAL PARCELS.

382. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state if any increase has been effected in postal rates on articles other than postcards and envelopes, since the Legislative Assembly sanctioned an increase in rates for postcards and envelopes in 1922?

(b) Is it a fact that the Government of India have imposed an extra charge on postal parcels redirected from the original place of address to another place, in case of the addressee not being at the original place?

(c) If the reply to (b) be in the affirmative, will Government be pleased to state the reason why such a charge was not imposed by them till 1922, and the reasons which induced them to levy such a charge since then?

(d) What is the total number of postal parcels during each of the last three years, and what is the number of such parcels redirected from the original place of address during the same period?

(e) Will Government be pleased to state the estimated revenue from this extra charge on redirected parcels?

(f) Is it a fact that a postcard or an envelope may be redirected from Peshawar to the utmost south of the country and again from there redirected to Rangoon and again from Rangoon to Karachi without any extra charge?

(g) If the reply to the above be in the affirmative, will Government be pleased to state why they propose to impose a special charge on parcels, which have to be redirected in the ordinary course of events?

(h) Has the above increase in charges called for any protest from the commercial community and if so, will Government be pleased to state what action they propose to take in this connection?

The Honourable Sir Bhupendra Nath Mitra: (a) There has been no increase in inland postal rates since 1922, excepting the revision with effect from the 16th January, 1924, of insurance fees from one anna for every Rs. 50 to two annas for every Rs. 100 of insured value.

(b) Yes.

(c) Considerable labour and expense are incurred in dealing with the transmission of postal parcels and the labour and expense are no less in the case of redirected parcels for which the Department previously received no remuneration. The extra charge has been imposed to reimburse the Department for the work done and if possible to put some check on re-direction. No country in the world carries redirected parcels free of charge.

(d) The total number of parcels posted during each of the last three years is:

1921-22	12,662,997
1922-23	12,653,430
1923-24	13,566,890

No information relating to the number of re-directed parcels is available.

(e) About Rs. 50,000 a year.

(f) Yes.

(g) Unlike letters and postcards the work involved in dealing with a redirected parcel is just as great as for first transmission. The differential treatment between the former and latter classes of articles is also recognised in the International Postal Regulations.

(h) A protest was received from the Indian Merchants Chamber, Bombay. Government do not propose to abolish the redirection fee on parcels.

Sir Purshotamdas Thakurdas: Is this Government's beginning with the effort of commercialisation of the Postal Department, Sir, then?

The Honourable Sir Bhupendra Nath Mitra: It is one of the effects.

Sir Purshotamdas Thakurdas: Have they made any other efforts except increasing the rates payable by the public?

The Honourable Sir Bhupendra Nath Mitra: Government are making efforts towards the commercialisation of the accounts. I think I explained the position fully on a previous day in answer to a question asked by Mr. Duraiswami Aiyangar.

Sir Purshotamdas Thakurdas: Would I be correct in understanding that the first effort Government have made at commercialisation of the department has been in the direction of the public having to pay more in regard to certain service for which the Government did not see their way to charge the public till now?

The Honourable Sir Bhupendra Nath Mitra: In connection with the commercialisation of the accounts, Government had to scrutinise the various items in regard to which the department was not receiving full credit and this is one of the items.

Sir Purshotamdas Thakurdas: Do Government intend to make any other effort in the same direction hereafter, Sir?

The Honourable Sir Bhupendra Nath Mitra: Well, that will depend on facts brought to light after we have examined fully the question of commercialisation of the accounts, but I may say this that as a result of our examination so far, the Postal Department is receiving credits from other Departments of Government for services which were rendered free in the past.

Sir Purshotamdas Thakurdas: I am concerned more with the public and not with the Departments of Government.

The Honourable Sir Bhupendra Nath Mitra: As regards the public, as I say, the question has not arisen up to now except in this particular matter. If the result of commercialisation of the accounts shows that there is a large deficit in the combined accounts of the Post and Telegraph Departments, what will happen I really do not know. It primarily rests with the Honourable the Finance Member.

Sir Purshotamdas Thakurdas: Are Government aware that the public want reduction in postal rates whilst Government's first effort at commercialisation of the Department has been in the direction of an increase in postal parcel rates?

The Honourable Sir Bhupendra Nath Mitra: Government are fully aware that the public, or rather a section of it, want a reduction in postal rates.

Khan Bahadur W. M. Hussanally: Is it a fact that the Telegraph Department has such a large deficit that it is made up by the income of the Postal Department?

The Honourable Sir Bhupendra Nath Mitra: I am not yet in a position to fully answer the question. In answer to Mr. Duraiswami Aiyangar's question I have already explained that the new commercialised accounts will show profit and loss on each branch of the Department and this House will get information on the subject, though it will necessarily be rough information, in connection with the Budget Demands for 1925-26.

Mr. Gaya Prasad Singh: The Honourable Member has stated that a section of the public want a reduction in the postal rates. Will he please explain what section of the public want to retain the postage rates at the present high level?

The Honourable Sir Basil Blackett: The Finance Member, Sir.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

383. ***Maulvi Muhammad Yakub:** (a) Have the Government of India received the opinions of Provincial Governments about the scheme of the separation of the Executive from the Judicial?

(b) When will the above mentioned scheme be given effect to?

The Honourable Sir Alexander Muddiman: (a) The opinions of the Bengal, Bihar and Orissa, the United Provinces and Madras Governments have been received.

(b) They are under the consideration of the Government of India and no decision has yet been arrived at.

ECONOMIES EFFECTED BY THE RETRENCHMENTS RECOMMENDED BY THE INCHCAPE COMMITTEE.

384. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state:

(a) the amount of money saved by the various schemes of retrenchment recommended by the Inchcape Committee?

(b) the number of Government servants (I) Indians, (II) Europeans affected by the above-mentioned scheme?

The Honourable Sir Basil Blackett: (a) So far as the civil side is concerned the Honourable Member is referred to the statement printed on pages 59 to 106 of the Legislative Assembly Debates, Volume IV, No. 3, which shows that the total reductions effected during 1923-24 amounted to Rs. 721 lakhs.

As regards the military expenditure the Committee recommended reduction of the budget figure for 1922-23, namely, 67½ crores, to Rs. 57½ crores in 1923-24, subject to such addition as might be required for "lag". The compiled actuals for that year indicate that the net expenditure amounted to Rs. 56½ crores. This reduction was due generally to the cumulative effect of retrenchment operations and in particular to the consumption of surplus stocks without replacement. Fuller details will be available when the revised estimates for the current year and the budget for the ensuing year are laid before the Legislature.

(b) I do not think the Honourable Member can have realised how wide the scope of his question is. Even if the inquiry were limited to those who were directly and materially affected by the retrenchments it would be a very large task and the accuracy of the resulting information could not be guaranteed.

Diwan Bahadur T. Rangachariar: With reference to part (a) of this question, the Honourable Member referred to a previous statement furnished to this House. If I remember aright, the Retrenchment Committee recommended exploration in other directions which they indicated. May I know if the Finance Department has undertaken such an exploration since the presentation of the last statement?

The Honourable Sir Basil Blackett: The Finance Department spends day and night in exploring such particulars.

Diwan Bahadur T. Rangachariar: Has there been any result of such an exploration?

The Honourable Sir Basil Blackett: If the Honourable Member will wait till the Budget he will perhaps be able to answer his own question.

COST OF INCREASED PAY AND ALLOWANCES OF THE IMPERIAL AND SUBORDINATE SERVICES.

385. ***Maulvi Muhammad Yakub:** Will the Government be pleased to state the amount of money spent over the increased pay and allowances of the Imperial and Subordinate Services during the last 3 years?

The Honourable Sir Basil Blackett: I have examined very carefully into the possibility of framing a useful answer to this question; but I regret to find that an accurate reply could not be given without an altogether incommensurate expenditure of time, labour and money.

PROCEEDINGS OF THE MEETING OF THE MOSLEM WORKING COMMITTEE, KOHAT, HELD ON THE 12TH DECEMBER, 1924.

386. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 20th December, 1924, page 7, under the heading "Kohat Rioting"?

(b) If so, will they please state if they have received the report of the meeting of the Moslem Working Committee, presided over by Nawab Baz Mohammad, Chief of the Khataks?

(c) If so, will they please lay a copy of it on the table?

Mr. Denys Bray: (a) and (b). Yes.

(c) A copy is laid on the table.

Proceedings of meeting of the Muslim Working Committee, Kohat, held on 12th December 1924 under the presidentship of Nawab Baz Mohd. Khan, Chief of Khataks.

(1) Resolved unanimously that this meeting having gone through the Government of India's Resolution in respect of Kohat disturbances published in an Extraordinary Gazette of the Government of India, views the proposal of establishing the Punitive Police at Kohat with great wonder and anxiety. The Mussalmans of Kohat have ever remained loyal and faithful to the British Throne and have always respected the law and order inasmuch as the biggest of their demonstrations have never so far occasioned any breach of peace. This meeting records its opinion that the disturbances of the 9th and the 10th of September last would never have occurred if the Kohat Hindus had not provoked the Mussalmans by insulting their religion by publishing the objectionable pamphlet and by opening fire without any rhyme or reason on the innocent Muslim boys and by pouring vitriol on unarmed Mussalmans and the Government servants.

This meeting advises the Government not to burden the Mussalmans who have been already troubled and reduced to penury, with the extra expenses of maintaining the Punitive Police when it is admitted by the Government both Local and Central that the Kohat Muslims have not hesitated in saving hundreds of mischief-making Hindus and their families from having been burnt and slaughtered, in sheltering them in their own houses and escorting them to places of safety even at the height of their retaliating passion.

This meeting strongly protests on behalf of the Mussalmans of Kohat against any such proposal and warns the Local Government to cancel the proposal of establishing the Punitive Police so that the Mussalmans of Kohat and the inhabitants of the contiguous Independent Territory should not be given any further cause of anxiety and restlessness.

(2) Resolved unanimously that this meeting considers the proposal that one-third of the total of the Punitive and ordinary Police should consist of Hindus and Sikhs as an outcome of the Hindu Propaganda of demanding under communal representation in services of the Government and in the Local Bodies and this meeting views this proposal as detrimental to the Muslim rights and interests which they have got on the strength of population.

This meeting further views this proposal as very injurious to the rights of the Mussalmans of the North-West Frontier Province, as this proposal if enforced, might be used as a precedent in the matter of their demanding under communal representation.

(3) Resolved unanimously that this meeting brings again to the notice of the Local Government the Resolution No. 7 passed at the meeting of the Muslim Working Committee held on the 5th of December 1924 and reiterates its demands of enforcing the said Resolution at this meeting is of opinion that the Kohat Hindus would have never dared to open fire on the unarmed Mussalmans after wounding their religious feelings at a place like Kohat, had the Mussalmans been given their due rights in Government services and Local Bodies in proportion to their population.

(4) Resolved unanimously that this meeting respectfully places on record its conviction that the main object of the Hindus in entreating the authorities to arrange for their departure to Rawalpindi was to secure undue rights (from the Government) by intimidating the Government by the support of the Hindu agitators in down countries.

(5) Resolved unanimously that copy of the above Resolutions be submitted to the Hon'ble the Chief Commissioner, North-West Frontier Province, the Deputy Commissioner, Kohat, Assistant Commissioner, Kohat and Superintendent of Police, Kohat, etc., etc.

*President,
Muslim Working Committee, Kohat.*

GRIEVANCES OF THE KALIGHAT FALTA RAILWAY PASSENGERS.

387. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 21st December, 1924, page 11, under the heading "Grievances of Kalighat Falta Railway Passengers"?

(b) If so, will Government please state if the complaints made therein specially with regard to latrines in the trains, water closets and platforms are correct?

(c) If correct, do they propose to issue necessary instructions to the authorities concerned to remove the public inconveniences complained of?

Mr. G. G. Sim: (a) Government have seen the communication referred to.

(b) and (c). The Kalighat Falta Railway is only 29 miles in length and the provision of latrines in vehicles is therefore not considered necessary. Latrines are provided on the platform at each station and in all the female waiting rooms. Rail level platforms exist at all stations?

CONSULTATION BY THE BRITISH GOVERNMENT WITH THE SELF-GOVERNING DOMINIONS *re* FOREIGN POLICY, ETC.

388. *Sir Hari Singh Gour: (a) Has the attention of Government been drawn to the British official wireless cable, dated Leafield, 20th December last, in which an announcement is made that the British Government had consulted the Self-governing Dominions on the subject of foreign policy and general Imperial interests?

(b) Will the Government of India lay on the table the correspondence referred to in the said cable for information of the Members of the House?

Mr. Denys Bray: (a) Yes.

(b) Government have not yet received a copy of the correspondence.

THE NATAL BOROUGHS ORDINANCE.

389. *Sir Hari Singh Gour: (a) Are the Government aware of the passage of the Natal Boroughs Ordinance and the assent reported to have been given to it by the Governor-General?

(b) If so, will the Government be pleased to state what action they took to prevent its passage and what action they contemplate now taking to prevent its enforcement?

(c) Do the Government propose to draw upon the powers conferred on them by the Reciprocity Act?

(d) If so, when? If not, why not?

Mr. J. W. Bhore: (a), (b) and (d). The Honourable Member is referred to the statement made on the subject by His Excellency the Viceroy on the occasion of the opening of the Indian Legislature on the 20th January.

(c) No.

RESTRICTION OF THE EXPORT OF OPIUM.

390. *Sir Hari Singh Gour: (a) Will the Government be pleased to state when and in what circumstances they agreed to restrict the export of opium overseas?

(b) What annual revenue did the Government sacrifice by their action?

(c) Was the new policy which they adopted dependent upon the abstention of the production of opium by other countries?

(d) Has that condition been fulfilled?

(e) If not, what response has the humanitarian effort of the Government received from the country primarily intended to profit by it?

The Honourable Sir Basil Blackett: (a), (c), (d) and (e). I would refer the Honourable Member to the remarks under "export traffic" contained in the report on the traffic in opium and dangerous drugs for the calendar years 1921 and 1922 submitted by the Government of India to the League of Nations. A copy of this report has already been placed in the hands of the Honourable Member.

(b) The gross revenue from opium in 1905-06 was Rs. 8,20,31,694 and in 1922-23 Rs. 3,78,92,068. The net revenue for the same years was Rs. 5,36,45,078 and Rs. 1,92,31,425, respectively. The net loss to the Central Government therefore on this basis is Rs. 3,44,00,000 per annum. As however the price of opium has risen considerably in the meanwhile, the real loss is of course much greater.

If by the annual loss of revenue the Honourable Member contemplates the difference between the revenue that would accrue if the trade with China were revived and the revenue now derived, the Government are not in a position to give this figure nor do they see any useful purpose in trying to estimate it.

EMBARGO ON THE OPIUM TRADE.

391. ***Sir Hari Singh Gour:** (a) What is the present attitude of Government on the subject of the opium trade?

(b) Do they propose to continue their embargo on the opium trade?

(c) Will the Government be pleased to state the value of opium grown by Persia, Turkestan and other countries including China since its prohibition in India?

The Honourable Sir Basil Blackett: (a) and (b). If, as I presume, by "the opium trade" the Honourable Member is referring to exports out of India, I would point out that India is a signatory to the Hague Convention. The Government of India do not therefore export opium except to countries which require it and to the extent required by them and have no intention of doing so even if, as is possibly the case, the result is as suggested in the question. On the contrary the Government of India have gone beyond the strict requirements of the Convention by the imposition of additional voluntary restrictions on export and by negotiating wherever possible for direct sales to the Governments of importing countries.

(c) The Government have no authoritative statistics regarding the value of opium grown in Turkestan and China. The production in China is now estimated at 9/10ths of the world's production now. The production in Persia in 1922 according to the figures supplied by the League of Nations was 528,241 kilogrammes—which is I am informed equivalent to nearly 8,500 chests of Indian export opium.

WEMBLEY EXHIBITION.

392. *Sir Hari Singh Gour: (a) Will the Government be pleased to state their decision if any regarding the Wembley Exhibition?

(b) Is it a fact that they have declined to take part in it this year?

(c) What was the *net* cost of India's participation in that Exhibition last year?

The Honourable Sir Charles Innes: I have already answered (a) and (b) of this question.

As regards (c), the Government are not yet in a position to furnish information of the net cost of the Exhibition.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether, if the Government of India decide to continue to take part in the Wembley Exhibition, any fresh financial burden would be imposed on this country?

The Honourable Sir Charles Innes: As far as I know, the answer to that question is in the negative.

HOLDING OF AN EMPIRE EXHIBITION IN INDIA.

393. *Sir Hari Singh Gour: (a) When was the last All-India Exhibition held in the country under the auspices of the Central Government?

(b) Have Government considered the question of holding an Empire Exhibition in a central place in India?

The Honourable Sir Charles Innes: (a) In 1902-1903.

(b) No, Sir.

CONSTRUCTION OF A HIGH POWER WIRELESS BEAM STATION IN INDIA.

394. *Sir Hari Singh Gour: (a) Will the Government be pleased to state their decision regarding the proposal to construct a high power wireless beam station in India?

(b) What offers have they received and what consideration have they given to them and what is the present stage of their negotiations on the subject?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). I would refer the Honourable Member to the answer I gave to-day to Khan Bahadur Sarfaraz Hussain Khan's question No. 363.

MANUFACTURE OF LOCOMOTIVES IN INDIA.

395. *Sir Hari Singh Gour: (a) Will the Government be pleased to state the position of the Locomotive industry in the country?

(b) What has become of the Peninsular Locomotive Company?

(c) What action do they propose to take to encourage the manufacture of Locomotives in India?

Mr. G. G. Sim: (a) and (b). The question has been discussed at length in paragraphs 74 and 75 of the Administration Report on Indian Railways for the year 1923-24, and the Government have come to the conclusion that, for the reasons therein stated, the possibility of locomotive manufacture in India on an economic basis is at present remote.

The Government propose to depute an experienced officer to Europe during the year to investigate the question of the ultimate possibilities of such an industry.

(b) The Company is still in existence and has recently entered into an agreement for the construction of 500 railway wagons, for the manufacture of which the Company propose to adapt their works.

ACTION TAKEN ON THE REPORTS OF CERTAIN SPECIFIED COMMITTEES.

396. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state the action they have taken to give effect to the report of the following Committees:

- (a) Indian Marine Committee.
- (b) Indian Bar Committee.
- (c) North-West Frontier Committee.
- (d) Military Requirements Committee.

The Honourable Sir Alexander Muddiman: (a) The recommendations made by the Indian Mercantile Marine Committee are still under consideration.

(b) The Honourable Member is referred to the answer given to Khan Bahadur Sarfaraz Hussain Khan's question No. 1267 on the 5th June 1924, and to the answer to his own question No. 1715 on the 3rd September 1924. The replies of one Local Government and other authorities consulted by it are still awaited, but every effort is being made to expedite them, and their replies are expected shortly. It is hoped that the Bill to give effect to certain of the proposals involving legislation in India will be introduced during the current session. Some of the High Courts have already issued rules to give effect to some of the recommendations of the Committee.

(c) The many and complex questions raised in this report are still under the consideration of Government.

(d) This part of the question could not be answered without disclosing the contents of the Report of the Military Requirements Committee, and my Honourable friend was informed, in reply to his question No. 38 asked on the 2nd July 1923, and in reply to his question No. 168 of the 5th February 1924, that, in the public interest, this could not be done. My Honourable friend, however, was also informed, in reply to his question of the 2nd July 1923, that the recommendations of Lord Inchcape's Retrenchment Committee, which, financially, have now been carried out, involved larger economies in military expenditure than the Military Requirements Committee had anticipated would be possible.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable the Leader of the House in regard to (c) whether he would afford facilities for ascertaining the opinion of this House in regard to various recommendations made by the Committee on the North-West Frontier Province?

The Honourable Sir Alexander Muddiman: I do not think it will be of any advantage if I were to do so because the Government have not made up their mind in this matter. I have said that the report is still under the consideration of the Government.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether it is the policy of the Government to come to decision beforehand, and then ascertain the opinion of this House in regard to these various matters?

The Honourable Sir Alexander Muddiman: Not at all; but it is obvious that the Government speaker must be provided with some case to put forward. It is not possible for him to come into this Assembly and not put forward a case of some kind. When a matter is under consideration that is not possible.

Diwan Bahadur M. Ramachandra Rao: May I know whether it is their intention to come to provisional conclusions before there is a discussion here of this, and to alter their decisions in the light of discussion in this House?

The Honourable Sir Alexander Muddiman: That would be the view I should think would be the correct one in cases of this kind.

397. (Answered on the 26th January, 1925.)

PROGRESS MADE WITH REGARD TO THE ASSEMBLY CHAMBER AND THE
SECRETARIAT BUILDING IN NEW DELHI.

398. ***Sir Hari Singh Gour:** (a) With reference to the Honourable Mr. Chatterjee's reply to question No. 185, dated 5th February, 1924, will Government be pleased to state if the progress made with the construction of the Assembly Chamber and the Secretariat building still justifies the anticipation then made that the Secretariat would shift into its permanent quarters from November next?

(b) When is the Assembly likely to meet in the new building?

The Honourable Sir Bhupendra Nath Mitra: I would invite the Honourable Member's attention to the reply given by me on the 26th January 1925, to starred question No. 203, asked by Khan Bahadur Sarfaraz Hussain Khan.

GOVERNMENT BUILDINGS AT RAISINA.

399. ***Sir Hari Singh Gour:** (a) Will the Government be pleased to state the recurring cost of whitewashing the Government buildings at Raisina?

(b) Will it please state why these buildings were coated with an outer plaster?

(c) Why have they been not provided with porticos for motor cars and carriages?

(d) Have any complaints been received that they are unduly cold in winter, unduly hot in summer, unduly wet in the rains, and unduly uncomfortable all the year round?

The Honourable Sir Bhupendra Nath Mitra: (a) The accounts are not kept in a form which gives the information asked for. Government do not consider that any useful purpose would be served by their undertaking the trouble and expense of collecting the information from the measurements and bills.

(b) Because plastered brickwork is cooler than unplastered brickwork.

(c) A few have porches; the majority were not provided with porches first because the number of wet days in the year in Delhi is not large and secondly to keep down costs.

(d) The answer is in the negative.

MOVEMENTS OF TROOPS IN 1924.

400. ***Sir P. S. Sivaswamy Aiyer:** Will the Government be pleased to furnish (1) a statement showing in tabular form the movements of troops of all arms in British India during the calendar year 1924, (2) the places from and to which they were moved, (3) the purposes for which they were so moved; and (4) the amount of the transportation charges involved in each move?

Mr. E. Burdon: (a) and (b). I lay on the table a statement giving the information specified by the Honourable Member but for the trooping year 1924-25 instead of the calendar year 1924. This is the more appropriate and convenient method of exhibiting the statistics.

(c) There is an annual programme of relief within India determined mainly by the following considerations:

- (1) The necessity of moving units after serving a certain prescribed period in stations which are unhealthy or are reckoned as "bad" stations for other reasons which specially affect the troops.
- (2) The necessity of affording to as many units as possible an opportunity of gaining experience on the frontier.
- (3) Certain moves are dictated by the exigencies of the programme of home and overseas reliefs.

Each move in the chain of reliefs is therefore connected directly or remotely with every other move; and I hope this general explanation will suffice for the Honourable Member's purposes. The reason for each individual move could not be given separately except at very great length.

(d) The actual cost of each move cannot be given unless a laborious examination of accounts is made in many Accounts offices, and this would not in the opinion of Government be justifiable unless the Honourable Member has some special object in view which is not at present apparent. I may mention however that the total estimated cost of reliefs in 1924-25 is Rs. 11 lakhs approximately and that the expenditure on transportation of troops has been greatly reduced in recent years since the post-war reconstruction of the Army in India has been completed, surplus units have been disbanded, the intensity of operations in Waziristan has diminished and it has consequently been made possible to revert to the normal peace system of reliefs.

Reliefs—British Cavalry, 1924-25.

Unit.	From	To
Royal Scots Greys	Risalpur	Meerut.
11th Hussars	Meerut	Risalpur.

Reliefs—British Infantry, 1924-25.

1st Battalion, the Gordon Highlanders	Bombay (from Malta)	Secunderabad.
” ” ” Hampshire Regiment	Bombay (from Egypt)	Jubbulpore.
2nd Battalion, the Highland Light Infantry.	” ”	Bangalore.
1st ” ” Royal Scots	Secunderabad	Bombay (for Aden).
2nd Battalion, the Bedfordshire and Hertfordshire Regiment.	Kamptee	Bombay (for Iraq).
1st Battalion, the Green Howards	Madras	Bombay (for Egypt).
2nd Battalion, the Yorkshire and Lancashire Regiment.	Karachi	Jullundur.
2nd Battalion, the King's Own Royal Regiment.	Rangoon	Rawalpindi.
2nd Battalion, the Lancashire Fusiliers	Landi Kotal	Madras
1st Battalion, the Royal Berkshire Regiment.	Razmak	Lahore.
1st Battalion, the Royal Fusiliers	Jullundur	Landi Kotal.
2nd Battalion, the Oxfordshire and Buckinghamshire Light Infantry.	Rawalpindi	Razmak.
2nd Battalion, the Northamptonshire Regiment.	Lahore	Karachi.
2nd Battalion, the Manchester Regiment	Jubbulpore	Rangoon.
” ” ” Wiltshire Regiment	Bangalore	Kamptee.

Reliefs—Royal Artillery, 1924-25.

20th Field Brigade, Royal Artillery	Bangalore	Bombay (for United Kingdom).
12th ” ” ” ”	Bombay (from United Kingdom).	Bangalore.
23rd ” ” ” ”	Mhow	{ Nowshera. Peshawar.
27th ” ” ” ”	{ Nowshera Peshawar	{ Mhow.
22nd ” ” ” ”	{ Jhansi Nowgong Nasirabad	{ Rawalpindi. Campbellpore.
24th ” ” ” ”	{ Rawalpindi Campbellpore	{ Jhansi. Nowgong. Nasirabad.

Reliefs—Royal Artillery, 1924-25—contd.

Unit.	From	To
22nd Indian Pack Brigade, Royal Artillery.	Peshawar . . .	Kohat.
	Nowshera . . .	Rawalpindi.
	Landi Kotal . . .	Quetta.
24th " " " " "	Landi Kotal . . .	Thal (Kurram).
	Kohat . . .	Peshawar.
	Rawalpindi . . .	Nowshera.
	Quetta . . .	Landi Kotal.
111th (Dehra Dun) Pack Battery, Royal Artillery.	Thal (Kurram) . . .	
114th (Rajputana) Pack Battery, Royal Artillery.	Maymyo . . .	Dehra Dun.
	Dehra Dun . . .	Maymyo.

Reliefs—Royal Tank Corps, 1924-25.

6th (Armoured Car) Company, Royal Tank Corps.	Bareilly . . .	Bannu.
9th (Armoured Car) Company, Royal Tank Corps.	Bannu . . .	Bareilly.
11th (Armoured Car) Company, Royal Tank Corps.	Kirkee . . .	Lahore.
8th (Armoured Car) Company, Royal Tank Corps.	Lahore . . .	Kirkee.
1st (Armoured Car) Company, Royal Tank Corps.	United Kingdom . . .	Quetta.
2nd (Armoured Car) Company, Royal Tank Corps.	United Kingdom . . .	Secunderabad.

Reliefs—Indian Cavalry, 1924-25.

7th Light Cavalry	Dera Ismail Khan . . .	Secunderabad.
9th Royal Deccan Horse	Secunderabad . . .	Dera Ismail Khan.
18th King Edward's Own Cavalry	Risalpur . . .	Quetta.
19th King George's Own Lancers	Delhi . . .	Loralai.
20th Lancers	Loralai . . .	Delhi.
21st King George's Own Central India Horse.	Quetta . . .	Risalpur.

Reliefs—Indian Infantry, 1924-25

Unit.	From	To
2-1st Punjab Regiment	Waziristan	Kohat and outposts.
5-2nd „ „	Rawalpindi	Hong-Kong.
2-4th King Edward's Own Bombay Grenadiers.	Hong-Kong	Cannanore.
1-5th Mahratta Light Infantry	Secunderabad	Santa Cruz.
4-5th „ „ „	Lahore	Waziristan.
4-6th Outram's Rajputana Rifles	Waziristan	Jubbulpore.
2-8th Punjab Regiment	Waziristan	Baluchistan and outposts.
4-8th Prince of Wales' Own Punjab Regiment.	Alipore	Waziristan.
3-9th Jat Regiment	Waziristan	Rawalpindi.
Kumaon Rifles	Bareilly	Chitral.
3-10th Queen Mary's Own Baluch Regiment	Baluchistan and outposts	Lahore.
1-11th King George's Own Sikh Regiment (Ferozepore Sikhs).	Santa Cruz	Mhow.
2-11th Sikh Regiment (Ludhiana Sikhs)	Mhow	Waziristan.
3-11th Sikh Regiment (Rattray's Sikhs)	Cannanore	„
3-12th Frontier Force Regiment	Kohat and outposts	Baluchistan and outposts.
5-13th Frontier Force Rifles	Abbottabad	Kohat and outposts.
6th Royal Battalion, 13th Frontier Force Rifles (Scinde).	Iraq	Delhi.
2-14th Duke of Connaught's Own Punjab Regiment.	Baluchistan and outposts	Ferozepore.
4-14th Punjab Regiment	Chitral	Peshawar and outposts.
1-16th „ „	Rawalpindi	Persian Gulf and Quetta.
2-16th „ „	Peshawar and outposts	Iraq.
4-16th „ „	Jubbulpore	Waziristan.
2-17th Dogra „	Ferozepore	„
3-17th „ „	Delhi	Alipore.
1-19th Hyderabad Regiment	Waziristan	Rawalpindi.
3-19th „ „	Persian Gulf and Quetta	Secunderabad.
1-3rd Queen Alexandra's Own Gurkha Rifles	Waziristan	Almora.
1-5th Royal Gurkha Rifles	Kohat and outposts	Abbottabad.
2-5th „ „ „	Abbottabad	Malakand.
1-6th Gurkha Rifles	Malakand	Abbottabad.

Reliefs—Indian Pioneers, 1924-25.

Unit.	From	To
1-1st Madras Pioneers (King George's Own);	Waziristan	Bangalore.
2-1st Madras Pioneers	Bangalore	Mandalay.
1-2nd Bombay "	Iraq	Kirkee.
3-2nd " "	Mandalay	Waziristan.
4-2nd " "	Kirkee	Iraq.

Sapper and Miner Reliefs, 1924-25.

No. 9 Field Company	Bangalore	Waziristan.
No. 12 " "	Waziristan	Bangalore.
No. 2 " "	Roorkee	Rawalpindi.
No. 5 " "	Rawalpindi	Roorkee.
No. 6 " "	Roorkee	Peshawar.
No. 3 " "	Peshawar	Roorkee.
No. 18 " "	Kirkee	Quetta.
No. 22 " "	Quetta	Kirkee.
No. 26 Railway Company	Waziristan	Kirkee.
No. 41 Divisional Headquarters Company	Roorkee	Rawalpindi.

Indian Signal Units, Reliefs, 1924-25.

"E" Divisional Signals	Peshawar	Meerut.
"A" " " " "	Meerut	Peshawar.
"G" " " " "	Kohat	Jubbulpore.
"F" " " " "	Jubbulpore	Kohat.
"A" Cavalry Brigade Signal Troop	Risalpur	Meerut.
"B" " " " "	Meerut	Sialkot.
"C" " " " "	Sialkot	Risalpur.

CHARGES AGAINST MR. SUBHAS CHANDRA BOSE.

401. *Mr. B. Venkatapatiraju: (a) Will the Government be pleased to state whether the statement made by Mr. John Scurr, M. P., in the House of Commons that the only charge against the Chief Executive Officer of the Calcutta Corporation was that he had attended a meeting at which there was talk of criminal conspiracy and Mr. C. R. Das also attended that meeting, is correct?

(b) If not, will the Government be pleased to publish the real facts?

(c) Will the Government be pleased to state whether Earl Winterton has been informed of the real circumstances and if so the reason for not contradicting Mr. John Scurr in his otherwise elaborate reply?

The Honourable Sir Alexander Muddiman: (a) The statement is incorrect.

(b) and (c). The Secretary of State has been informed of the circumstances, and I am not prepared at this stage to make any further statement in the matter.

BRITISH PORTLAND CEMENT FOR THE SOUTH INDIAN RAILWAY.

402. ***Sir Purshotamdas Thakurdas:** (a) With reference to question No. 1695 (starred) replied to in the Assembly on 10th September 1924 regarding tender for the supply of British Portland cement for the South Indian Railway Company, will Government be pleased to state the result of the negotiations between the Government of India (Railway Board) and the South Indian Railway Company in continuation of the Honourable the Commerce Member's official reply to me, namely: "I have already told the Honourable Member, through Mr. Parsons, that we are taking up this question with the South Indian Railway"?

(b) Have the Government of India seen a statement made by the Chief Engineer, New Delhi Works, stating that Indian cement is better in quality than imported cement?

Mr. G. G. Sim: (a) The Agent, South Indian Railway, after discussion of the matter with the Railway Board on the 10th October 1924, agreed that future tenders should not specify "British" cement but should be left open so as to give Indian manufacturers an opportunity of tendering.

(b) Yes.

PILGRIM TRAFFIC ON THE BARSII LIGHT RAILWAY.

403. ***Sir Purshotamdas Thakurdas:** (a) With reference to my starred question No. 1696 replied to by Government on 10th September last regarding Pilgrim Traffic on the Barsii Light Railway, will Government be pleased to state the result of the communication with the Agent of the Barsii Light Railway referred to by the Honourable the Commerce Member in the course of supplementary replies to questions on that occasion?

(b) Do the Government of India expect the Barsii Light Railway to take any substantial action in the direction of remedying the grievance of transport of third class passengers in goods trucks? If so, when?

Mr. G. G. Sim: (a) and (b). The matter is still under the consideration of the Agent and his Board of Directors and Government are not yet in a position to make a definite statement.

Sir Purshotamdas Thakurdas: When do Government expect that a definite statement would be feasible?

Mr. G. G. Sim: It is hoped to make a definite statement in about two months.

BORROWINGS IN INDIA UNDER THE TRADE FACILITIES ACT.

404. *Mr. K. C. Neogy: Will Government be pleased to state:

- (a) how much money has been borrowed under the Trade Facilities Act for public and private enterprise in India, respectively?
- (b) how much of this money has been spent in India and how much in the United Kingdom?
- (c) were tenders called for any of the projects, for which loans were taken under this scheme?
- (d) what were the tenders in each case?
- (e) what was the difference between the lowest tender and the tender from the United Kingdom and at what rate was the United Kingdom tender converted into rupees in all cases?

The Honourable Sir Charles Innes: No money has been borrowed under the Trade Facilities Acts for State enterprises in India. As regards private enterprise, the Government are aware that use was made of the Act of 1921 by a Hydro-Electric Company in Bombay, but this is the extent of their knowledge.

BORROWINGS IN LONDON UNDER THE TRADE FACILITIES ACT.

405. *Mr. K. C. Neogy: Will Government be pleased to state:

- (a) How much money has India sacrificed by paying higher prices for equipment in Britain from the time of, and including, the seven per cent. sterling loan as compared with the lowest quotations,
- (b) What is the saving in interest in connection with these loans by borrowing in London, which can be set off against these loans,
- (c) Do Government propose to have further loans for public works and bodies under the Trade Facilities Act, or, do they propose in view of the indirect losses to go to the open market?

The Honourable Sir Basil Blackett: I am afraid that neither parts (a) and (b) of the question are intelligible to me. As regards part (c), the Government of India have no present intention of borrowing in London in the immediate future either under the Trade Facilities Act or otherwise.

EXPANSION OF REVENUES SINCE 1914.

406. *Mr. K. C. Neogy: Will Government be pleased to state:

- (a) what new and increased taxes have been levied in the Central Government and in each of the Provincial Governments since 1914?
- (b) what is the yield of the enhanced duty in each year since that date?
- (c) what is the total amount of increase in the land revenue in each of the provinces during the same period?
- (d) what has been the percentage of increase in railway rates and fares and the gross new yield during each of these years?

The Honourable Sir Basil Blackett: The full information desired regarding taxation imposed by Provincial Governments is not available nor is it possible to calculate accurately the yield from the enhancement of duties. Three statements giving the remaining information are placed on the table.

Statement showing the more important items of new taxation imposed by the Government of India and other measures adopted by them to expand revenues since 1914.

Year.	Details.
1916-17	<p>(1) Import and excise duty on salt raised from Re. 1 to Rs. 1½ a maund.</p> <p>(2) General revision of import tariff, main changes being as follows:— General <i>ad valorem</i> rate raised from 5 to 7½ per cent. except in case of cotton manufactures. Duty on ale, beer, etc., raised by 50 per cent. to 4½ annas a gallon; on spirits and liqueurs by 20 per cent. (<i>i. e.</i>) to Rs. 11½ a proof gallon for portable spirits and all spirits tested, and by 50 per cent. (<i>i. e.</i>) to 7½ per cent. <i>ad valorem</i> for denatured spirits with special rates for liqueurs, cordials and toilet preparations untested and perfumed spirits; and on wines by 16½ per cent. (<i>i. e.</i>) to Rs. 1½ per gallon for still wines and Rs. 4½ per gallon for other classes. Quantitative rate of duty on cigars and cigarettes replaced by <i>ad valorem</i> rate of 50 per cent. and rate on manufactured tobacco, other sorts raised from Rs. 1½ to 1 per lb. Duty on arms and ammunition doubled (<i>i. e.</i>) raised to 20 per cent. <i>ad valorem</i>. Duty on sugar doubled (<i>i. e.</i>) raised to 10 per cent. <i>ad valorem</i>. Duty on iron and steel raised from 1 to 2½ per cent. <i>ad valorem</i> and various articles which were previously free, <i>e. g.</i>, machinery other than cotton spinning and weaving machinery and railway material taxed at latter rate and certain other articles at 7½ per cent. Coal, coke and fuel taxed at 8 annas per ton.</p> <p>(3) Imposition of an export duty on tea at Rs. 1½ per 100 lbs. and on jute at Rs. 2½ per bale of 400 lbs. in case of raw jute with special rates for cuttings and rejections, and in case of jute manufactures at Rs. 10 per ton for sacking and Rs. 16 per ton for hessians.</p> <p>(4) Income tax on incomes of Rs. 5,000 and above raised from a uniform rate of 5 pies to 6, 9 and 12 pies per rupee.</p>
1917-18	<p>(5) Imposition of a super-tax on incomes exceeding Rs. 50,000 a year at rates rising from 1 anna to 3 annas per rupee.</p> <p>(6) Export tax on jute doubled.</p> <p>(7) Import duty on cotton manufactures raised from 3½ to 7½ per cent. <i>ad valorem</i>.</p> <p>(8) Imposition of surcharge on railway goods traffic at 1 pie per maund on coal, coke and firewood and 2 pies per maund on other articles.</p>
1919-20	<p>(9) Imposition of an excise duty on motor spirit at 6 annas per gallon.</p> <p>(10) Imposition of an excess profits duty for one year.</p> <p>(11) Imposition of an export duty on hides and skins at 15 per cent. <i>ad valorem</i> subject to a rebate of ¼rds of the duty in the case of exports to other countries in the British Empire. (This duty was reduced to 5 per cent. in 1923-24 and the system of rebates abolished.)</p> <p>(12) Postage and telegraph rates raised as follows:— Enhancement of foreign postage rates for letters from 1 anna to 1½ annas, for a letter not exceeding one ounce in weight, the rate for every additional ounce or part thereof, remaining unaltered at 1 anna. Inland postage rate for letters fixed at one anna for a letter exceeding one tola but not exceeding two and a half tolas in weight and one anna for every additional two and a half tolas or part thereof. Telegraph rates raised to one anna a word with a minimum of twelve annas for ordinary telegrams and two annas a word with a minimum of Rs. -8-0 for express telegrams. Parcel rates altered to two annas up to 20 tolas, three annas up to 40 tolas and three annas for every additional 40 tolas up to 440 tolas.</p>
1920-21	<p>(13) Substitution of a coporation or Companies' tax at flat rate of one anna in the rupee on total income of each company in excess of Rs. 50,000 a year for super-tax previously in force.</p>

Statement showing the more important items of new taxation imposed by the Government of India and other measures adopted by them to expand revenue since 1914—contd.

Year.	Details.
1921-22	<p>(14) Import duties raised as follows :— General <i>ad valorem</i> rate raised from 7½ to 11 per cent. except in case of matches and certain articles of luxury. Specific import duty of 12 annas per gross boxes levied on matches in place of 7½ per cent. <i>ad valorem</i>. Duty on sugar raised to 15 per cent. and on certain articles of luxury to 20 per cent. <i>ad valorem</i>. Duty on ale, beer, etc., raised to 6½ annas per gallon, on spirits, liqueurs to Rs. 18½ per proof gallon with special rates for liqueurs untested and perfumed spirits: and on wines to Rs. 9 a gallon for sparkling wines and Rs. 4½ for other wines. Duty on tobacco other than unmanufactured tobacco raised by 50 per cent.</p> <p>(15) Surcharge on railway goods traffic raised to 2½ annas per rupee of net freight payable on all goods except foodgrains, pulses, firewood and fodder. (This was discontinued in 1922-23 when railway rates were enhanced.)</p> <p>(16) Postage rates raised as follows :— Rates for book, pattern and sample packets raised from ¼ anna for every 10 tolas to ¼ anna for every 5 tolas. Rates on money order commission raised to rates in force up to April 1902. Rates for registered newspapers raised from ¼ anna for newspapers not exceeding 8 tolas and ½ anna for papers not exceeding 40 tolas to ½ anna up to 8 tolas and ¾ anna up to 20 tolas. Rates for letter postage altered to ½ anna up to ½ tola, 9 pies up to 1 tola, 1 anna up to 2½ tolas and 1 anna for every additional 2½ tolas.</p> <p>(17) Rates of super-tax and income-tax on higher incomes revised so as to work to a maximum of 4 annas in the rupee in the case of super-tax and 16 pies per rupee in the case of income-tax.</p>
1922-23	<p>(18) Increase in railway passenger fares by 25 per cent. approximately.</p> <p>(19) Revision of postal rates, <i>viz.</i>, raising to ½ anna of ¼ anna postcard. Abolition of ¼ anna and 9 pies postage for letter, rates in future to be one anna up to 2½ tolas and one anna for every additional 2½ tolas.</p> <p>(20) Revision of import tariff as follows :— General <i>ad valorem</i> tariff raised from 11 to 15 per cent. Import duty on iron and steel and railway material raised from 2½ to 10 per cent. on foreign sugar from 15 to 25 per cent., on articles of luxury from 20 to 30 per cent. and on liquors by 20 per cent. Import duty on matches doubled (<i>i.e.</i>), raised to Rs. 1-8-0 per gross boxes. Import duty levied on yarn at 5 per cent., <i>ad valorem</i>. Imposition of excise duty of one anna per gallon on kerosene produced in India with corresponding increase in import duty.</p> <p>(21) Rates of super-tax and income-tax on higher incomes revised so as to work to maximum of 6 annas per rupee in case of former and 18 pies per rupee in case of latter.</p>
1923-24	<p>(22) Raising of the Salt tax from Rs. 1-4-0 to Rs. 2-8-0 per maund. (This has, however, been reduced to Rs. 1-4-0 in 1924-25.)</p> <p>(23) Raising of the duty on saccharine and withdrawals of concessional rates in respect of tea chests.</p>
1924-25	<p>(24) Imposition of specific duties on certain materials for match manufacture, <i>viz.</i>, 4½ annas per pound on undipped splints and 6 annas per pound on veneers.</p> <p>(25) Levy of protective import duties on certain iron and steel articles—<i>vide</i> Steel Industry (Protection) Act (XIV) of 1924.</p>

Statement showing rates and fares of passenger and goods traffic and the earnings therefrom of all Indian Railways during the years 1913-14 to 1923-24.

Item.	Y E A R .											Percentage of increase in 1923-24 over 1913-14.
	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	1920-21.	1921-22.	1922-23.	1923-24.	
Average rate charged per passenger per mile (in pies)—												
1st Class . Pies.	14'48	12'79	13'68	13'32	16'58	15'29	16'04	16'72	20'25	23'74	24'33	68'02
2nd " . "	6'60	6'23	5'50	5'07	6'76	7'15	7'59	7'84	8'18	11'75	11'73	77'73
Inter " . "	3'14	3'16	3'16	3'14	4'02	4'17	4'21	4'36	4'45	5'33	5'42	72'61
3rd " . "	2'29	2'20	2'20	2'32	2'78	2'86	2'84	2'92	3'04	3'52	3'53	54'15
Total* . "	2'45	2'44	2'44	2'48	2'90	3'08	3'00	3'18	3'33	3'78	3'75	53'00
Earnings from passengers carried (in thousands of rupees)—												
1st Class . Rs.	68,04	50,78	58,76	72,26	95,25	1,11,69	1,28,80	1,30,48	1,38,47	1,39,72	1,29,80	88,28
2nd " . "	88,70	80,80	1,01,41	1,30,01	1,43,30	1,72,66	2,17,04	2,26,40	2,20,63	2,11,77	1,95,99	1,20,96
Inter " . "	1,03,48	1,03,31	1,12,82	1,22,41	1,15,73	1,42,88	1,69,68	1,91,19	1,77,80	1,88,30	1,37,88	33,24
3rd " . "	18,37,03	17,62,96	18,04,85	19,61,59	21,44,51	24,42,81	27,68,91	28,91,25	28,41,83	32,20,85	32,01,78	70,19
Total* . "	21,17,51	20,35,29	20,98,57	23,08,19	25,23,15	28,07,78	33,16,29	34,76,65	34,20,31	37,50,22	38,07,15	79,70
Average rate charged for carrying a ton of goods one mile. Pies.	4'64	4'43	4'34	4'01	4'09	4'26	4'43	4'62	5'36	6'05	6'13	32'11
Earnings from goods carried (in thousands of rupees) Rs.	37,77,40	35,09,18	38,75,79	41,43,00	44,49,54	49,13,80	47,11,60	47,06,84	49,52,32	58,02,32	60,28,94	59,40

* Includes season and vendors' tickets not included in details.

Statement showing the Land Revenue (less refunds) collected in each Province in 1913-14 and 1923-24.

Province.	(In lakhs of Rupees.)	
	1913-14.	1923-24.
Madras	5,71	5,87
Bombay	5,57	5,09
Bengal	2,80	3,13
United Provinces	5,90	6,93
Punjab	2,69	2,64
Burma	4,62	4,74
Bihar and Orissa	1,64	1,66
Central Provinces	1,87	2,38
Assam	79	1,03

DERAILMENTS ON THE KURIGRAM-TEESTA LINE.

407. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Forward* of the 24th December, 1924, page 11, under the heading "Kurigram-Teesta Line" "Derailment—A Daily Occurrence"?

(b) If so, will the Government please state if the statement made therein with regard to "derailment" is correct?

(c) If so, do they propose to draw the attention of the authorities to the seriousness of the situation and do the needful?

Mr. G. G. Sim: (a) Government have seen the paragraph referred to.

(b) The statement is not correct.

(c) Does not arise.

KOHAT REFUGEES AT RAWALPINDI.

408. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph "A Rawalpindi message states that eight Hindus have been arrested by the Kohat police from among the Kohat refugees at Rawalpindi", published in the issue of the *Statesman* of the 25th December, 1924, page 8, under the heading "Kohat Hindus"?

(b) If so, will Government please state why and under what circumstances these persons were arrested?

Mr. Denys Bray: (a) Yes.

(b) In the ordinary course of judicial procedure which had been temporarily suspended in the hope of facilitating a reconciliation.

TENDERS FOR SERVICEABLE AND SCRAP PERMANENT WAY MATERIALS AT ENGINEERING DEPÔTS ON THE NORTH WESTERN RAILWAY.

409. *Lala Duni Chand: (1) Is it a fact that the Government invited tenders for the purchase of items of serviceable and scrap permanent way material available at engineering depôts on the North Western Railway, Bangalore, for the 28th January, 1924?

(2) Is it a fact that the following items thereof were accepted in the name of the firms noted against them instead of those noted in the next column whereby the Government suffered about Rs. 35,000 loss in revenue. Will Government please state the reasons for this?

Item No.	Description.	Name of firm in whose name tenders were accepted and the rate.	Rate offered by the other firms and the name.
2	Rails, steel serviceable, 157 tons.	Messrs. Moti Lal Raghbar Dial, Agra at Rs. 65.	Messrs. Sham Lal Bedi Chand, Agra at Rs. 82-8-0.
6	Cut rails steel 2,400 tons	L. Chanan Mal, Lahore at Rs. 30.	Punjab Metal Marts, Sialkote at Rs. 41-5-3.
7	Steel Sleepers 91 tons	Messrs. Dhanna Mall Harcharan Dass and Ram Ditta Mall, Lahore at Rs. 30-3.	Messrs. Sham Lal Bedi Chand, Agra at Rs. 32-8-0.

(3) Is it a fact that the Government invited tenders for the scrap, metal, etc., in September, 1924?

(4) Is it a fact that the tenders by Messrs. Piyare Lal Mithan Lal, Agra and Ragho Ram Tulsi Ram at Rs. 55 per ton and Rs. 38-7 per ton respectively for 3,200 tons steel sleepers were received?

(5) Is it a fact that the Controller of Stores, North-Western Railway, accepted a tender for the above item at Rs. 38-7 instead of Rs. 55 whereby the Government suffered about Rs. 54,000 loss in revenue. Will Government please state the reason for this?

Mr. G. G. Sim: The tenders referred to by the Honourable Member were considered personally by the Agent in consultation with other heads of departments and those which were regarded as most favourable to the railway were accepted. In some cases the highest tenders were not accepted because of unsuitable conditions in regard to delivery, payment and the like.

AMOUNT DRAWN BY THE PUNJAB ALLIANCE AUCTION ROOMS TO THE NORTH-WESTERN RAILWAY.

410. ***Lala Duni Chand:** Is it a fact one Mr. Butt was appointed auctioneer to auction miscellaneous stores of the North Western Railway, Lahore, by the Controller of Stores and auctioned goods worth nearly 5½ lakhs? Is it a fact that he has paid to the Railway part of the money and a sum of nearly 52,000 has been due from him since last year? Why was delivery of goods made without realizing the dues of the Railway? What steps, if any, have been taken to recover the money so far? Has this firm any amount in deposit with the Government? If so, please state the amount?

Mr. G. G. Sim: The question apparently refers to a contract, entered into by the North-Western Railway, with the Punjab Alliance Auction Rooms to conduct auction sales, in January, 1923. The reference to a Mr. Butt is not understood as no such appointment has been made.

The total value of the stores sold under the contract was approximately Rs. 5½ lakhs, out of which a sum of approximately Rs. 52,000 is still due from the auctioneers. Delivery of the auctioned material was made on the authority of the auctioneers who were responsible for payments to the railway.

The case has been referred to the Legal Remembrancer to the Punjab Government, for necessary action, with a view to the amount still due to the Railway being recovered by the institution of a suit in the civil courts. The firm furnished a deposit of Rs. 5,000 which has been forfeited.

TENDERS FOR STORES FOR THE ARMY REMOUNT DEPÔTS AT SARGODHA AND MONA.

411. ***Lala Duni Chand:** (a) With reference to the reply to the starred question No. 1776 on 11th September, 1924, to the effect that "the practice is to accept the most favourable tender received from a tenderer who is considered reliable and suitable in all respects and that a factor always taken into account is whether the tenderer possesses a knowledge and experience of the work of the supplies required and is punctual and efficient in the discharge of contract", will the Government be pleased to state if the rule of conduct laid down above, has been departed from in many cases?

(b) If the reply to (a) be in the negative, is it not a fact that in the year 1921-22 at Sargodha the contract of petty stores was given to a new and inexperienced man at higher rates against the lower rates tendered by Messrs. Ram Chand Kidar Nath?

(c) Is it also not a fact that Messrs. Ram Chand Kidar Nath had been given contracts for several years previously and were invariably found "suitable, reliable and punctual"?

(d) If the reply to (b) and (c) be in the affirmative, do the Government intend to take any action against the officers concerned for the breach of the above rule of conduct laid down by the Government?

2. (a) Is it a fact that a list of approved contractors for supply of petty stores at the depôts of Sargodha and Mona is kept and if so, how does the question of a suitable and reliable contractor arise?

(b) Do the Government in future propose to direct that the contracts be given to the tenderer of the lowest rates?

Mr. E. Burdon: Government are making inquiries in the matter. I will inform the Honourable Member of the result in due course.

CASES INSTITUTED UNDER THE INDIAN INCOME-TAX ACT.

412. ***Dr. K. G. Lohokare:** Will Government be pleased to give:

(a) A statement of penal cases and the amount of fine recoveries in each under sections 25, 28 and 46 (1) of the Income-tax Act in the year ending 31st March 1924 in each Province?

(b) The number of cases prosecuted and cases compounded under Chapter VIII of the Income-tax Act and the penalty in each case in each Province in the above year?

(c) The number of cases where there was a reference to the High Courts and the final decision in each case in the same year?

- (d) The number of appeals to the Assistant Commissioners and Commissioners and number decided against the appellant in each Province in the same year?

The Honourable Sir Basil Blackett: (a) The information relating to cases under section 46 (1) is given in Return VII of the All-India Income-tax Returns for 1923-24, which are being printed and which will be published shortly.

As regards penalties levied under sections 25 and 26, the information will be obtained and furnished to the Honourable Member.

(b) The number of prosecutions is given in Return VII above referred to. The other information will be obtained and furnished in due course.

(c) and (d). The information is available in Return VII referred to above.

AMENDMENT OF THE INDIAN INCOME-TAX ACT.

413. ***Dr. K. G. Lohokare:** Will Government be pleased to say if they have under consideration any amendment of the Income-tax Act, so as to give facilities of appeals to judicial courts in cases of alleged wrong assessment and inflictions of penalties.

The Honourable Sir Basil Blackett: No.

THE MILITARY SUB-ASSISTANT SURGEONS ASSOCIATION.

414. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

- (i) If they have issued orders to disorganise the Military Sub-Assistant Surgeons Association and if so what considerations led them to take this step.
- (ii) If it is a fact that this was the only source to make their grievances heard, and other departments under the Government of India are allowed to have their Service Associations.
- (iii) If they know that the discontent among the members of the class on account of comparative disadvantages the class is put to while in service, is growing every day. If so what steps do they propose to take to remove the grievances. If not will they inquire before finally issuing orders to stop the Association working.
- (iv) Are they prepared to let the Association do its work, under certain conditions of recognition?

Mr. E. Burdon: (i) Orders have been issued by the Adjutant General in India forbidding persons subject to military law to belong to the Association, the reason for these orders being that under military regulations officers and soldiers are not permitted to participate in Associations of this kind.

(ii) No. Sub-Assistant Surgeons can, if they so desire, represent their grievances to the Government of India through the prescribed official channel. Government servants under other Departments of the Government of India are in a different position, as they are not governed by military regulations.

(iii) Government are not prepared to admit that discontent is prevailing among the members of this class in the degree and for the reasons suggested. If it were, any real grievance could be removed by an application through the proper official channel.

(iv) For the reason given in (i) above, Government are unable to modify the orders issued by the Adjutant General.

Dr. K. G. Lohokare: Is there any Association of I. M. S. officers?

Mr. E. Burdon: Not that I am aware of.

Dr. K. G. Lohokare: Have the Government of India not received applications from the Military Sub-Assistant Surgeons during the last two years regarding their grievances?

Mr. E. Burdon: Yes, I think they have.

INCOME-TAX OFFICERS.

415. **Dr. K. G. Lohokare:** Will Government please state:

- (a) how many Income-Tax Officers have been appointed in each of the Provinces during the years 1922, 1923, and 1924?
- (b) what is the salary given to these officers in each of the Provinces?
- (c) if there are any qualification tests or educational standing required for appointments to these posts of Income-tax Officers before appointments by selection so as to avoid favouritism, displacing persons of capability and qualifications in this so-called process of selections?
- (d) if there is any departmental test required to be passed by a person regarding knowledge of the technical accounts and the law necessary to perform the duties of an Income-tax Officer before persons are confirmed in appointment?
- (e) the number of appointments made in the Income-tax departments during the last three years of Commissioners, Assistant Commissioners, Income-tax Officers with their qualifications, age, length of former service in other Departments and the last pay drawn before the appointments?
- (f) if it is a fact that posts carrying salaries equal to the Income-tax Officers' posts require in the Revenue, Judicial, Finance and other Executive Departments, a test of proper qualification before selection to these appointments?
- (g) if they will please inquire if the present incumbents in the Income-tax Department are sufficiently qualified to hold such appointments?

The Honourable Sir Basil Blackett: Clauses (a) and (e). The information is not readily available and the Government do not consider that any useful purpose would be served by collecting it as it will involve very considerable labour.

(b) A statement showing the scales of pay sanctioned for Income-tax Officers in the various Provinces is placed on the table.

(c) Income-tax Officers are appointed by Commissioners of Income-tax subject to the approval of the Local Governments. The Government of India have no reason to suppose that the Commissioners of Income-tax have not selected the best available candidates.

(d) Yes.

(f) The Government do not think that any useful purpose would be served by detailing the qualifications prescribed for candidates for the various Government Departments. The Honourable Member is mistaken if I am to take it that he believes that there is no test of proper qualifications in the Income-tax Department.

(g) The Government of India have no reason for doubting that the present incumbents are sufficiently qualified.

Province.	Scale. Rs.
Madras	300—47—500—50—900
Bombay	300—50—2—900
Bengal	300—50—2—900
United Provinces	350—30—800—25—900
Punjab	300—40—850
Burma	350—25—750—50—950
Bihar and Orissa	350—50—2—900
Central Provinces	300—25—550—30—700—40—900

Dr. K. G. Lohokare: Is there any test then?

The Honourable Sir Basil Blackett: Yes, Sir.

UNCLAIMED AMOUNTS UNDER DIFFERENT BRANCHES OF THE POST AND TELEGRAPH ADMINISTRATION.

416. ***Dr. K. G. Lohokare:** Will Government be pleased to state the unclaimed amounts under different branches of the Post and Telegraph administration during the last 3 years?

Sir Geoffrey Clarke: The information is being compiled and will be supplied to the Honourable Member as soon as it is ready.

RAISED PLATFORMS AT SHELARWADY STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

417. ***Dr. K. G. Lohokare:** Are Government aware of the frequent complaints of the low platforms at the Shelarwady station on the Great Indian Peninsula Railway and the consequent inconvenience to passengers especially in days of pilgrimage? Do they propose to ask the Railway Administration to have raised platforms at the station?

Mr. G. G. Sim: Government have no information on the subject. High level platforms are usually provided at stations where the traffic offering is sufficient. A copy of the question and the answer will be sent to the Agent.

ISSUE OF TICKETS AT POMALWADY STATION ON THE GREAT INDIAN PENINSULA RAILWAY TO PASSENGERS TRAVELLING BY THE BOMBAY MADRAS MAIL TRAINS.

418. ***Dr. K. G. Lohokare:** Will Government be pleased to say if they are aware that the Up and Down Bombay Madras mails stop at Pomalwady station on the Great Indian Peninsula Railway for watering and yet no issue of tickets is allowed for these trains? Do Government propose to consider the convenience of the passenger traffic and advise the railway authorities accordingly?

Mr. G. G. Sim: The reply to the first part of the question is in the affirmative. As regards the second part, a copy of the question and answer will be sent to the Agent.

CONSTRUCTION OF BHAMBURDA STATION ON THE GREAT INDIAN PENINSULA RAILWAY.

419. ***Dr. K. G. Lohokare:** With reference to my starred questions No. 978 of 24th March 1924 and No. 1786 of the last session, will Government be pleased to state when it is expected to commence the construction of the Bhamburda station on the Great Indian Peninsula Railway? Are Government aware of the fact that during the period of the sanctioning of the Poona town planning schemes and this delay in the construction of the expected station the values of building plots in the scheme will be so affected as to put either the local bodies or the owners to a disadvantage? To avoid such liabilities, are Government prepared to undertake the construction of the station without the least possible delay?

Mr. G. G. Sim: Government are unable to state when work on the construction of the Bhamburda station will be started. The question of the extent of the facilities required at this place has not yet been settled and the Agent of the railway is now preparing a revised plan.

WORKING HOURS OF THE STAFF AT WADI BUNDER ON THE GREAT INDIAN PENINSULA RAILWAY.

420. ***Dr. K. G. Lohokare:** With reference to my question regarding the hours of work that the employees in the railway goods sheds have to put in per week, will Government be pleased to inquire how many hours per week the staff in the goods sheds at Wadi-Bunder on the Great Indian Peninsula Railway have to work? Have the authorities received the resolutions of the Wadi-Bunder Railway Servants' Union and have they taken any action on them?

Mr. G. G. Sim: The Government have ascertained that the staff at Wadi Bunder work on an average 51 hours per week. The Agent has received copies of the resolutions referred to. Similar representations were made by the staff and the Agent reports that action has been taken on these representations.

LEAVE APPLICATION OF SUB-ASSISTANT SURGEON JANADAR C. S. D. MUDLIAR OF BURMA.

421. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

(a) if they have issued orders as per Army Instruction No. 158 of 1924 to all the Provincial Governments regarding the privilege leave for period of service in the Military Department and if these orders have reached the heads of the Medical Departments in various Provinces?

(b) if these orders are circulated to medical officers from the Civil Departments who had served during the last war by the heads of the various Provincial Medical Departments, if not, will they kindly inquire?

(c) if they know that the Inspector General of Civil Hospitals, Burmah, has refused to forward an application for leave under Army Instruction 158 put in by Sub-Assistant Surgeon Jamadar C. S. D. Mudliar of Myitkyo, Burmah and that the Deputy D. G. I. M. S. has refused to consider his application unless it is forwarded by the Inspector General, Civil Hospitals?

(d) if they propose to inquire into this case and issue the necessary orders?

Mr. J. W. Bhore: (a) Yes, copies of all Army Instructions are sent to Provincial Governments.

(b) The Government of India have no information on the point nor do they propose to inquire into the matter which is entirely within the province of Local Governments.

(c) Jamadar C. S. D. Mudliar is a Civil Sub-Assistant Surgeon of the Burma Medical Department and it is therefore for the Inspector General, Civil Hospitals, Burma, to obtain the orders of the Government of Burma, regarding any leave due to him under the Army Instruction referred to.

(d) No. The matter is one for the Local Government to deal with.

Dr. K. G. Lohokare: As regards (c), was this Sub-Assistant Surgeon not in the military employ?

Mr. J. W. Bhore: I am afraid, Sir, I must have notice of that question.

ALLOWANCES GRANTED TO RECIPIENTS OF THE MILITARY CROSS AND THE ORDER OF MERIT.

422. ***Dr. K. G. Lahokare:** Will Government kindly say:

- (1) what class of military employees are eligible for the Military Cross and the Order of Merit?
- (2) which of these receive a monthly allowance as recipients of the honour in addition to the usual salary or pension and at what rate?
- (3) what considerations have led Government to lay down different rates of allowance in the case of Indian officers and the Military Sub-Assistant Surgeons?
- (4) How many Military Sub-Assistant Surgeons have been awarded the Military Cross and the Order of Merit in the last war and how many of these continue to enjoy the allowance?
- (5) Will Government be pleased to say if they propose to consider this question while revising the rules of pensions and allowances to the Military Sub-Assistant Surgeons?

Mr. E. Burdon: (1) and (2). All Indian officers and soldiers are eligible for the Indian Order of Merit. I place on the table a statement giving the other information required by the Honourable Member.

(3) There is no difference between the rates of allowance received by Indian Officers and Sub-Assistant Surgeons ranking as such.

(4) I place on the table a statement giving the information. All the officers, except two who have died, are drawing the allowances.

(5) In view of the reply given to part (3), this question does not arise.

STATEMENT I.

Statement showing the classes eligible for the Military Cross.

- (a) British officers of and below the rank of Captain.
- (b) British Warrant officers, Classes I and II.
- (c) Indian officers, including Sub-Assistant Surgeons and Senior Veterinary Assistants ranking as such.
- (d) Indian Warrant officers, including Sub-Assistant Surgeons and Veterinary Assistants ranking as such.

The classes mentioned in (c) and (d) receive a monthly allowance. The rates of allowances for recipients of the Military Cross and the Indian Order of Merit will be found in Sections IV and VI of paragraph 137, Pay and Allowance Regulation, Part II, a copy of which is in the Library of the Assembly.

STATEMENT II.

Statement showing the Military Sub-Assistant Surgeons who have been awarded the Military Cross and the Indian Order of Merit during the Great War.

Military Cross—

Subadar Bhagwan Singh.
 Jemadar Gopi Nath Agarwal.
 „ Ram Krishan Ganpat Shinde.

Indian Order of Merit—

Subadar-Major Munisami Naidu.
 Subadar Daulat Singh.
 A./Subadar Arjan-das Gosain.
 „ Lal Singh Bedi.
 „ Muhammad Sharif.
 Jemadar M. Abdul Rahim.
 „ T. R. Govindasami Pillai.
 „ Hukam Singh (No. 1111).
 „ Ishar Singh.
 „ Nagindar Singh.
 „ Maula-bakhsh, Khan Sahib.
 „ G. J. Ferris.
 „ Mul Singh.
 „ Mula Singh, Rai Sahib.
 „ Ata Mahammad Khan.
 „ Shaikh Muhammad Dadasalub.
 Subadar Pandit Shankar Das.
 Jemadar Riyazuddin.
 „ Bhagwan Singh, M.C.
 „ Ghaus Muhammad.
 1st class Ram Singh.
 „ Tek Chand.
 „ Harnam Singh.
 Jemadar Zafar Hussain.
 „ Kehar Singh Chandail.
 „ Hukam Singh (1274).
 „ Vroj Lal Umed Ram Pandit.
 „ Ganput Kanoji Rao Rane.
 „ Keshav Warman Khuparkar.
 Subadar Gauri Shankar.
 2nd class Pargan Singh.
 Jemadar Kundan Lal.
 „ Daniel Israel Najanapragasam.
 „ Rahim-bakhsh.

Dr. K. G. Lohokare: Before the Sub-Assistant Surgeons were given the rank of Jamadar, many had received Military Crosses. Do Government know that these persons are receiving only allowance as an ordinary Indian soldier?

Mr. E. Burdon: I am afraid, Sir, I must ask for notice of that question.

TERMS OF DISCHARGE OF MILITARY SUB-ASSISTANT SURGEONS, ETC.

423. ***Dr. K. G. Lohokare:** (1) Will Government be pleased to say if they have issued orders regarding:

(a) the terms of discharge of the Military Sub-Assistant Surgeons; the revised rates of invalid and family pensions of the Military Sub-Assistant Surgeons; the question of increased house-rent as per starred question No. 1233 of the last session?

(b) the revision of the pay of Store-keepers of the Indian Hospital Corps as per starred question No. 1983 of the last Sessions?

(2) If any such orders are issued, will they be laid on the table?

Mr. E. Burdon: (1) (a). Orders regarding the terms of discharge of Military Sub-Assistant Surgeons have been issued in Army Instruction (India) No. 1180 of 1924. Revised rates of invalid and family pensions for Sub-Assistant Surgeons have not yet been sanctioned by the Secretary of State for India. The rates of compensation admissible in lieu of quarters were given to the Honourable Member on the 2nd June, 1924, in reply to part (g) of his question No. 1233. It is not proposed to increase these rates at present.

(b) Orders on the subject have been issued in an Army Instruction (India).

(2) Copies of the Army Instructions referred to above will be furnished to the Honourable Member separately.

VACANCIES IN THE INDIAN VETERINARY SERVICE.

424. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

1. How many vacancies are there at present in the Indian Veterinary Service?

2. If there are any proposals to curtail the number and if so what would be the total strength of the Service?

3. What would be the method of filling up such vacancies; will the expected Public Services Commission be asked to find candidates for these?

4. Is it a fact that in 1922, six officers of the Provincial Veterinary Service were deputed to Muktesar for higher training in Veterinary Science with a view to enable them to be eligible for promotion to the Imperial Veterinary Service?

5. Have Government under consideration the claims of these six officers in filling up the above vacancies; if so, when do they expect to issue the necessary orders?

Mr. J. W. Bhore: 1. 19.

2. In view of the recommendation of the Lee Commission, which has been accepted, that the Indian Veterinary Service should be provincialised, the Government cannot normally make any further appointments to the Service.

3. In view of the answer given above, this question does not arise.

4. Six officers of the Provincial Veterinary Service were deputed in 1922 to Mukhtesar for higher training in Veterinary Science; but they were clearly given to understand that their training at Mukhtesar would not entitle them to promotion to the Imperial Veterinary Service. The training was intended to make them more efficient in the performance of their existing duties and all that was stated was that by undergoing such training successfully they would become eligible for promotion to the Indian Veterinary Service.

5. As I have explained above, these six officers have no claim to promotion to the Indian Veterinary Service. The Government have their case under consideration.

Dr. K. G. Lohokare: Apart from the training of these six officers, have Government supplied any other men in the Provincial Service with a superior post?

Mr. J. W. Bhore: I am afraid I cannot give a reply to the Honourable Member offhand. I must have notice of that.

USE OF A DEFECTIVE WEIGHING MACHINE AT SEALDAH ON THE EASTERN BENGAL RAILWAY.

425. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a signed letter headed "Excess Luggage charge," and published in the *Forward*, dated the 2nd October 1924 (Town edition, page 3)?

(b) Are the facts stated therein substantially correct? If so, do the Government propose to take any action in the matter?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to question No. 30 in this Assembly on the 22nd instant.

UNIVERSITIES IN THE DIFFERENT PROVINCES.

426. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state:

(a) the names of the provinces in British India in which Universities have not yet been established?

(b) the names of the provinces in British India in which Universities have been established?

(c) the number of Universities in each of the provinces in which they have been established?

Mr. J. W. Bhore: A statement giving the desired information is placed on the table.

Statement mentioned in Mr. Bhoré's reply to Khan Bahadur Sarfaraz Hussain Khan's question regarding Universities.

(a) Assam, Coorg, North-West Frontier Province, Ajmer-Merwara, and British Baluchistan.

(b) and (c) :

Name of Presidency or Province.	Number of Universities.
Madras	1
Bombay	1
Bengal	2
United Provinces	4
Punjab	1
Burma	1
Bihar and Orissa	1
Central Provinces	1
Delhi	1
TOTAL	13

PURCHASES OF STEEL BY GOVERNMENT DEPARTMENTS AND RAILWAYS.

427. *Sir Purshotamdas Thakurdas: (a) Will Government be pleased to state if, after the passing of the Steel Protection Bill, they stipulate that steel from Tata Iron and Steel Co., should be used in tenders for supplies of Government requirements, and is such an addition laid down in all tender forms?

(b) If the reply to the above be in the affirmative, will Government be pleased to state how many tenders have been called for by the various departments of the Government of India since the passing of the Steel Protection Bill, and also state in how many of these tenders the stipulation referred to above has been made.

(c) If the reply to (a) above be in the negative, will Government be pleased to state why they did not think it necessary to give encouragement to the Tata Iron and Steel Co., in this direction?

(d) Will Government be pleased to state the total quantity of steel bought by them during the last year, which ended on 31st March 1924, and how much of this was bought from Jamshedpur?

(e) Will Government be pleased to get a statement from the High Commissioner for India in London, and statements from the various Company-managed railways, showing the total quantity of steel bought by each of these abroad, during the last year ended 31st March 1924 and place same on the table?

The Honourable Sir Bhupendra Nath Mitra: (a) The answer is in the negative.

(b) Does not arise.

(c) The Rules for the supply of articles for the public service which were promulgated with the Resolution of the Government of India in the Department of Industries and Labour, No. S.-217, dated the 6th May 1924, state clearly the extent to which preference should be given to articles manufactured in India with a view to encouraging the industries of the country. These rules apply to all purchases made by the purchasing authorities under

the Central Government. The products of Messrs. Tata Iron and Steel Co., Ltd., fall under Rule I, and purchasing officers are required to give preference to these provided the quality is sufficiently good for the purpose and the price reasonable. In view of these conditions Government do not consider it necessary to make any addition to the tender forms on the lines indicated by the Honourable Member.

(d) and (e) The information asked for by the Honourable Member is not available and its collection will involve elaborate inquiries. I shall collect such information as is readily available and inform the Honourable Member of the results in due course.

Sir Campbell Rhodes: Do the Government realise that if they give a monopoly, other forms of protection are quite unnecessary?

The Honourable Sir Bhupendra Nath Mitra: As I have said in my reply to part (c) of Sir Purshotamdas Thakurdas' question Government do not intend to grant a monopoly. The rules provide that preference should be given to articles manufactured in India only when the price is reasonable among other things.

Sir Campbell Rhodes: Having given protection, is it the policy of the Government in the interests of the tax-payer and of efficiency in the protected industry that Government should throw open tenders to the whole world?

The Honourable Sir Bhupendra Nath Mitra: They are, as a matter of fact, thrown open to the whole world.

ESTABLISHMENT OF THE RATES TRIBUNAL.

428. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state when they propose to establish the Rates Tribunal recommended by the Indian Railway (Ackworth) Committee?

(b) Will Government be pleased to state the reason of the delay in getting the Secretary of State's sanction regarding the appointment of a Rates Tribunal, and whether they are aware that the Indian commercial community are very anxious on the work of the Rates Tribunal being started without any delay?

Mr. G. G. Sim: The Secretary of State's reply to Government's proposals regarding the establishment of the Rates Tribunal was received by the mail of 25th instant and is under consideration.

Sir Purshotamdas Thakurdas: When do Government expect to publish it for the information of the public?

Mr. G. G. Sim: I myself only saw it yesterday and I am afraid I cannot give any reply to that question.

ARTICLE IN THE *EMPIRE REVIEW* HEADED "EAST AFRICAN PROBLEMS."

429. ***Sir Purshotamdas Thakurdas:** (a) Has the attention of Government been drawn to an article in the *Empire Review* by the late Rt.

Rev. Frank Weston, M.A., D.D., Bishop of Zanzibar, headed " East African Problems ". (The said article is reprinted in the " Tanganyika Opinion ", dated the 9th November 1924.)

(b) Are Government prepared to send a copy of this article to the Secretary of State for India with a request that the contents of the article may be brought to the notice of the Commission under the Chairmanship of Lord Southborough?

Mr. J. W. Bhore: (a) The reply is in the negative.

(b) I have not been able to get a copy of the article in question, but if the Honourable Member will be good enough to send me one, the suggestion will be considered.

TANGANYIKA ORDINANCE No. 10 OF 1923.

430. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state if they have received complaints from Indian merchants trading in Tanganyika, or on their behalf regarding the great inconvenience caused to them by Tanganyika Ordinance No. 10 of 1923, which imposes upon every person holding a trading license the necessity of keeping his accounts either in English or Swahili in English characters?

(b) Are Government aware that the number of Indian traders in Tanganyika is estimated at 3,000 to 3,500 (shopkeepers included)?

(c) Is it a fact that for the benefit of a few Belgian firms account books are allowed to be kept in Tanganyika in French, but they are prohibited from being kept in Guzerati which is the mother tongue of most of the Indian traders in Tanganyika?

(d) Are Government aware that Tanganyika is under a League of Nations Mandate, and that the said Mandate imposes a drastic veto on racial discrimination in administration?

(e) Have Government communicated to the Colonial Office, through the Secretary of State for India, this serious handicap on Indian traders in Tanganyika, and if so why has no relief been available to the Indian traders till now?

(f) Are Government aware that in the Malay States Chinese traders are allowed to keep their books of accounts in Chinese and Tamil traders in Tamil?

(g) Do Government propose to ask their representatives on the League of Nations to raise this question there, in order to ensure immediate relief to the Indian traders in Tanganyika?

(h) If the reply to (g) above be in the affirmative, will Government be pleased to state the time when they propose to have the question thus raised?

(i) If the reply to (g) above be in the negative, will Government be pleased to state the reasons for their reply in the negative?

Mr. J. W. Bhore: (a) Yes.

(b) Yes.

(c) Government are aware that French has been added to the list of languages in which accounts may be kept and that Guzerati is not included in that list.

(d) and (f) Yes.

(e) Representations on the subject were made by the Colonies Committee of the Government of India last July and the results are awaited.

(g) and (i) In view of my reply to part (e) of the question, the Government of India do not at present propose to take the action suggested by the Honourable Member.

(h) Does not arise.

Sir Purshotamdas Thakurdas: How long do the Government of India propose to wait for the decision of the Colonial Office before they take final and effective steps to move this matter in the League of Nations?

Mr. J. W. Bhore: I know, Sir, that the matter is under the consideration of the Colonial Office because they have told us so. That being so, we must at any rate extend to them the courtesy of waiting until they have come to a final decision in the matter.

Sir Purshotamdas Thakurdas: Will Government be pleased to state the period since which this restriction has been introduced on the Guzerati-knowing public in Tanganyika and further will they be pleased to state if they do not think that by the time they come to a decision in the matter, the worst effects of the restriction may have been felt by the public concerned?

Mr. J. W. Bhore: I would like to inform the Honourable Member that the Government of India have made constant representations to the Colonial Office in this matter, but it was left to the Colonies Committee to again raise this on one particular point among others on which they made representations to the Colonial Office and I am afraid I can add nothing further to what I have already said. We must await the decision of the Colonial Office on the representations made by the Colonies Committee on this point.

Sir Purshotamdas Thakurdas: How long do the Government of India propose to keep on waiting for this reply?

Mr. J. W. Bhore: A reasonable time, Sir.

Sir Purshotamdas Thakurdas: May I know the approximate period of that reasonable time?

Mr. J. W. Bhore: I regret I cannot define that more precisely.

Sir Purshotamdas Thakurdas: May I know how long Government have been waiting since they made their first representation?

Mr. J. W. Bhore: The first representation on which the Colonial Office came to a conclusion was over 2 years ago.

Sir Purshotamdas Thakurdas: A reasonable period of time might then extend to more than two years. Do the Government of India expect the reasonable period that they propose to wait for hereafter to extend over two years?

Mr. J. W. Bhore: I think the Honourable Member may leave it to the discretion of the Government as to what is or what is not a reasonable period of time in the present circumstances of the case.

Sir Purshotamdas Thakurdas: I am quite prepared to leave it to their discretion as we have left it till now. The only question now is there must be some reasonable limit even to our patience.

431. The Honourable Sir Alexander Muddiman: I have already answered this question.

SINGAPORE BASE.

432. *Diwan Bahadur M. Ramachandra Rao: Will the Government be pleased to state whether any communication has been received from His Majesty's Government about the construction and maintenance of the Singapur base and to state whether there is any proposal to make India financially responsible as a contributory for the costs and maintenance of the base?

Mr. E. Burdon: The answer to the first part of the question is in the affirmative, and to the second in the negative.

REVISION OF THE PAY AND ALLOWANCES OF THE ARMY SERVICES.

433. *Diwan Bahadur M. Ramachandra Rao: Will the Government be pleased to state whether any decision has been reached in regard to the revision of pay and allowances of the Army Services in India and to state the present and revised scales of pay of these services?

Mr. E. Burdon: A final decision has not yet been made in regard to the revision of pay. I presume my Honourable friend has seen the announcement on the subject which appeared in the press on the 5th January. The present scales of pay are given in paragraph 31, Pay and Allowance Regulations, Part I, a copy of which will be found in the Library of the Assembly.

EXPORTS OF OPIUM, ETC.

434. *Diwan Bahadur M. Ramachandra Rao: (a) Will the Government be pleased to state the quantity of opium exported from India in 1923-24 and in 1924-25 up to date, (i) to each foreign Government and (ii) to the merchants having certificates from each foreign Government for importing opium?

(b) Will the Government be pleased to state the names and official designations of the delegates from India to the recent Geneva Opium Conference and to lay on the table the instructions issued by the Government of India to those delegates and also a statement as to the decisions arrived at by the Conference?

The Honourable Sir Basil Blackett: (a) The exports of opium during the period in question were:

	1922-24.	1924-25. (9 months—April to December.)
	Chests.	Chests.
By Government to Foreign Governments	2,555	2,242
By Agents of Foreign Governments to those Governments	2,584	1,663
To private merchants under import certificates	3,546	1,390
Total	8,695	5,295

(b) Mr. J. Campbell, C.S.I., O.B.E., formerly of the I.C.S., now British representative on the Greek Refugees' Settlement Commission, was appointed to represent India on the Opium Conferences. Mr. H. Clayton, C.I.E., I.C.S., Financial Commissioner, Burma, now on leave, has also been helping him from time to time. Mr. Campbell had to leave suddenly on more pressing business and his place at the Conferences was taken by Mr. J. C. Walton, Assistant Secretary, Economic and Overseas Department, India Office, London.

The Indian delegate is fully aware of the opium policy of the Government of India, and the necessity of giving him any special instructions did not therefore arise. As regards the decisions of the Conferences, the Government of India have nothing to add to what has already appeared in the public press. When official reports of the proceedings are received, the Government of India will be glad to make them available.

REVENUE FROM PROTECTIVE DUTIES ON IRON AND STEEL.

435. ***Mr. K. C. Neogy:** Will Government be pleased to state the total amount of revenue they have derived from:

- (a) old scale duties on imports of steel, and
- (b) additional duties under the Indian Steel Industry (Protection) Act,

from 1st June 1924 to 31st December 1924?

The Honourable Sir Basil Blackett: The Honourable Member's question is not clearly understood. If what he desires to know is the duty that would have been levied on the old scale on the imports of those kinds of iron and steel which have been protected under the Steel Industry (Protection) Act and the actual duty that has been levied on those goods under the above-mentioned Act, I can give below the following estimate of the two figures required:

	Rs.
Total receipts from the 13th June to the 30th December of protective special duties on iron and steel	147-08 lakhs.
Amount that would have been levied on the old scale	70-48 „
Balance representing additional duty under the Steel Industry (Protection) Act	70-60 „

It should be explained that the figure for duty on the old scale is an estimated one only, since the imports in question have not been assessed to duty on the old scale subsequent to the introduction of the new tariff; but the estimate has been prepared with the greatest possible care.

BOUNTY TO THE TATA IRON AND STEEL COMPANY, LIMITED.

436. *Mr. K. C. Neogy: (i) Will Government be pleased to state the amount of bounty given (a) to the Tata Iron and Steel Co., Ltd., and (b) to other firms, under the Indian Steel Industry (Protection) Act, from 1st June 1924 to 31st December 1924?

(ii) Will Government be pleased to state the amount which they will have to give under the proposed bounty of Rs. 20 per ton from 1st June 1924 to 31st December 1924?

(iii) Will Government be pleased to state the balance of revenue from duties on steel after deducting the above amounts, which will be credited to the general finances of the country during the period from 1st June to 31st December 1924?

The Honourable Sir Charles Innes: (i) (a). The total amount paid to Messrs. Tata Sons Ltd., on behalf of the Steel Company from June to December 1924 under the bounty system approved last June is Rs. 18,56,864. It is expected that during 1924-25 the Tata Iron and Steel Company will receive on the whole 30 lakhs as bounties on rails.

(b) Nothing so far has been paid to other firms. The bounties on wagons for the current financial year are fixed by the Act at a maximum of 7 lakhs.

(ii) It is expected that the Tata Iron and Steel Company will receive about 25 lakhs for the period October 1st, 1924, to March 31st, 1925, under the proposals which the Government have made and which the Assembly has accepted.

(iii) This part of the question has just been answered by the Honourable the Finance Member.

DISCHARGE OF FATEH MOHAMAD OF THE MILITARY WORKS SERVICE.

437. *Khan Bahadur Makhdum Syed Rajan Bakhsh Shah: (a) Is the Government aware that one Fateh Mohamad of Multan who served as a subordinate in the Military Works Service for over 15 years (from 1908 to 16th July 1923), has been discharged from service, while on the eve of retirement, by the Chief Engineer, Northern Command, for absence owing to sudden illness of his wife?

(b) Is it a fact that the reasons for his discharge were recorded as:

(i) absence without leave from 17th July 1923;

(ii) disobedience of orders, *i.e.*, not acknowledging a letter by telegram as desired by A. C. R. E., Peshawar?

If so, will the Government please state whether his explanation to the above charges were taken, and if so, his replies may please be laid on the table.

(c) Whether rule III of Appendix XXVI referred to in paragraph 18 of Army Regulations, India, Vol. II (which lays down that neglect of duty, inattention or disobedience renders a servant liable to suspension or reduction from a higher to a lower grade), was considered while imposing such a hard punishment as discharge on an old employee like him.

If not, will the Government please state reasons under which his discharge was effected and whether at the time of issue of orders for his discharge his long service with pensionary rights was considered?

DISCHARGE OF FATEH MOHAMAD OF THE MILITARY WORKS SERVICE.

438. *Khan Bahadur Makhdum Syed Rajān Bakhsh Shah: (a) Is it a fact that the said Fateh Mohamad appealed to the Adjutant General in India against the order of his discharge but no consideration was given to it? And that he even applied to the Chief Engineer, Northern Command, more than once for fresh employment, but no response has been given to his applications?

(b) Will the Government please say why no consideration is given to his request for fresh employment and whether this discharge debars him even from fresh employment in the Department?

(c) If not, will the Government please state the circumstances under which his appeal for reinstatement and his applications for re-employment were not considered, and so far no chance has been offered to him?

Mr. E. Burdon: With your permission, Sir, I will answer questions Nos. 437 and 438 together.

Inquiries on the subject are being made and the Honourable Member will be informed of the result as soon as possible.

IMPERIAL INSTITUTE OF HUSBANDRY AND DAIRYING, BANGALORE.

439. *Mr. Ahmad Ali Khan: Will Government be pleased to state the yearly expenditure on the Imperial Institute of Animal Husbandry and Dairying (Punjab)?

What is the length of courses provided at the Institute and the number of students attending such courses?

What is the value of the annual produce and how is it disposed of?

Mr. J. W. Shore: The Imperial Institute of Animal Husbandry and Dairying is located at Bangalore in Southern India and not in 12 Nox. the Punjab. The Imperial Cattle Breeding Farm is, however, at Karnal in the Punjab. These Institutions were worked for 9 months only during the year 1923-24. A statement showing the expenditure incurred and receipts realised on them will be found in the report of the Imperial Dairy Expert which forms part of the Scientific reports of the Agricultural Research Institute, Pusa, for 1923-24, copies of which are available in the Library for the use of the Members of the Legislature.

There are two courses of instruction given at the Imperial Institute of Animal Husbandry and Dairying at Bangalore:

- (a) a post-graduate course of 15 months in Animal Husbandry; and
- (b) an Indian Diploma course of 2 years in Dairying.

Five students were admitted to the post-graduate course and 15 to the Indian Diploma course in Dairying during the last session.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State to the Secretary of the Legislative Assembly:

"In accordance with sub-rule (3) of rule 36 of the Indian Legislative Rules, I am directed to inform you that the amendments made by the Legislative Assembly in the Bill to amend and consolidate the law relating to Government and other Provident Funds, as passed by the Council of State, were taken into consideration by the Council of State at its meeting held to-day, the 27th January, and that the Council of State has proposed the following amendments to the amendments made by the Legislative Assembly, namely:

'In clause 6 of the Bill, the letter 'a' within brackets and the word 'or' at the end of the sub-clause have been re-inserted, and sub-clause (b) has been re-inserted with the following amendment, namely:

After the word 'authority' the words 'for any reasons specified in this behalf in the rules of the Fund' have been inserted.'

I am directed to enclose a copy of the Bill, as further amended by the Council of State."

ELECTION OF MEMBERS OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: The Assembly will now proceed to elect members to serve on the Central Advisory Council for Railways. 17 members have been nominated for eight seats. Instructions are printed at the foot of the ballot paper. Members will proceed to the table and receive their ballot papers in the order in which I call them.

(The ballot was then taken.)

RESOLUTION *RE* THE BENGAL CRIMINAL LAW AMENDMENT ORDINANCE.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): Sir, let me first convey the thanks of this House to the Honourable the Leader for having given us an opportunity of expressing the views of this House upon a question which is not simply of local importance because of its present local application, but is a question of far-reaching consequence, a question which affects the liberties of 320 millions of this country. Sir, coming as I do from a remote corner of Madras tempered by the coolness of the South Indian breeze, my remarks on this subject will not be open to the charge of being animated by passion, by excitement or by bias. The Resolution which stands in my name is:

"This Assembly recommends to the Governor General in Council that steps be taken forthwith to supersede by an Act of the Indian Legislature the Criminal Law Amendment Ordinance, I of 1924, made and promulgated by His Excellency the Governor General for and in the province of Bengal."

Sir, you are all aware that this Ordinance was issued on the 25th October, 1924, with a statement of the reasons and circumstances that led to the framing and the promulgation of this Ordinance. In that statement which has been appended to this Ordinance His Excellency the Viceroy has traced the history of revolutionary organisations in this country, and,

[Mr. C. Duraiswami Aiyangar.]

thank God, he commences from 1912, and not from the great Indian Mutiny. Sir, the history, from the statement of reasons appended to this Ordinance, mentions that from the year 1912 up to the year 1917, there were vigorous revolutionary organisations carried on in this country, and they were put down only by the vigorous application of the old Regulation III of 1818 and the Defence of India Act, which was then in force. And it is stated further that after the Royal Proclamation of 1919 was issued and after these prisoners under the old Regulation were released, most of them returned to their peaceful avocations. But still there remained a body among them which wanted to carry on their old revolutionary organizations, though for a time it was tempered by a peaceful movement as in 1920 to 1922. The organization which was formed by them is supposed to be with the ultimate object of resuscitating the old revolutionary movement, though for a time they were impressed by the non-violent non-cooperation movement. Sir, it is then stated that in the year 1923, there was a wholesale recrudescence of the old revolutionary movement, and the history which is appended to the Ordinance states in a vague general way that the year 1923 was filled with a series of outrages; but the definite instances commence with January, 1924, the murder of Mr. Day, and in April 1924, the attempt to murder Mr. Bruce, both under mistaken identity. Sir, nobody in this country is wanting in detestation of the horrible murder that has been committed. Nobody in this country associates himself with any sympathy towards the perpetrators of this murder. But at the same time to think of one murder as having set the whole world in agitation, as having put both the Ganges and the Hooghly on fire, as bringing down the heavens to the earth, as circumstances requiring an Ordinance, of a peculiar nature to be promulgated,—that is what we in this country cannot understand. Sir, ever since this Ordinance was passed there have been public meetings, public denunciations in the Press; and wherever this subject was taken up, there has not been said one word of approval from any party of Indian politics or from any section of the Indian press. We are no doubt aware that the Anglo-Indian press is in full sympathy with a measure of this kind. We know that the British press applauds the action of His Excellency the Viceroy though it would be the last to welcome such a measure for its own country. Sir, I have stated that everywhere this has received nothing but criticism. The inherent iniquity of this measure is furthermore clearly demonstrated by the various laboured defences that have been undertaken by His Excellency the Governor of Bengal and by His Excellency the Viceroy. Sir, after the promulgation of this Ordinance, the defence commenced with a speech by His Excellency Lord Lytton at Malda on the 24th November 1924. That was the first occasion when His Excellency Lord Lytton attempted a defence, an unsolicited defence as he himself puts it, of this Ordinance, and on that occasion he has stated words of such significance that we need not go to any other authority, to any Nationalist paper, for the denunciation of this Ordinance as a lawless law. Sir, His Excellency Lord Lytton has said in unmistakable terms as follows:

“Men who live within the law are entitled to the protection of the law, but men who defy the law, who live outside the law and menace the liberty of those who live within it, who take upon themselves to decide without any process of law who shall live and who shall die, these men have no right to the protection of the law. They are outlaws. They are a danger to the State, and their liberty is forfeited. It is against such men and such men alone that the special powers which my Government have asked for and have obtained are being directed.”

Is this not a clear confession, Sir, that His Excellency Lord Lytton justifies the issue of a lawless law for meeting the outlaw? He thinks that an outlaw deserves no kinder treatment than being attacked by an equally bad weapon, that is, a lawless law. Sir, His Excellency Lord Lytton's second instalment of defence was on the 26th February, 1924. That was at Dinajpur. There His Excellency has made it clear as to why the papers which are connected with the information or with the occurrence of any of the offences with which these people may be charged are not placed before High Court Judges but only District Judges. In answer to that question from the public His Excellency stated:

"We cannot use the High Court except in its *judicial* capacity. The service of examining in secret our evidence and advising us as to its reliability is an *executive* service which cannot be performed by the Judges of the High Court. It is not our unwillingness to consult them but their unwillingness to serve in this capacity which precludes us from resorting to the Judges of the High Court."

Sir, when papers are submitted for investigation, when papers are submitted for judicial consideration, we expect judicial opinion to be given and not executive service to be rendered. Is it for the purpose of getting executive service that the two Judges, the two District and Sessions Judges, are taken into the bargain, and the High Court Judges are avoided? Sir, His Excellency Lord Lytton says that the High Court Judges are not prepared to give this advice in an executive capacity. Certainly they will not be prepared, but the High Court Judges would certainly be prepared to give judicial advice, and it is judicial advice that is wanted and not executive advice. One year ago when His Excellency was speaking from the Throne in opening this Parliament, a Parliament is too great a name for an imbecile Assembly like this, Sir.

Mr. President: Order, order. I cannot allow the Honourable Member to refer to the body over which I preside in those terms.

Mr. C. Duraiswami Aiyangar: With your permission, I am quoting the speech of His Excellency.

Mr. President: That is no concern of mine. The Honourable Member has used in his argument an expression which is improper, and as long as I preside over this body, I will not allow an expression like that to be used about the Assembly.

Mr. C. Duraiswami Aiyangar: I withdraw the word "imbecile". I was just anxious to refer to the speech of His Excellency. His Excellency the Viceroy said:

"After the arrests in Bengal were made, as you are aware, all the documents and evidence relating to each individual have been placed before two Judges of the High Court for the purpose of thoroughly sifting the material on which action was taken, of submitting it to the technical tests of judicial knowledge and experience, and of framing recommendations in each case."

Sir, one year ago the High Court Judges were prepared to give judicial advice on these points: how is it that the High Court Judges are not willing now to give the benefit of their judicial experience, judicial knowledge, judicial opinion in regard to a question of such great importance as affects the personal freedom of the persons who have been taken under arrest under a mere suspicion? Sir, it cannot be that the High Court Judges are unwilling, but it appears they are unwilling to work in an executive capacity whereas they would be prepared to work in a judicial

[Mr. C. Duraiswami Aiyangar.]

capacity. That is no justification for seeking advice from a subordinate executive service. Sir, the next occasion when His Excellency Lord Lytton spoke in defence of this Ordinance was at the St. Andrew's Day Dinner on the 30th November, 1924. In reply to a toast His Excellency Lord Lytton gave an elaborate reply to Mr. C. R. Das. I do not know exactly what the toast was, presumably the gentlemen who were assembled at the dinner were drinking to the health of Mr. C. R. Das or of the Ordinance or of the prisoners under the Ordinance. Anyhow Lord Lytton took that as a fitting occasion to defend the Ordinance, and what is the defence which he made then? He said, in answer to a criticism that this Ordinance is aimed mainly at the Swaraj party:

"If our object had been what he ('he' means Mr. C. R. Das) asserts, we should have arrested not three Swarajist Members of Council but 40, and endeavoured to remove the obstruction which he thought is so embarrassing."

Sir, we never for one moment believed, believed fondly, that the bankruptcy of statesmanship has gone to that brink, that extreme brink, as to unveil at once the veil of the Ordinance. Arresting three Swarajist Members is as good as proving positively that this Ordinance is aimed at the Swarajist Party, and it does not require the arrest of 40 Members to prove the case any better. Sir, I do not believe for one moment that the criticism has been rightly answered by His Excellency Lord Lytton. The next defence was on the 2nd December, 1924. That was at a Durbar at Government House. There His Excellency has told us in very emphatic, decisive terms and tone:

"As the Head of the Executive Government I say finally and definitely that we will not put our witnesses before any tribunal unless we can guarantee their safety if they speak the truth."

Gentlemen, remember those words, you have to remember them in a later connection when we come to deal with the Ordinance itself. These are His Excellency's words. His Excellency definitely says:

"I am not prepared to produce the witnesses before the court."

Then, Sir, in reply to a question as to why non-official gentlemen should not be invited to advise, His Excellency said:

"The belief that there were men in India or in any country in the world who in a matter of acute political controversy were free from any political bias, whose impartiality was unquestioned by anyone and whose verdict would be acceptable by all was unfortunately the dream of a visionary and entirely at variance with the realities of life."

From this we can understand very easily what the mentality of those who are called upon to judge upon scraps of paper the acts of persons who have been arrested under the Ordinance is likely to be. That bias, that prejudice, which His Excellency attributes to other non-official gentlemen will with greater force be present in the minds of those whom he invites from his own service, his own subordinate service, to judge about these matters. Then, His Excellency lays down three conditions as to the release of these prisoners, two of which are vague and indefinite and the third is an impossible condition. His Excellency said: in order to get a release of these prisoners, three conditions must be fulfilled. One is to make sure that those who organise and direct the terrorist movement have been restrained from employing their methods of intimidation. When is that list to close? Who are those organisers in the view of His Excellency

who must be brought out and when alone will the movement stop? Then the second condition is to deprive them of their weapons. Searches have been made and the weapons have not been discovered. Smuggling goes on, and yet no weapons have been discovered. When is His Excellency going to collect the weapons which have been used or which have been stocked by these conspirators in order to get the release of persons like Subash Chandra Bose? The third and the last indispensable condition is the passage of a Bill which would be introduced to take the place of the Ordinance. Sir, that is an impossible condition. If His Excellency means that there can be a Bill in the Bengal Legislative Council to supersede this Ordinance it is against the Government of India Act. No power can repeal or can supersede this Ordinance except an Act of this Legislature. Even if His Excellency is inclined to recall the Ordinance he cannot do it. The Act is clear on the point. Therefore, Sir, it is impossible to speak of any Act to take the place of this Ordinance unless this Legislature and an Act of this Legislature repeals or supersedes or controls or amends the Ordinance. Therefore, legally it is an impossible condition. Sections 72 and 67 of the Government of India Act lay down very clearly that the only power that can repeal this is an Act of this Legislature. Therefore, Sir, under section 80A of the Government of India Act the Local Government has not got the power of taking away the effect of this Ordinance unless it be that it waits for six months during which period the Ordinance will have lived its full life. Now, Sir, morally speaking he offers it as a ransom, as a heavy ransom, as a humiliating ransom, for the release of prisoners, to substitute on the Statute-book a lawless law. Is that a condition to which any self-respecting Member can consent to give his assent? Sir, His Excellency has also stated:

"It is the supreme opportunity and I am confident that in this hour of political trial, Bengal will emerge triumphant."

Yes, Bengal proved His Excellency to be a true prophet. Bengal did come out triumphant, whatever His Excellency's idea of triumph may be. Now, Sir, had it not been for this, had it not been for the way in which the Bengal Council behaved towards the Bill which was introduced, which was as black and as lawless as the Ordinance itself, and as such they could not give their consent to it, had they behaved otherwise, had they given their consent, the people of the country would have taken them as persons who are working not for real Swaraj, but for a lawless Swaraj. They would be put down as persons who were working for a lawless Swaraj and I am glad that the Bengal Council stood firm and showed that they could meet the occasion. Now, Sir, after these four defences, His Excellency Lord Lytton passed the thread of defence on to His Excellency the Viceroy in whose hands the counts of the thread became much finer. Speaking at the European Association's dinner at Calcutta on the 10th of December 1924, His Excellency Lord Reading has answered several criticisms. His Excellency said:

"It is true that the suggestion has been made that if a political panacea acceptable to a particular political party was adopted, violent crime would instantly cease. First it may be questioned whether there is any solid ground for this suggestion. According to my information the aims and methods of those wedded to crime and violence are essentially different from those of the political parties generally in India. I credit the latter with constructive aspirations, although I may not always agree with them. According to their declarations of policy they desire in different ways to follow methods of which humanity and civilisation will not disapprove. But the terrorists have never concealed an essentially different and sinister objective—the desire to destroy

[Mr. C. Duraiswami Aiyangar.]

society and Government and to produce chaos by the desperate methods of crime, murder and anarchy."

I am anxious to know when His Excellency's Government began to think so charitably of the non-co-operation movement? When did they give credit to the constructive aspirations and the acceptable methods of the non-co-operation movement or of the Swaraj Party? Not when Mahatma Gandhi was arrested and incarcerated, not when the Maulanas were put in jail and were rotting in the cells, not when thousands of persons in the non-co-operation movement were made State guests for the simple offence of preaching to their fellow-men not to drink. That famous treatise "Gandhi and Anarchy" has had its own support from the Government. Sir, there was a time when this movement of non-co-operation, non-violent non-co-operation, was discredited with all the accusations with which the revolutionary movement to-day has been accused. Then His Excellency the Viceroy answers the question why this Legislative Assembly was not consulted before the Ordinance was issued. His Excellency has given three reasons. One reason is the case was not complete for the promulgation of an Ordinance. Now, I ask you, Sir, when did the case become complete and when was it incomplete. This Assembly had its Session till the 30th of September, 1924 in Simla. We left Simla only about the 30th of September and between the 30th of September, 1924 and the 25th of October, 1924, what events occurred that justified or conduced to the resolution for the issue of an Ordinance? What is that special circumstance which led His Excellency to make up his mind during those 25 days and not before the 30th of September, 1924? Sir, we all heard of a physical cyclone in Simla after we left the place, but we never heard of a political cyclone. No events are chronicled either in the statement of reasons or in so many speeches as having taken place within that short time, that short interval between the 30th September and the 25th of October, and yet we are told, Sir, that until this Assembly dispersed on the 30th of September, the mind of Government was not made up. Why do you make up your mind before consulting the Assembly? Why not take the Assembly into your confidence in order to make up that mind which was then wavering? Sir, the second reason that has been given is that action was imperative without informing malefactors of the intended step by public statement and discussion. Sir, the Government of India Act, section 72 of the Government of India Act, does not refer to Star Chamber practice. It speaks of open enactment of the Ordinance. Even an Ordinance requires promulgation. And what after all is the efficacy of secrecy? How long will it last? It will last for a day after the promulgation of the Ordinance or a day or two, not more than that. For the sake of this simple thing of bringing it all on a sudden as a bolt from the blue, is it to be supposed that the Legislative Assembly need not be taken into confidence in passing or promulgating a measure of so much importance? The third ground that was stated was "that the Ordinance was only a temporary remedy to meet the requirements of the moment. A more permanent one will shortly be introduced into the Bengal Council." Of course we have seen that now, Sir. Both His Excellency the Governor of Bengal and His Excellency the Viceroy are never tired of saying that the responsibility for safeguarding the peace and good government in this country, for safeguarding person and property, and the lives of the people of this country is the exclusive monopoly of the Executive Government. I say, Sir, that I emphatically protest against that exclusive monopoly.

We, who are here as representing the people and who have been entrusted with the duty of securing proper and legitimate legislation, are equally conscious of the responsibility that is laid on our shoulders to make good legislation, to make proper legislation and to make an effective legislation in order to safeguard the lives, the liberty and the property of individuals. The responsibility is none the less and, if only we had a Government in this country wherein the executive will be responsible to the Legislature, our responsibility would even extend further by forcing the hands of the executive, even if they be unwilling, to safeguard the interests of the people. Therefore, Sir, it is not a matter in which there is responsibility exclusively on one side and irresponsibility on the other. I protest against that statement. Then, Sir, in His Excellency's opening speech on the 20th January, 1925, His Excellency made a reference to several of the criticisms. His Excellency stated that all the weapons in the existing armoury have been exhausted and a new-fangled weapon had to be fabricated in order to detect secret societies with all their ramifications. Now, Sir, I am unable to understand what that peculiar efficacy of this new Ordinance is which would detect secret societies with all their ramifications. I am yet to be told that this Ordinance is fitted up with an X-Ray apparatus in order to discover secret societies. Societies and their ramifications will have to be discovered not by a law, but by the vigilance of the criminal administration, by the vigilance of the police and by the vigilance of those who are entrusted with the criminal administration of the province. Sir, we are also told by His Excellency that the entire Government, European and Indian, have given their hearty approval to the measure which His Excellency took. That is an important announcement and a revelation. It is but just and proper that His Excellency should have said that. I have not personally had the privilege of listening to His Excellency at the time when the speech was delivered, but I dare say that His Excellency would have laid a double emphasis on the word "Indian." And it is but right and proper that we should ask our own kith and kin as to why they were consenting parties to an Ordinance like this and not blame only the other section. But, Sir, where are these Indian Members after this revelation was made? One gentleman has retired; one has left the shores of India; and one is probably on the eve of retirement. Is it not unchivalrous to ask that one gentleman to answer for all the three? Let us therefore not ask that question and let us take the Ordinance as it has come to us. Sir, His Excellency has rightly said that true political progress can have no lot or part with terrorism. That is a perfect truism, but certainly not a truism taken from any leaf in the Western history either of Ireland or France or America or even Great Britain. It is a leaf taken from Mahatma Gandhi's literature; it is a leaf taken from the Indian history. Sir, I beg to submit that it is a consolation to us that this truism has also entered the other side as deeply as it has done with us. Now, Sir, under this Ordinance who are the persons who have already suffered? Subash Chandra Bose, about whom both European and Indian opinion is unanimous, both about his character and about his innocence, is one of those who have been arrested. In answer to a question from Mr. Scurr in the House of Commons on the 15th December, 1924, whether it is the intention of the Government of India to bring the persons arrested under the special Ordinance to public trial, Earl Winterton said: "The answer, so far as I am aware, is in the negative for reasons indicated on page 18 of the White Paper". Sir, that will be the fate of those who have been arrested under this Ordinance as well as under Regulation III of 1818 which is running along with it.

[Mr. C. Duraiswami Aiyangar.]

Now, Sir, turning to the Ordinance itself, I will just draw the attention of Honourable Members to that prince of sections in the Ordinance, section 10, which lays down a special rule of evidence. It says:

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

That, Sir, is the special rule of evidence. I have already quoted a passage from the speech of His Excellency Lord Lytton. He said:

"I have finally decided not to produce any witness before a court unless his safety is guaranteed if he speaks the truth."

So, if the witnesses are taken to any Magistrate and their evidence is recorded on scraps of paper, those scraps of paper will be the ultimate evidence upon which the men arrested under this Ordinance will be hanged. And why is that evidence not given before the Court? It is not because it is in the interests of the accused that he is absent, but because His Excellency Lord Lytton refuses to produce him before a court. Now, Sir, is it in the interests of the accused that he is absent, that he is incapable of giving evidence? And yet on scraps of papers like these used as evidence in a court of law the Commissioners may convict, the High Court may confirm it. But what does it matter who tries the case so long as the material upon which the liberty is taken away and the life is also in some instances taken away, stands upon scraps of paper produced before a Magistrate in the secret chamber. It will not be taken in a public court. A Magistrate can record any statement from any man who may happen to be a tutored informer. Now, such is the kind of special rule of evidence that has been incorporated in this Ordinance. Now, Sir, it is unnecessary for me to refer to all the sections in detail. But if you compare section 12 of the Ordinance with section 14, you will see that section 12 speaks highly of the caution to be taken in order to suspect a man and bring him under arrest, whereas section 14 of the Ordinance at once makes a devolution of powers to the meanest constable. Any officer who is satisfied that a particular man might have been arrested under section 12 might himself arrest him without a warrant. Any man who goes to a place has simply to be satisfied that a particular man is a man who is fit to be arrested under section 12 and therefore he might himself do it.

"Any officer of Government authorised in this behalf by general or special order of the Local Government can arrest without warrant any person against whom a reasonable suspicion exists if he is a person in respect of whom an order may lawfully be made under sub-section (1) of section 12."

Sir, the manner of arrest is like this and the manner of trial is like that. Now, Sir, I ask—Is this a legislation which can stand by the light of day in any civilised country? Sir, in the fifteenth century, five centuries ago, England put down once for all the King's right to legislate by Ordinance or Proclamation. The highest power which the King of England had by way of making an Ordinance or Proclamation was only in 1539 under the Statute of Proclamations. That was repealed 8 years later, and since then the power of a King is not recognised to make an Ordinance or a Proclamation to supersede the ordinary law. And, yet, what is denied to the King is given to the Viceroy. Sir, on page 48 Professor Dicey says that this Statute of

Proclamations of 1539 marks the highest point of legal authority ever reached by the Crown, and probably it was because of its inconsistency with the whole tenor of English law that it was repealed in the reign of Edward VI. What does that maximum power say? It says: "But this shall not be prejudicial to any person's inheritance, offices, liberties, goods, chattels or life." Sir, even when the King of England enjoyed the highest power to legislate by means of an Ordinance or Proclamation, there was this limitation placed on his power. And, yet, Sir, what is undesirable to England is, to this day, desirable for this country. What cannot be given to the King's hand can be given to a Viceroy's hand. I have no doubt that we have with us a Viceroy, who, according to Lord Lytton, is the best trained lawyer in India, and this Ordinance has also been drafted or framed, or approved, by the best trained lawyer in India, His Excellency the Viceroy. But, Sir, a lawyer's psychology is such that when he appears for the prosecution he curses all those sections which give benefit to the accused. And therefore it is when the lawyer becomes legislator all those inconvenient sections are taken away; and therefore I say I entirely endorse the view that this has been drafted by the ablest lawyer in India. Now, Sir, if we are to accept an Ordinance like this, an Ordinance which takes away all possible protection for the man who is brought before the court, who will not be tried on anything like legal evidence, who can be convicted and sentenced to death also by a mere scrap of paper, I have no hesitation in saying that this is a statutory assassination of a so-called revolutionary assassin. Revolutionary assassination cannot be put down by statutory assassination. Nothing is greater anarchy than legalised anarchy. Statutory anarchy does not stand in a better position than ordinary revolutionary anarchy. Sir, the one argument chiefly advanced is that persons are afraid of coming and giving evidence; they are likely to be murdered themselves. Does the Ordinance place in a better position the informer or the police coming to arrest the revolutionaries? Does the Ordinance by a process of inoculation make them immune from the assassin? It all depends on your power to administer the law; it all depends on the efficiency of your criminal administration, not upon a law; and the law is already there in the ordinary Code, the Code of Criminal Procedure, the ordinary criminal law contains everything that is here, except these portions which take away the liberty of the individual upon a scrap of paper. Therefore, Sir, by all means, if you are afraid that your informers will not be able to come forward as against those persons who are charged, by all means give them protection, give them a palace in the Viceregal estate, escort them by constabulary, protect them by constables, but do not for God's sake take away the life and liberty of a man on a scrap of paper without producing the man who gives evidence against him. That is the law of evidence in every civilized country. The Ordinance violates this. An Ordinance we may consent to, but does an Ordinance mean a negation of justice and equity, or good conscience? How ever high a ruler is, if he is given power to pass an Ordinance, does it mean that power can supersede the ordinary law, the ordinary justice, the ordinary equities? Sir, even an Ordinance must conform to certain general principles. Sir, it is not to be understood that there is anybody in this hall, or outside this hall, who is anxious to support anarchy. Is there one in this country who is working for Swaraj without at the same time hating anarchy? Is there one like that in the whole of this country? Sir, deep-rooted are the impressions or the lesson taught to us by our Mahatmaji, that even if we are told that Swaraj can never be obtained by pure non-violent non-co-operation, or even if we are told that to-day we will get

[Mr. C. Duraiswami Aiyangar.]

Swaraj by a single act of violence, we are not going to break that law of non-violence, that law of love which has become deep-rooted in all minds by our own Mahatma's lessons. Sir, it is under section 72 that this power is taken to legislate by an Ordinance. What does section 72 say?

"The Governor General may in cases of emergency make and promulgate Ordinances for the peace and good government of India or any part thereof."

First it speaks of cases of emergency. Sir, what is an emergency? An emergency can arise only if there is a sudden development of events not anticipated or not covered by the existing law. Was there any such sudden development in this case? You have been yourself tracing its gradual growth from the year 1922 to the year 1924. Then again the emergency can arise only when you have not got the opportunity of having a law passed by the Legislature. That emergency too has not arisen in this case. Now, Sir, that particular condition, which is a condition precedent to the issuing of an Ordinance utterly fails in this case. Then, Sir, the section speaks of an Ordinance being promulgated for the peace and good government of India. If you have seen that the law which was promulgated, the Ordinance which was promulgated, is not a good law, but a bad law, is a lawless law, then I ask how can bad law make good government? How can peace be restored in a reign of terrorism? If you are anxious to have peace and good government, do it by good law, do it by good administration, not by terrorism. Sir, one year ago, or about that time, we passed a solemn Resolution in this Assembly requiring the Government to repeal the Bengal Regulation III of 1818. You are aware that this Bengal Regulation III of 1818 is now nearly one hundred and seven years old, but as vigorous as it was at its birth because of its frequent rejuvenation. It is an old ante-diluvian moth-eaten cadjan-leaf Regulation, and still in the year of grace 1925 we are controlled by that same Regulation. Last year we solemnly passed a Resolution in this House recommending to the Government that that Regulation must be repealed. The Government tried their best, but they were not able to convince this House that that legislation should stand a minute longer on the Statute-book. But to that Resolution passed by this Assembly with all the force, intellectual, moral and numerical, that this House could command, what is the answer that we have got from His Excellency the Viceroy? Here we have a present of this Ordinance. It is a wonder to me how, under section 71 of the Government of India Act, another Regulation was not brought into existence instead of this Ordinance. That would have been a uterine brother to the Regulation and not a half-brother like this Ordinance. Considering all the publicity that has been gone through, considering the Governor General in Council had a part in this, a Regulation could have been quite as easy as an Ordinance. Probably there were weighty reasons why a Regulation was not issued. Probably a Regulation under section 71 would have led to all kinds of criticism in this House, and the criticism cannot be shut out on the ground that it does not concern the Governor General in Council. Whatever it may be, we have got an Ordinance. It is enough for us to deal with that. What is it that this Assembly now requests you to do by means of this Resolution? I find that a number of my friends here are already alarmed at the manner in which I framed my Resolution. Probably they think I am inviting the Government to supersede this Ordinance by another law equally bad, or much worse. Therefore they have all sent in amendments asking that this Ordinance should be repealed forthwith and not superseded. Sir, I was

fully conscious of the fullest implication of my Resolution. Even if it should come to the Government accepting my Resolution and bringing in a Statute to supersede this, that Statute, being as bad or even worse than this, I would welcome that opportunity.

I would welcome a public discussion on the floor of this House of any measure which they would introduce in substitution of this Ordinance. But that is what is wanted. You, therefore, Sir, on the Government Benches, I appeal to, that in the form in which my Resolution stands, you may yourself give your vote in my favour. You may introduce a measure to supersede it, make it as bad or worse in the initiation. We know how to deal with it when it is brought before the House. To you, Sir, the European Members of this Assembly, I also make a special request. We are not here at the dinner table exchanging platitudes over a toast cup. We are here with the fullest responsibility of safeguarding the people of this country. Whether nominated or elected, every one must feel the joint responsibility of safeguarding the interests of this country by a proper and by fair, legitimate and just legislation. Therefore, Sir, I invite you all, I invite you too to join me in giving this vote. Sir, Ordinances may come and Ordinances may go, but one thing that is clear is, as His Excellency the Viceroy put it, to secure freedom, use love and non-violence. Sir, His Excellency in the statement of reasons appended to the Ordinance, said that from 1917 to 1923 there has been a lull in the revolutionary movement and in 1923 there was a resuscitation of the old conditions. To what does His Excellency attribute that lull and that recrudescence as well? Does His Excellency think that the repressive measures adopted during that long period of 1912-17 effected that lull? I repudiate it. What is that lull due to then? I will, without fear of contradiction, say that it is due to that moral power exercised by Mahatma Gandhi over this country that there has been that lull in the revolutionary movement. And what is the recrudescence since 1923, if true, due to, but to incarceration and the consequent deprivation of that great moral power? Sir, both the lull and the recrudescence are traceable only to that power. Put Bengal in the charge of Mahatma Gandhi if you cannot carry on the administration without Ordinances like this. By all means you will improve it. It is love alone that can conquer:

"The grandest heroes who have graced the earth
Were love-filled souls who did not seek the fray
But chose the safe, hard, high and lonely way
Of selfless labour for a suffering world.
Beneath our glorious flag again unfurled
In victory such heroes wait to be
Called into bloodless action, Peace, by thee.
Be thou insistent in thy stern demand,
And wise, great men shall rise up in the land."

"Thou wilt be what thou could'st be. Circumstance
Is but the toy of genius. When a soul
Burns with a godlike purpose to achieve,
All obstacles between it and its goal
Must vanish as the dew before the Sun."

Mr. President: Resolution moved:

"That this Assembly recommends to the Governor General in Council that steps be taken forthwith to supersede by an Act of the Indian Legislature the Criminal Law Amendment Ordinance, I of 1924, made and promulgated by His Excellency the Governor General for and in the province of Bengal."

[Mr. President.]

Before I allow the debate to proceed, I should like to draw the attention of the Assembly to Standing Order No. 29 which forbids the use of the opportunities of speech in this House for the purpose of reflecting upon the Governor General or any Governor. This is, no doubt, an occasion where it is a little difficult to apply that Standing Order without deflecting the course of the debate, but I think I may say that, if Honourable Members will use their opportunities of speech in the same manner as Mr. Duraiswami Aiyangar, there will be no need for the intervention of the Chair.

The Honourable Sir Alexander Muddiman (Home Member): Sir, if I rise thus early in the debate, it is because I think it well that the case for the Government should be stated as concisely, as simply and as clearly as possible. My Honourable friend who has just sat down has made my task a little more difficult than I thought it would have been when I was considering the possibilities of this debate. He seemed to me to think that the Ordinance, the action taken, was based on a somewhat haphazard decision arrived at after a single murder. I must disabuse him of that. I must go through the weary catalogue of crime and make this House realise that it was nothing of the sort. If all the speeches that have been delivered on this subject have not at any rate brought to the minds of the public and my friend in his distant retreat in Madras the fact that there is a long history of crimes behind all this, I will now detail these to the House. I had hoped to have been spared that.

Sir, I must ask the House to bear with me for a little while I turn to what is now history. It has been said—and I think my Honourable friend has admitted it—that during the years 1908 to 1917 the fair province of Bengal was attacked by a most virulent outbreak of revolutionary crime. That has never been denied. It began with the horrible murders at Muzaffarpur in which two innocent ladies were blown to pieces. It went on through a long history of crimes which I need not weary the House by reciting. That is admitted. And I think it will be admitted by every Member of this House. The object of that conspiracy was revolution. That revolution was to be effected by the following means. It was to be effected by secret societies, by exciting racial feelings, by obtaining funds by robbery and violence and by endeavouring to protect those guilty of these crimes from the consequence thereof by a concerted system of intimidation which was carried out to a great degree of efficiency. I am not now speaking of what Government have said on the subject. Revolutionaries of that time, many of them, have admitted it. They have written books; they have contributed articles to the papers, which fully bear out my statement. Now, that conspiracy, prolonged as it was for a long time, was attempted to be controlled by Government by recourse to the ordinary law. In those days even as now, Government did not lightly resort to any special measures. The conspiracy—and here again I speak not merely on the authority of the Government, or our views of the case but of the revolutionaries' own views of the case—was by the special measures then enacted, then taken, finally crushed. There is no doubt about it. They have admitted it. This is, as I said, history, and I will not go back on that further. But it is perhaps germane to my present task because it shows that a movement of that kind can be broken and has been broken, and was broken by means that are now sought to be employed against a similar one. After the period I have mentioned there was a period of comparative peace.

During that period, however, we, in the Government, knew that the nidus was still there; that it was not entirely dead, but it was quiescent and the matter did not seriously attract the attention or give concern to Government till about 1923, and I will pass over that period, observing, however, that it was known to Government even then that the germ of the disease was still there, although inactive and paralysed. Well, I come to more recent events, I come to the year 1923. Let me relate to this House the happenings of that year. I will not attempt to deal at this point of my speech with what is secret information received by Government. These are facts that are notorious. In many cases they have been brought before Courts. In other cases they are well known. In the year 1923 there was a definite conspiracy to assassinate Mr. Tegart, Commissioner of Police at Calcutta. Soon after, in the same year, there was a dacoity with a double murder at Kona near Howrah about 10 miles from Calcutta. In that case pistols were used. They were used absolutely without any cause whatsoever. The unfortunate victims who were robbed offered no resistance at all. They were shot down like dogs and the dacoits decamped without even taking any property. Thereafter the Ultadingi Post Office was looted. In that case also a revolver was used. On the 30th July of the same year, a robbery with murder occurred on Garpur Road in Calcutta itself. Then there was the murder of the unfortunate Postmaster of the Sankaritola Post Office. For that a man was placed on trial and I think he was finally sentenced to death. Perhaps several Honourable Members know how that Postmaster in the prosecution of his duty was slaughtered in the manner I have stated. The police got on the track then and recovered a considerable number of revolvers in connection with that case which resulted finally in a trial which is known as the Alipore Conspiracy case. That conspiracy case ended in an acquittal. It was admitted by several accused after the trial that the object of the conspiracy was to murder police officers. Then I pass on to December. In December a robbery in which Rs. 17,000 were involved was committed by persons armed with revolvers in the Chittagong district. In connection with that case reliable information was received that an attempt was made to decoy one of the chief witnesses. . . .

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadian Rural): May I put a question, Sir? I want to know if the Honourable the Home Member

Mr. President: The Honourable Member can only put his question if the Honourable the Home Member chooses to give way.

Pandit Shamlal Nehru: I just wanted to make one point clear. The Honourable Member has said that there was a conspiracy to kill Mr. Tegart and he mentioned another conspiracy. I want to know whether the Honourable the Home Member has any proof of these.

The Honourable Sir Alexander Muddiman: To my mind very convincing proof. I ask that I may not be interrupted in my attempt to put my case before the House. I will put it as frankly as I can and as succinctly as I can. When I was interrupted, I was drawing the attention of the House to the Chittagong robbery case, which was of great importance and I had said that in connection with that case an attempt was made to decoy one of the chief witnesses with the object of murdering him. However, be that as it may, what happened on the next evening? An unfortunate Sub-Inspector of Police, who had been deputed specially in connection

[Sir Alexander Muddiman.]

with the case, who was known to be able to identify one of the persons suspected of complicity and who had come down to make his arrest, was shot and killed. That was in December. We will now proceed to January, 1924. In January, 1924, Mr. Day, an ordinary innocent citizen of Calcutta, who had no connection with politics so far as we know, who was pursuing his lawful avocations, was shot dead in one of the principal streets of Calcutta. He was not merely shot dead but when he was on the ground, repeated bullets were fired into him—a most ferocious murder. In April Mr. Bruce was shot at in circumstances which almost make it certain that he was mistaken for Mr. Tegart, the Commissioner of Police, Calcutta. Several outrages, the details of which I have related, seem to have been directed against Mr. Tegart. I should like to draw the attention of this Assembly—we must really get down to facts—that these are not isolated outrages that I have cited. I will, if I can possibly, convince the House that they are, many of them, connected. The connection in these cases is this. The revolvers recovered and the ammunition recovered in the Chittagong case and the revolver used in the murder of Mr. Day are weapons for which the ammunition cannot be legally obtained in India. I desire to lay great stress on this point. What happened in March? The police came across a large bomb factory in Calcutta in the course of another search. This led to the Maniktola bomb case ending in a judicial conviction and sentence. The type of bomb found was a distinct advance on any bomb that had been previously found, and it was made by persons who evidently knew how to do it. They were bombs of a highly explosive character. In connection with this case six bombs were found and one unloaded shell. That was in March. About the same time a young man was seriously injured by a bomb explosion in Faridpore. He was apparently making bombs and has since been convicted and sentenced to a long term of imprisonment. Bomb making was therefore not confined to Calcutta. In those two outrages we had two distinct places where bombs were being prepared. In July a man believed by the police to be a well known member of the gang was arrested with a fully loaded revolver and was prosecuted and convicted. In July again—I am merely showing the intensive character of the campaign—the Red Bengal leaflet was distributed. I will read the leaflet to the House. There can be no doubt of the intention of those issuing it. These leaflets were circulated at the end of July and again among the crowd which attended on the 19th August at the Town Hall to protest against His Excellency Lord Lytton's speech at Dacca. It runs as follows:

“Notice.—The public is hereby informed that the Bengal Revolutionary Council has passed a resolution of a campaign of ruthless assassination of police officers. Any one in any way actively or passively putting obstruction to our comrade when in action or retiring; or helping the Government of this country as by taking briefs from the Government or giving evidence in favour of prosecution, etc., when any such comrade is in the hands of the Government or inciting the Government to take repressive measures shall be considered as doing acts highly prejudicial to the best interests of the country and from the moment any such action is taken by any one he shall be considered as condemned by us to be despatched forthwith.”

That was how the pamphlet read. Those leaflets were not scattered about casually, but they were distributed in a manner which shows that the intelligence service was well organized and knew their work. They were served on people particularly connected with the suppression of these crimes. One was served on the Magistrate who held the identification

parade in the Alipore case. Another was served on a witness who had given evidence against Gopi Mohan Saha regarding the murder of Mr. Day and another was served on the Judge who tried the Manicktola bomb case, and another again on the Standing Counsel who prosecuted in that case. They knew perfectly well who were the people who were acting either legally or in the course of their duties and they took care to serve it on those persons. They were served on other persons in the same category whose names I cannot disclose because it is not in the public interest to do so. All this shows the exceedingly good intelligence service of the people who were engaged in this work. On the 22nd August the Mirzapore Street outrage occurred. This was a bomb case. A bomb was thrown and one man was killed and another seriously injured. In this case there is plenty of evidence to show us the extent to which members of this terrorist party were prepared to go. Two men were put on their trial for this outrage. One was acquitted. I will tell the House—the man is dead and therefore nothing can hurt him now—that he went to the police and he made a statement. On the 29th of September his body, brutally mangled and shockingly mutilated, was found on the railway line. There is not the faintest doubt about it that he was murdered because he, as they believed, and believed correctly, had given information to the police. That was on the 29th September of last year, the day on which I think this Assembly rose. These are facts which have been published. They have been referred to by Lord Lytton at the time of the promulgation of the Ordinance. They were referred to, though in less detail, in the statement that was issued by the Governor General, and I hope that my Honourable friend, after hearing them again, does not think that the Ordinance was promulgated because of the Day murder alone. Apart from what I have stated to the House, Government have in their possession a great many facts, a great many reports which they believe to be credible, but which they cannot in the public interest publish. When one is dealing with evidence of this kind there is always a great difficulty. People say, "If you have evidence, why don't you show it?" The answer is that if we did we should paralyse our own activities. We see what happens when a man is suspected of giving evidence, he is immediately murdered. We are told, "Why not protect these men?" Is it so easy to protect the men? Is it easy to protect even the highest in the land? Can we possibly give efficient protection? As some one said the other day, a determined assassin is extraordinarily difficult to defeat even with every possible police protection. If we can hardly defend our high officers, it is not possible that we can defend ordinary witnesses as long as this terrorist conspiracy exists and is operative.

I now turn to the question of the other evidence of attempts that have not succeeded. We have ample evidence of many attempts that have not succeeded. I will not take you back further than last July, and I will tell this House that between last July and the making of the Ordinance there were five attempts to murder. I should like to, but I greatly regret that I cannot, disclose the names of the persons against whom these attempts were made though it would be of the highest interest, but I am informed I must not do it. These attempts, in some cases, were frustrated by the vigilance of the police. In others they were frustrated by pure accident, or, as I should prefer to say, by the hand of Providence. It is perfectly obvious that in an intensive campaign of this kind an outrage was only to be awaited which would come in time, which was bound to come. What I have said proves beyond a peradventure, that the situation in Bengal

[Sir Alexander Muddiman.]

was rapidly deteriorating. In spite of what my Honourable friend has said, I am sure the House, as a whole, will be inclined to admit that there is a terrorist conspiracy in Bengal. What they perhaps are inclined to undervalue is the extent and importance of the conspiracy. That is why I have laboured this point to show how it developed, how it became worse, and how we had the strongest reasons for believing that some spectacular outrage, some crime so extraordinary as to evoke public emotions to a high degree would occur. It may be said that we were premature in taking this action and that we should have waited. Is that reasonable? Supposing we were right in taking action, would it have been right to have waited for an outrage which we knew must happen, which we at least thought must happen, for some spectacular crime? I ask you, would that not have been making light of the lives of men? Should we not have been gambling, not with our own lives—it is possible to justify gambling with one's own life—but with the lives of others? Had we any right to treat these men as pawns in the game, to be risked to avoid political odium? Sir, that was not the view of Lord Lytton's Government. It was not the view of the Government of His Excellency the Viceroy.

Now what are the steps taken by the Government which have been criticized? The Governor General promulgated an Ordinance on the 25th October and it was accompanied by a statement. He observed therein:

“I have therefore come to the conclusion, after the fullest consultation with the Local Government, that it is necessary to arm the Government of Bengal with special powers to deal with preparation for crime, with the object of protecting not only the officers of Government, whose lives are threatened, but equally private citizens, who have frequently been the innocent sufferers from such outrages, and the misguided youths who are its tools and often themselves its victims.”

His Excellency in making the Ordinance pointed out that—

“the Ordinance is directed solely to the ends I have specified and will in no way touch or affect the interests or liberties of any citizens, whether engaged in private or public affairs, so long as they do not connect themselves with violent criminal methods.”

The statement further lays down a doctrine which I should have thought it unnecessary for me to argue for if there is one theory of Government's duties which is axiomatic, it is:

“The fundamental duty of Government is to preserve public security on which political advance and all the functions of a civilised social organism depend.”

What are the powers under the Ordinance? The first part provides a special form of trial and lays down rules of evidence to which my Honourable friend appeared to take the greatest objection. I must confess I was surprised at it. I should have thought that a provision to enable evidence of a murdered witness to be laid before the Court was a provision that I should have had no difficulty in defending before any Assembly. There are other provisions making the provisions of the Code of Criminal Procedure applicable to these trials and there is an appeal to the High Court. However, I recognise that it is not against these provisions that the main charge against the Ordinance is levelled. That is made with reference to the power given by section 12, the power of locking a man up without bringing him to judicial trial. I do not for a moment

deny that it is a very grave power for any Government to take and for any Government to use. I do not stand on that at all, my own instincts are all against it. I feel as strongly as any one in this House does that Government in taking those powers take a very grave responsibility. Let me ask you to contemplate for a moment who are the men who consider the time has come when a responsibility of this kind ought to be undertaken. The Government of Bengal presided over by Lord Lytton, a well-known Liberal statesman, a man whom his worst enemies admit to be high-minded to an unusual degree, the Government of India presided over by His Excellency the Viceroy, an ex-Lord Chief Justice of England, a man distinguished in many fields of human activity and a man certainly not in the least likely to be moved to take a step of this kind without the gravest necessity, a man liberal in politics, liberal in ideals, trained in the best school of the English Bar, not a bureaucrat whose human sympathy had been dried up by the sun of this country, but one who came with a fresh mind and with fresh impressions to hold the great office which he now discharges. Therefore, I put it to you that on ordinary considerations there is a presumption that men of that character would not ask for and confer these powers without real necessity. I will go further and put it wider, that the Government of India is composed of men who will not be willing to take that responsibility unless they are compelled to do it. Does anybody in this House suppose that it is any pleasure for any officer to undertake this great responsibility? Put it on the lowest ground, we are not so absolutely devoid of political foresight that we do not see that in many ways it is an extraordinarily difficult step to take at this time. Put it on that low ground only. This is not a course that any reasonable body of men would have embarked on lightly.

Now I want the House to look a little closely at section 12 and see the classes of cases which that section covers. A great point has been made that this Ordinance is directed against political parties or a political party, or may be used to suppress legitimate political aspirations. Now I ask you to look at section 12, and you will see that there are three classes of cases in which action may be taken. If the Government have reasonable ground for believing that the person dealt with is suspected of offences in connection with the Arms Act or offences in connection with the Explosives Act. That is one class of cases and that I should think no one would object to. The second class are offences specified in the Schedule. Now if you have looked at the Schedule you will see that all those offences are offences directly connected with violence. Section 148 is rioting with deadly weapons; 302 is murder; 304 man slaughter; and so on; and if you go through them you will find they are all offences which involve violence or crimes, where violence is an almost inevitable element. And the last class of cases dealt with under section 12 is cases of interference by violence or threats of violence with the administration of justice. Those are the three classes of cases. Now, on being satisfied that the suspect falls within those classes, Government can pass six kinds of orders. They all involve interference with personal liberty and therefore they are all open to the objection that I know will be taken that this is an interference with the rights of the subject which is not justified by the circumstances of the case. I will take the big one, that is the power to deprive a man of his liberty and to remand him to custody. Now in the case of these orders under section 12 within one month of the date of the order the relevant facts and circumstances of the order must be placed before two Sessions Judges for a report to Government.

[Sir Alexander Muddiman.]

Now there has been a tendency to treat that as a mere invitation for the formal endorsement of an order which has already been passed. I do not think really that the history of British administration in this country justifies such a suggestion. Do you really think that there are men who have attained to the rank of Sessions Judge who would regard a duty such as this as merely the signing of a death warrant already prepared? Do you really think that they would not apply their minds and give their best attention to coming to correct conclusions? It is a point I really ask the House to consider. Now, as I have said, powers of this kind are only justified by special circumstances. I have endeavoured to show to the House that those special circumstances exist. If it is stated that special circumstances do not exist in Bengal, I think that I have established it. At any rate I have placed before the House all I have to say on that point. If the argument is that under no circumstances and under no conditions are powers of the nature referred to to be given to the executive I can only say I entirely differ. There comes a time when the safety of the State is the only law and I say that time was coming close in Bengal. There comes a time when the State must mobilise its forces against terrorism or go under. Now another argument—and I think my Honourable friend used it—that I have heard is that these powers are ineffective. One can never say whether powers are ineffective or not until they have been tried. All I can say is that these powers were effective on the last occasion when a similar situation had arisen in Bengal, and therefore we may hope that they will be effective on this occasion. These powers have been recommended as the remedy for a situation such as in fact existed by all the persons and committees who have considered the matter. The matter has been very carefully considered, for unfortunately these conspiracies are not things of to-day. The unanimous conclusion that has always been come to is that save with these powers these movements cannot be checked. Now I have heard the criticism that the matter was decided without consultation with the Legislature; that we ought to have brought this matter before the House: that we were wrong in fact in striking without warning. Sir, I ask, is there any one in his senses who, believing that he is dealing with a large gang of conspirators who may be prepared at any moment to commit outrages, gives them notice of his intention of checkmating them by arresting the leaders? You may blame us in whatever way you like for our policy, but do not blame us for failing to act with obvious foolishness. If you know an offence is going to be committed, you must make arrangements for defeating it and not discuss publicly whether some new offence should be created with which you are competent to deal. (*A voice*: "How do you do it in England?") These occurrences are at least rare in England. A further criticism is that Government must have been rushed into this and that they acted without thoroughly considering the matter. That has been thoroughly dealt with in His Excellency the Viceroy's speech which Members of this House have only recently heard, and I will not delay in order to travel over the same ground again. Then you say, why don't you bring these men to trial? It is a very reasonable question. You know all these facts, why not bring them to trial? That is the question I am asked and it is a question I asked myself at once when I first saw the papers. To that the answer is this. What kind of evidence can you expect to get in these cases? Now there are lawyers in the House and they know quite well. You may get evidence of

arms and when we get this evidence we prosecute and get a conviction. (A Voice: "When you have no evidence you lock them up indefinitely.") That is not so, as I am endeavouring to show. You get evidence of isolated occurrences, but what is wanted, as my Honourable friend knows, though he interrupts me, is the connection between the isolated occurrences which demonstrates the conspiracy. And how do you usually get that evidence? In most ordinary cases you get it on the evidence of an approver. Now what are the facts about approvers in these terrorist cases? The facts about approvers are these, that anybody who has been an approver runs a very very definite risk of being murdered. We may try to protect approvers; we may be able to send them out of the country, but the fact remains that the choice before an approver in these cases is death by murder or perpetual expatriation. Well, approvers may hesitate to take the risk, and you cannot be surprised that they are unwilling in most cases to go into court.

Now you ask me how long do we propose to keep these men in jail, and the answer is, so long as the public interest demands it and not one day longer. We have for the time given this organisation a rude shock. We have dislocated its operations. I hope we have gone far to crush it. I cannot be sure. Time must elapse; we must have time in which to give back self-confidence to Bengal, when men will be able to give their evidence willingly and when fear of murders of this kind has passed. The effects of terrorism are not terminated in a day. Men know and remember what the giving of evidence means. They see the body of the police officer shot in Chittagong; they remember the mutilated corpse on the railway line. We who live far away, perhaps in Madras, are not in a position to appreciate local conditions. I hear at times criticism which is rather unjust and ill-natured, a jeering at the unwillingness of witnesses to come forward. The charge is true but we must remember that it requires a very great deal of courage for a man to stand up and give evidence in the circumstances. There have been exceptions and I wish to bear testimony to the great courage and bravery exhibited in some cases by uneducated men, very often mere coolies, who have helped to arrest these desperados. It speaks well for Bengal that there are men of that kind. For the police in Bengal—and particularly in Calcutta—I desire to express the most unstinted admiration for the way in which they have dealt with this alarming menace. It is comparatively easy for brave men to face open battle, but to live in the shadow of a haunting terror is a trial that may well appal the bravest. Apart from threatened outrage, intimidation of a minor degree has been infinite; it has gone to an extent which is often almost intolerable. The ordinary man in the street will not come forward till we can show that we can protect our officers and protect him if he assists us. This is well known to the conspirators, and the Red Pamphlet was their answer and their challenge. I have already read that to the House. It is said that progress in reforms will check the terrorist movement. Is this true? Do you suggest that repressive measures should cease, because terrorism will abate with political advance? Have you considered the teaching of history? Look at the history of the Irish Free State. What did they have to do? They had to resort to repressive measures to a degree that would horrify this House. I will only add, Sir, that whatever I hear in this House in this debate I do hope that I shall hear from all sides a whole-hearted repudiation, an expression of detestation of these horrible crimes. You may think we have dealt with the matter on wrong lines, but at any rate let us have your support, your assurance, that you do stand with us, that you do agree with us in this, that the cause of India will not be forwarded by terrorism but will be obstructed by it, and that

[Sir Alexander Muddiman.]

the most criminal enemy of the country is the man who chooses terrorism as the pathway to political progress.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

The Assembly re-assembled at Twenty Minutes to Three of the Clock. Mr. President in the Chair.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I rise, Sir, to give my general support to the Resolution that has been moved so ably and with such sweet reasonableness and with the cleverness which is his as an experienced lawyer by my friend Mr. Duraiswami Aiyangar. I also congratulate my absent Honourable friend, the Home Member, I think after the excellent case that he tried to make out on behalf of the Government, he well deserves to enjoy his lunch a little longer than usual on the exceeding good humour of his defence. Now, Sir, we in Bengal, not all of us, but some at least, do admit the presence of a movement of revolutionary patriotism in our province. It is, therefore, a matter of ancient history to which the Leader of the House tried to lead us in his speech. This movement of revolutionary patriotism owes its origin to the last anti-partition agitation in Bengal, and if we are to go into the roots of that unfortunate development we shall have to admit—and history has practically admitted—that it was due to two forces working against one another. One was the will to freedom of the youthful intelligentsia of Bengal, and the other was the will to domination of the representatives of the Imperial power in this country. Now, the Government practically provoked that conflict with the will to freedom of the Bengali young men. They adopted measures which were unnecessary. They took action which was harsh. And these measures and these actions irritated the youthful intelligentsia of the province and when open propaganda and open agitation was practically stopped not only by special legislation but by what seemed very much like pogroms in certain parts of my province, the result was inevitably what we had. We told the Government then: "Do not for God's sake drive this open movement underground by putting down without sufficient sympathy and consideration a legitimate and constitutional movement of passive resistance." We had the deportations, application of the obsolete Regulation III of 1818, in Bengal during the last movement, and this time when the same weapons were taken up we asked, and I personally publicly challenged the Government of Bengal to bring out the proofs which they had, the secret dossiers, in the case of two of our public men against whom not even their rankest enemy could raise any suspicion of any manner of complicity with political dacoity or murder, namely, my friend the late Mr. Aswini Kumar Datta and my friend Mr. Krishna Kumar Mitter. I asked Government: "These are matters of ancient history. You cannot plead reasons of State to keep these dossiers in your keeping. Now, bring these dossiers and let us examine these ancient records and see if you had any justification to arrest these honourable gentlemen and take them away from their homes and keep them in detention without formulation of charge or trial or any of the

ordinary processes of law. Your present action may be tested by those old records. I thank the Government of Bengal for having accepted that challenge or acceded to that request. The Honourable Sir Hugh Stephenson, in course of his speech in the Bengal Legislative Council, openly confessed that so far as these two gentlemen were concerned, the Government never suspected them of any complicity with murderous crime. Now, how are we to be assured, Sir, then, that in the present case, the men who have been similarly taken into custody, have not been taken for the same reasons for which Aswini Kumar Datta and Krishna Kumar Mitter had been taken in 1908, and because of their inconvenient, but not really criminal, activities? What reasons have we to believe this except the statement of the Government. And this is where the whole trouble comes in. We asked the Government of Bengal "Produce your proofs." His Excellency tried to answer that challenge. At Faridpur and elsewhere he did make statements, but these were not proofs, but mere assertions. The facts which have been placed before us this afternoon by the Honourable the Leader of the House, are also not proofs of the complicity of the individuals who have been arrested under these new Regulations, but they are only evidence of a particular state of things in Bengal. We did not deny, we could not deny, that there were murders. We could not deny that Mr. Day was killed in open daylight. We could not deny that the Post Office in Sankaritolla was tried to be robbed and the postmaster was killed in his attempt to protect public property. We do not deny that there were murders in connection with the Kona case. But that reminds me—Sir Alexander Muddiman also knows it—how the Kona dacoity case failed in the High Court.

The Honourable Sir Alexander Muddiman: Does the Honourable Member deny that there was a murder?

Mr. Bipin Chandra Pal: No, I do not deny the murder, but I deny the validity of the evidence which was brought by the police to prove the murder and bring it home to the men who were placed before the Court. I deny that. How did that case fail? It failed upon one very small and immaterial fact, and the fact was this. The man who declared that he was acquainted with the whole history of this case, namely, the approver, who deposed to it that he knew the persons implicated in that crime, and who declared that he it was who had driven the motor car from the place of occurrence to a certain village, failed to handle the same type of motor car when he was asked to do so before the court and the jury. Now, that is the kind of evidence which is often times adduced by the police to bring home these charges. So the case is not that there was no murder. Of course, you could not deny that. A man is killed and we have to admit that there has been a murder. But the whole case is this—whether the men who were suspected of being connected with this murder, were actually guilty of it or not. That is the whole issue. Then the next question also is this. We agree that there have been murders. We admit that there have been dacoities. But what is the evidence that all these murders and dacoities have been actuated by political motives? That point requires to be established. But it has not been established. And we have a right to ask the Leader of the House and the representatives of the Government to satisfy us in regard to these two points. But we go further, we admit that some of these murders are political murders. The murder of Mr. Day has been a political murder on the confession of the murderer himself. We

[Mr. Bipin Chandra Pal.]

cannot deny it. And, frankly speaking, Sir, before the murder of Mr. Day took place I myself had very serious doubts in my mind whether we had a real recrudescence of the old revolutionary patriotism in our province or not. But the murder of Mr. Day convinced me that there was a real recrudescence of this crime in our province. Mr. Das himself frankly and publicly admitted it. We have nothing to conceal. I frankly admitted it on the floor of this House last Session that there was a recrudescence of the political revolutionary movement in our province. Did not the Government know it? The Leader of the House said that they knew it all along. We too knew it. But what did you do to prevent the spread of it? I ask the Government to answer that question. We knew it from what? From the latitude that was given by the Government to the men who had been connected with the last movement to publish their ancient memoirs and their ancient records. Some of us did not like it. There was no call for reviving those memories. But the Government permitted this propaganda, when a word or a hint communicated in a friendly way might have prevented these publications. The Police took no steps to prevent the circulation of these things. I know it, Sir,—I have nothing to conceal—that young men have come to me and confessed that there was once more an attempt to reorganise the old campaign. But what were you doing—I ask the Government—all these months before promulgating this Ordinance? Were you asleep or were you trying to create evidence? Were you waiting to make up a case, so that you might take into your hand these extraordinary powers not only to put down real political murders, but also to prevent the legitimate propaganda of freedom in the country? That is the whole question, and I ask that question of the Government. I met a high Government official, or rather he met me, as I do not generally meet Government officials (Laughter) except on the floor of this House or at their hospitable table. Now, he met me and he put it to me: "How do you say that there has been a bankruptcy of statesmanship in the promulgation of this Ordinance?" I asked him what were you doing all these months? Why did you not stop the circulation of the poison through books? And he replied he had no powers. But that is a very lame excuse. You might have done it without infringing any of the legitimate rights of freedom of speech or freedom of thought or anything of the kind. You did not do it. We admit that there is a recrudescence of patriotic criminalism in Bengal. What is the strength of it, what is the extent of it, we do not know? There is a recrudescence of this movement of political criminalism in Bengal. We do not deny it. But what is the remedy? We do not want it; it will not help us. Mr. C. R. Das has said the same thing. Others have said it repeatedly that this movement of revolutionary patriotism will not help us to our goal. There are people who believe that if only it had a chance of success it might be supported. There are people who believe that even if it had a chance of success, that success would not bring the kind of Swaraj which we want, but would bring some other Raj and not the democratic or popular Government which we desire. So, whether it succeeds or it fails, we have no part or lot with this movement of political criminalism in Bengal or anywhere else. We are as much anxious to put it down as the Government can possibly be. But you make it very difficult, exceedingly difficult, for us to meet this menace. How? Because your Ordinance has created a very widespread sympathy, an all-India sympathy, for the men whom you have taken into custody. This debate will bear witness to the

fact that every one in this House, from whatever province he may come, sympathises with the men who have been detained under Regulation III or who have been taken up under the new Bengal Ordinance. And what is the meaning of their sympathy? You cannot say, you do not say, that we are all in sympathy with any kind of terrorist conspiracy in the country. But our sympathy goes out to the victims of your action, because you have not been able to prove to the hilt the guilt of these men in regard to these murderous conspiracies. And it is public sympathy, Sir, which feeds these movements all the world over. It is not only the secret criminal propaganda nor the example of individual crimes, but it is public sympathy which draws recruits. It is the canonization of the political criminal which adds to his fame and to the incentive to political crimes. By your hasty, unwise and unstatesmanlike action you have created widespread sympathy for these men in every part of India, and that is the real trouble. And it is this which proves lack of statesmanlike imagination. Then, again, we must take into consideration other facts also. We fully realise the predicament of the Government. Sir Alexander Muddiman has brought out a number of cases of murder and other things. I quite admit that in the face of these, it was very difficult for the Government not to do something. Something had to be done, of course, but not exactly the thing that the Government actually did. But even here I admit that it was very difficult for the Government of India not to allow something to be done. That was, in fact, more difficult, because the Government of Bengal evidently said: "Look here, the life of our highest officers is in danger and there is this conspiracy which tries to paralyse the administration and we must have your protection. We must be given special powers to protect ourselves, special weapons to fight this evil." If the Government of Bengal could, as every public man has to, take these threats of assassination, with indifference, as part of the day's work, nothing would have to be done I take it, by the Government of India. But they refused to take these threats as part of their day's work. We have heard, Sir, during the last few weeks, a great deal of these threats. Now, what public man is there either here or elsewhere, in England or America or other places, who has not some time or other of his public life been threatened with these things? Even in democratic countries they are threatened. In our undemocratic country we are also threatened with these things. I remember the time when I was not much of a public man but was just entering public life. During the agitation over the Consent Bill in 1891 I received a number of letters because I supported that Bill and broke up one or two public meetings organised by the orthodox party against that Bill. I had these letters. Not only that, Sir, I was actually shot at. But I did not go to the police. (Hear, hear). (A Voice: "Why not?") I was sitting in my room writing under a lamp—we had no electric lights in those days—under a bright kerosine lamp, and my room was on a public street. From the other side of the street a shot was fired. I heard only the sound, and then I saw the gas post was struck. The light went out, and I do not know where the bullet went (Laughter). In any case it did not enter my head, or even my heart. I kept my head cool, I did not run after the man who had shot, nor call for the police

The Honourable Sir Alexander Muddiman: May I ask the Honourable Member why he did not give information to the police of the attempted murder?

Mr. Bipin Chandra Pal: Well, I did not know the murderer, what was the good of giving information to the police? I know your police. They would come and trouble me for seven days in trying to find out the man from me, instead of finding him out themselves. Now really that is the whole trouble. You say we do not help the administration of law. How can we, because the moment we try to help in the administration of law, we find ourselves in the hands of the myrmidons of the law, who try to exact—well, many things from us, as many things as they can, from us. This is the state of things. Under these conditions we have to take life easy in this country. We cannot help it. As regards threatening letters many people get these. During the last anti-partition agitation, when Bengal was divided into two camps, I received similar letters, and if I had tried to take notice of those letters, I would not be where I am to-day. If the Government of Bengal had treated these threats in the way that they have been treated in the past by other Governments in this country and elsewhere, there would have been no new Ordinance. But when the Government of Bengal convinced itself that there was really a conspiracy to murder the Head of the Government, to murder high officials, and having convinced itself and the Executive Council, it came up to the Government of India and convinced, on secret dossiers sent by post, His Excellency the Viceroy and his Executive Council, who had to go only upon records, they could not examine the men who furnished these records, and when the Government of India were convinced of the fact of a conspiracy to murder officials, in any case when the Government of Bengal asked for special powers, what could the Government of India do? The Government of India could not gamble as Sir Alexander says, with the lives of other people. I quite admit that was the position in which you, Sir, and your colleagues found yourself when the petition from the Government of Bengal came. You could not gamble with the lives of the Bengal officials.

The Honourable Sir Alexander Muddiman: I may say the Bengal officials were perfectly willing to gamble with their own lives, and always have been.

Mr. Bipin Chandra Pal: But you could not, that is my point. The Government are perfectly willing to gamble with their own lives, I agree, but they do not like to gamble with the lives of their subject population, with the lives of the police spies. They do not like to gamble with the lives of the secret service agents; they do not like to gamble with the lives of the approvers. That was their case, that was their difficulty. But the whole question is this. I fully realise your position; you could not refuse this help to the Government of Bengal. But the whole question is this. Will it help the situation? Has it ever helped the situation anywhere? In other countries these things are taken, as I said, as part of the work of the day. My first recollection of political murder was that of James Garfield, and I remember the deep impression which that murder created on me, a young man just entering public life; because I had been taught to love and honour Garfield as a pious man, and when such a man was murdered, I felt for him. But did the Government of America take special measures to protect the President? When McKinley was murdered, did the Government of America take special measures to protect the President? These things happen in every civilized country. They would not be civilized if these things did not happen there. In barbarism murders are committed by princes and potentates. In civilization murders are

committed by the men in the street, on men who control the machinery of Government. And those who have the power of the State in their hands have also the courage to take all these things as part of the day's work, and they do not make extraordinary laws with a view to protect themselves from these occasional or accidental criminal acts. That is all the difference between them and ourselves. Now the Government of Bengal have got their Act. What are you going to do? His Excellency Lord Lytton said, "As soon as we have got this Act, I will let the men out." My friend Mr. Duraiswami Aiyangar quoted three conditions laid down by His Excellency. This is the third, and this third condition is the most fundamental condition. If you let these men out now, I think there may yet be peace in Bengal. I do not want any disturbance in Bengal. None of us want any more disturbance in Bengal. We want peace, because we want to build up our national life. We have very serious work to do, economic work, sanitary work, educational work. All the nation-building works are being starved. We do not want that this nation-building works should be starved. We want peace, and for that peace we want that this trouble should be ended. Unless this Bill is repealed, or in any case unless an assurance is given that this Bill will not be worked in the spirit of other Bills of this kind, unless an assurance is given that the men who have been taken, now that the Government have got their weapon, will be let out, there will be no peace in Bengal, and we want peace in Bengal. His Excellency Lord Lytton wants peace in Bengal. He made a very earnest appeal to the Bengal Legislative Council to set to work in the nation-building departments. We are prepared to work those departments, but remove this grievance of the people, do not press it upon us any more, and if the Government of India can influence the Government of Bengal to let out the men who have been taken into custody without formulation of charge, and are detained without trial, I think it may be possible yet in Bengal to have peace. We suffered a lot, Sir. You suffered a lot also. We suffered a lot during the last period. We do not want a repetition of the old thing. There is one fallacy in the whole position of the Government in this matter, and that fallacy has not been sufficiently brought out. The Government are under the impression that the last movement was crushed. It was not crushed. You practically admit it was not crushed. The seed that is crushed does not sprout forth again. You did not crush it, you only suppressed it for a time. Let us not talk of crushing then. But the conceit in the Government mind is that it was the application of the Defence of India Act and the detention and arrest under the provisions of that Act of thousands of Bengali young men which put down that earlier movement of revolutionary patriotism. That is the case of the Government. I deny the truth of that case. Was the Defence of India Act the only thing that worked during the war, Sir? Was the Defence of India Act the only thing that was passed during the war? There were other things. We had a promise of the fulfilment of our political aspirations, even in the midst of the distractions of the war. They said from the House of Commons that there was a change in the angle of their vision. We had the Montagu announcement, from the House of Commons, regarding the goal of British policy in India. We had more than that. You allowed us admission into the ranks of the Indian Army. You opened the military career to the youthful intelligentsia of Bengal who were spoiling for a military life. You had the Bengali Regiment. You had the Bengal Ambulance Corps. And by all these means was diverted the adventurous spirit of the youthful intelligentsia of Bengal to healthier

[Mr. Bipin Chandra Pal.]

channels. It was these things far more than the Defence of India Act which brought about the change in the situation in Bengal. And then what happened next?

Mr. President: Before I let the Honourable Member go further into recent history I must remind him that his time has expired and in the interest of those who wish to take part in the debate after him I must ask him to draw his remarks to a close.

Mr. Bipin Chandra Pal: Thank you, Sir. I was not looking at the clock. I think we ought to have a clock the other side.

Mr. President: I quite agree with the Honourable Member.

Mr. Bipin Chandra Pal: I wanted to say this, that other things also happened. We had fresh troubles also, political troubles, disappointments; and all these things have brought about this difficulty under which we are labouring. Give us something. Give us something tangible. Give us an assurance, not on paper, but a practical assurance that our political aspirations will be fulfilled without avoidable delay. Give us an assurance like that. And let us work together. Give us a round table conference, Pandit Motilal Nehru's Round Table Conference. Let us sit together, you and we, and find out some means for fighting this menace. But you sit there in your high chair and we sit squatting on the floor. How are we to talk together and come to any sort of understanding and arrangement to fight this, which is recognised by us as much as it is by you as a great political danger?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, may I intervene, with your permission, for a moment? I want to draw the attention, Sir, of the Honourable the Home Member as well as your attention to the very strong feeling there is in the House that full opportunity should be given for this debate, and I therefore appeal to the Home Member to give us some other day. If he cannot give an official day, I am authorised to say, take one of our non-official days. I understand, Sir, that a large body of Members wish to take part in this debate and it is not possible to finish this debate because it is now a quarter past three. If you cannot give us an official day or if the state of business will not permit it, then take one of our days.

The Honourable Sir Alexander Muddiman: Sir, that is rather an unusual appeal to make after the debate has proceeded so little a distance. But I do recognise, and I think the House well knows that I have always recognised that this is a matter in which the House is greatly interested. I can assure you it is neither to the interest of the Government to cut short the debate or to prevent any views being put forward. But I have already given one official day. I feel that it would be very difficult to give another. But if the Honourable Members feel that this House is prepared to give up a non-official day to this debate, I will certainly consider it. I shall have to consult with the Secretary of the House as to what day is possible. But is it the wish of the House, if we are unable to give an official day, that a non-official day be given?

Mr. M. A. Jinnah: Yes, certainly. (*Cries of "Yes"*.)

Or, if possible why not give us Saturday?

The Honourable Sir Alexander Muddiman: I have a religious prejudice against that (Laughter.) Well, Sir, we will leave it at that that I will see what can be done about a non-official day for the continuation of this debate, should it go on longer.

Pandit Shamlal Nehru: May I suggest, Sir, that you give us to-morrow?

The Honourable Sir Alexander Muddiman: Sir, I have an equally rooted objection to sitting on holidays.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, it may be considered impertinence on my part to attempt to take part in this controversial debate; and if some of the Members on the other side of the House characterise my effort as such, they may have some justification, because I am one of the youngest Members of this House who, joined it after the events under controversy had actually occurred. I should have hesitated to raise my voice in this debate but for the fact that the Mover of the Resolution has, in moving it, questioned, or made an insinuation questioning, the action of the Indian Members of the Executive Council in subscribing to His Excellency the Viceroy's action in this matter. It was said that two of them had already left the Executive Government and the third was about to leave it. Well, the insinuation implied apparently was that, as they were about to cease to be Members of this Government, they subscribed to the policy without giving it the careful consideration which it demanded.

Mr. C. Duraiswami Aiyangar: That is more than what I meant.

The Honourable Sir Bhupendra Nath Mitra: I wish, Sir Muhammad Shafi were here to defend his action. He is not here and therefore I feel it incumbent on me to definitely refute the insinuation made by the Honourable Mover of this Resolution. I have not the slightest doubt that the Indian Members of the Executive Government who subscribed to the policy did so fully with their eyes open and after due consideration of the facts of the case and the necessities of the situation. The Honourable the Home Member has already drawn attention to the evidence about the undoubted existence of a terrorist movement in Bengal and my friend Mr. Bipin Chandra Pal has admitted that that movement existed. I hope I will be pardoned if I say that my friend Mr. Bipin Chandra Pal was not very consistent. He began by accusing Government of not having taken earlier action in the matter of stopping the growth of this revolutionary and terrorist movement. He said that Government should have intervened when books were being published extolling the action of some of the anarchists who had taken part in the previous period of the reign of terror in Bengal. Then, later on, he blamed Government for having taken the action which they took last October. Now, is not the action of Government in the matter wholly consistent? If my friend Mr. Bipin Chandra Pal and his friends in Bengal had at the stage when these books were being published stepped in and by measures which probably lay in their power had retarded the further progress of the movement at that stage, it might have been unnecessary for Government to intervene.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Some of them are subsidised by the Government.

The Honourable Sir Bhupendra Nath Mitra: Well, I have no information that the Government of Bengal did subsidise these books. I am pretty certain that the Honourable the Home Member will repudiate that charge so far as the Government of India are concerned.

Now, Sir, Government, for the reasons to which my friend Mr. Bipin Chandra Pal referred, probably hesitated for a long time before they decided to interfere in the matter at all. But, as has been explained by the Honourable the Home Member, things gradually came to a crisis, and there was no option for Government but to intervene and to take remedial measures. Mr. Bipin Chandra Pal then wanted to know of the evidence which had compelled Government to take certain action against certain individuals. My Honourable friend the Home Member has fully explained to the House why it was not possible to disclose that evidence. The disclosure of that evidence would have led to more murders. The way I look at the matter is this. A terrorist movement was in existence in Bengal. It was necessary to protect innocent officers of Government from being murdered and also to protect innocent youths from being terrorised into imbibing revolutionary ideas. It became incumbent on Government at a certain stage to take adequate action for the protection of both these classes of individuals. They have taken that action and I do not see why the House should take exception to the action taken by Government. If I have understood the latter part of the Honourable Mr. Bipin Chandra Pal's remarks, I believe he has a great suspicion, not about the measure itself but about the machinery which will work the measure. That is, he considers that the subordinate police of Bengal are not equal to the task of properly carrying out the measure. If so, Sir, the point at issue narrows down to a question of improving the subordinate police in Bengal and not to a discussion of the merits of the action taken by the Governor General.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I may say at once that I stand here to support the original motion made by my Honourable friend Mr. Duraiswami Aiyangar. The way I look at the matter is this. To prevent any possible misconception of my attitude I must at once disown the expression used by my Honourable friend Mr. Bipin Chandra Pal in describing the action of these youths or adults in Bengal as "revolutionary patriotism". It is neither revolution nor patriotism. The crimes which have been brought to light to-day and which have been disclosed to the public hitherto are secret, anarchical assassinations, for which abhorrence cannot be expressed too plainly. Therefore, it is the duty of all right-thinking men, those who want India to progress on the onward march towards the political freedom to which we all aspire,—it is the sacred duty, the solemn duty of every one who wishes to guide the people, to dissociate themselves openly, publicly, unhesitatingly and unambiguously in this matter, (Hear, hear) and I do so, Sir, most emphatically. I speak for those in this House and outside and I think I can claim also some knowledge of my countrymen in the north—I say that there is no right-thinking man who has any secret, inward or outward sympathy with this sort of movement and I was glad to hear from the remarks made by the Honourable the Home Member to-day that the citizens of Bengal, like the citizens in England, are also alive to their duties in protecting the country against crimes of that sort. From the way in which this movement has subsisted for some time in Bengal, I had some suspicion whether really there was some secret sympathy on the

part of the people of Bengal with this movement. But I am glad to be assured to-day by the Honourable the Home Member that there is no such sympathy whatever. On the other hand, ignorant citizens—I think I am quoting the Honourable the Home Member—ignorant citizens, uneducated citizens have come forward openly to assist in the suppression and prevention of such crimes. It is reassuring news. I have no doubt that citizens in my province would have risen to a man to put down such crimes, and I am sure that in other provinces also the situation would be similar. Sir, if I support this motion, it is because I feel, and I feel very strongly indeed, that it is an unwise course, a misguided course, to which both the Bengal Government and His Excellency Lord Reading's Government have lent their hand. I fear that by this measure which they have adopted, they are undoing the good work which was begun in 1919 when the Government of India Act was passed. Sir, when the new movement was inaugurated under the Montagu-Chelmsford reforms, what was it we heard? What was it we heard from no less a personage than His Excellency Lord Chelmsford speaking from the place where you are sitting, Sir? He told us distinctly that autocracy was at an end. I do not know what my Honourable friend the Leader of the House means by shaking his head. Does he mean that autocracy is not at an end or that it must end some other day by some other means?

The Honourable Sir Alexander Muddiman: I am afraid my Honourable friend is under a misconception. I was merely shaking off a fly.

Diwan Bahadur T. Rangachariar: What does the new constitution mean? It means that the Executive Government of this country, though we have not yet got responsible Government, should consult the Legislature properly constituted in the discharge of their executive duties. They should take their advice beforehand, although the responsibility is theirs still. The Legislature as it is at present constituted was intended deliberately to assist the executive in the discharge of their duties by the solemn advice which they will give them. What is it you have done now? You have deliberately chosen to distrust the Legislature on this occasion. I do not deny that the responsibility, as it now stands under the law, is yours for maintaining law and order. But, Sir, I thought we are now setting on the path of attaining gradually and eventually the goal of responsible Government. Is this the way to begin to put us in the way of attaining that goal? When a really responsible matter comes up, when really efficacious matters come up, you take it into your own hands and say, "Well, we cannot openly discuss the question in the Assembly. We must take the initiative in our own hands. We will face the decision ourselves and come to the decision ourselves." I do not think, Sir, it was at all intended that this was what was meant by autocracy being at an end. In fact, a very responsible committee appointed at the instance of this House by His Excellency Lord Chelmsford's Government gave very valuable advice in this matter. In their report on repressive laws they made very statesmanlike observations as to the change of position, and if there are any risks to be taken, it is far better that you took the risks with the Legislature than by ignoring it. By the procedure adopted in this case I cannot but feel that the executive Government have in this case deliberately distrusted this Legislature. It is that which I feel most in this matter. Sir, if one reads the preliminary declaration issued by His Excellency Lord Reading along with the Ordinance, he will find that it is abundantly clear that there are definite materials—not merely vague generalisations but definite materials. You have simply to read the first

[Diwan Bahadur T. Rangachariar.]

two paragraphs of that pronouncement and you will come to the conclusion that there were materials on which His Lordship was satisfied as to the necessity for action. Sir, under the Act as it stands it is open to this House at the instance of Government to appoint committees of the House to advise the various departments. On a Resolution passed by this Assembly the Government of India were pleased, because they were not bound, to accept that Resolution in some modified form and condescended to invite this House to appoint committees. I know, Sir, that there is a small committee of which I believe I am a member, although I have not been called to any meeting of that committee, which is supposed to advise the Home Department. I believe the Home Department is the department which deals with these matters. Sir, if it was unwise, if it was not a sound policy, to consult the Legislature openly, what was there to prevent the Honourable the Home Member from consulting this Standing Advisory Committee of the Home Department? Did they do any such thing? If really these were matters in which the executive Government wanted to discharge their duties honestly and well in the spirit of the new policy which had been enunciated they should have adopted that course. No such thing was done. On the other hand, these materials which have been furnished to us to-day are not new. They were there during the September session of the Assembly when we were considering the question of the repeal of the Criminal Law Amendment Act and they were more or less placed before us by the Honourable the Home Member then. This power of issuing Ordinances vested in the Governor General is a very exceptional power to be resorted to only in very exceptional, sudden emergencies, by which it means that he can only resort to that power when he cannot conveniently summon the Legislature to assist him in the discharge of the legislative work of his Government. So far as the legislative work is concerned, it is by law deliberately entrusted to the representatives of the people under the new constitution and no Viceroy or Governor General is entitled to break into and destroy that right by resort to this extraordinary method which can only be used under exceptional circumstances, under exceptional sudden emergencies, which can only mean emergencies that threaten the safety of Government, the safety of the country. It is only in such circumstances that you can resort to this process of issuing an Ordinance on the responsibility of one individual, however great he may be. So, what I read in this action of the Government of India is, in the first place, that they are undoing the very good start which they began in the year 1920 after the Government of India Act was passed. They are distrusting the Legislature which has tried its level best to discharge its duties. I, Sir, speak as one who has tried to do his duty to the best of my lights and consistently with the duty I owe to the Government and the country. I feel, Sir, the slight thrown upon the Legislature is undeserved, entirely undeserved. Sir, you do not expect the Assembly to be merely an obedient Assembly. You want a very strong vigorous Assembly really to assist you in the matter of governing. You, who are not responsible to the people and have charge of the affairs of 300 millions of people—your duty is a very solemn and responsible duty. Now, we, who are hailing from different provinces, know the difficulties of the people, know where the shoe pinches, where the trouble is. You must presume, at any rate give us the benefit of that presumption, that we are here acting as honestly as you are in the discharge of our duties to assist you in governing this country. What were the circumstances which were so urgent, so sudden which made the executive Government—I appeal now to the Indian members on the right—

what was it that made them feel that it was necessary for them to give their vote in this connection? When the Assembly was sitting here you must have been corresponding with the Secretary of State over this very subject; at the very time when we were sitting here discussing the repeal of the Criminal Law Amendment Act you must have been cabling to the Secretary of State and correspondence must have been going on with the Home Government. At that time what was there to prevent you from consulting, if not the whole of this House, the Committee appointed by this House? That is the right procedure you should have adopted. Have the Committees betrayed you at any time? Sir, I have sat as a member of several committees and I have been furnished with copies of the most secret documents. On the North-West Frontier Committee—my Honourable friend, Mr. Denys Bray who is sitting there was President of that Committee and can bear witness—most confidential documents bearing upon the external and internal defence of this country were placed in our hands. Have the Committees of this House ever done anything to merit this slight which has been thrown on this House by the action resorted to in this case. I thought that the Government would have benefited by the experience they had over the Rowlatt Act. This is another repetition of the Rowlatt Act. Sir Michael O'Dwyer who is always ready to claim credit for exclusive wisdom, for his judgment in these matters, from a cablegram the other day, claims credit that this Act is going to be a permanent measure. He says that he was a wise man in advocating the Rowlatt Act because here is another Rowlatt Act being made a permanent measure on the Statute-book of the country. I thought Government would have profited by the experience they had over that Rowlatt Act. Sir, there are certain successes which are worse than defeats. You may claim some temporary relief, some temporary success by the operation of this measure. The principle which has been the guiding policy of this Government all along, of this bureaucratic Government all along, has been that the end justifies the means. That is not a principle which we can accept. Sir, the Honourable the Home Member, speaking on behalf of the Government, has given very strong expression to his horror of the methods which are to be resorted to under this Ordinance. At the same time he says, "We feel it our duty. We are quite unwilling, quite reluctant. It is not a pleasure to us. On the other hand, it is a painful operation we are performing. We do not like it. Put it at the basest of motives, the purest of motives, we do not like this measure, and yet we resort to it."

Sir, such being the measure, what is going to be the result of it? What will be the permanent result which you are leaving on the minds of the people? Let us take the risk of the loss of a few lives. But it is far better not to risk your reputation for good government with the 300 millions of people. Now, Sir, criminal conspiracies are not confined merely to political crimes. They are not exclusively confined to political crimes. I know of criminal conspiracies in my province where there are gangs of dacoits. Gangs of dacoits work through conspiracies. The police do not confess their inability to trace those conspiracies and bring them to book. These things do exist. Where do they not exist? You have here an efficient police, a very efficient police according to my Honourable friend, the Leader of the House.

The Honourable Sir Alexander Muddiman: A very brave police.

Diwan Bahadur, T. Rangachariar: A very brave police and an efficient police I take it. If that is so, what is the difficulty? Are they able to get a conviction in every case of ordinary murder which takes place in

[Diwan Bahadur T. Rangachariar.]

the provinces? Murders are very common. They are committed from various motives. Is every murderer brought to book? Similarly, there must be cases of failure in these cases also. The unfortunate position which naturally appertains to a Government which is not responsible to the people is that they are in constant fear that the hands of the people are against them. That is why they attach great importance to political crimes. They think that political crimes should be dealt with in a peculiar manner and by new methods foreign to British instincts. However oriental it may be to resort to these methods we ought not to redevise oriental methods in this country under the British Government. I make the charge, Sir, that you are resorting to un-British methods in dealing with this matter. On what is based your good reputation for good government in this country? On your administration of justice. And how is justice administered? Not by Sessions Judges sitting in camera perusing merely documents instead of feeling the pulse of live witnesses who give evidence before them. I am sure Sir Alexander Muddiman would admit that if he were sitting as a Judge what a different impression it makes to have your witness before you from what it is when you merely see the bare statements of witnesses taken by somebody else thousands of miles away. Are we not familiar, those of us who are accustomed to law courts, with the numerous feuds going on for generations together, and is it not our frequent experience to see enemies springing up, who are ready to stab in the dark or carry information to the police and others in order to keep their opponents safely out of the way? And what is the guarantee that the information given by these informers are not of the same kind? I quite agree that you are all honestly convinced about the truth of the charges against these people. But what is the guarantee that it is true when you have not any of the methods by which you can check falsehood, when you resort to methods which afford no guarantee whatever of getting at the truth in the cases? Look at the provisions. I have carefully read them and there are merely illusory safeguards which may mislead the lay public, but lawyers accustomed to practise in courts, a Judge accustomed to judge, will not be beguiled into believing that there is any safeguard in the simple fact that the materials are sent to two Sessions Judges who have no opportunity of testing the evidence. I am sure that if Pandit Motilal Nehru was asked to judge these men and had the same materials put before him as you have had he would perhaps come to the same conclusion to which you did. Because what has he got to go by. He has to act on what others say. He is told by the Local Governor who is again told by the head of the police (Pandit Motilal Nehru indicated disagreement). Then he must be a difficult man to deal with. This whole procedure is obnoxious, and has the necessity for resort to this obnoxious procedure been made out? Is Bengal really honeycombed with secret societies of this kind? Not on the evidence you have placed before me. While I fully sympathise with your position in the matter, I hesitate to accept the position that the conspiracy is really so widespread that it is difficult for your police to deal with it. You have to make out that your police find it impossible to deal with these cases. Some convictions they have had. In the Alipur conspiracy case for instance—I do not know the name—the conviction obtained is pregnant evidence that the police . . . (*The Honourable Sir Alexander Muddiman*: "That ended in acquittal.") There was a case of conspiracy, another case which you mentioned, one of two. One ended in acquittal and in the other there was a conviction. Therefore, I fail to understand what the difficulty of the police in this

matter is. I mean that conspiracy is a well known crime. It is covered by the Penal Code. A conspiracy to commit crimes is an offence under the Penal Code. And if the police in ordinary cases can trace conspiracies and put an end to them, what is the difficulty in putting an end to conspiracies of this sort? My chief complaint against this is as a political measure. It is political un wisdom to resort to this policy of repressive laws because of a state which you yourself have brought about. We are just tumbling out of the great disturbance produced in this country by the Punjab troubles and the Rowlatt Act. We were emerging from that; we thought we had been put on to the path of constructive work for the country. We want the people to co-operate, we want the executive and the Legislature to co-operate in bringing about settled conditions. There are so many directions in which our activities have to be exercised. And now the whole country is to be agitated. That aspect is the one I ask the Government to look at. Is the whole country to be put in a state of agitation simply because you say your Bengal police are unable to deal with these crimes? Is it because of the incompetency of the Bengal police? Can they not trace crimes of conspiracies and deal with them? Let them take the risk. They are brave people. They are quite willing to gamble with their own lives. But that is a far less serious risk than this risk of creating wholesale unpopularity throughout the whole country. Now the feeling in this matter is very widespread. That is not confined to a few sections of politicians. But Indian opinion against it is strong and universal. Are you going to ignore this Indian opinion? Are you going to be guided merely by the British press which is inspired by some Anglo-Indians here? Are you going to be guided by the Anglo-Indian press here? Are you going to ignore the whole of the Indian press? Are you going to ignore the views of Indian politicians? If you want to ignore us, Sir, we must also ignore you if that is the state you are driving us to. That is the aspect of the question which appeals to me, Sir. Now what does the Resolution ask? All that it says is that you should come to the Legislature. And if you make out a case I for my part—I am not speaking for any party now, and even if I belong to any party I am prepared to disobey the mandate of that party—am prepared to assist in the passing of a law if it is shown that such a law is absolutely necessary.

Mr. President: Before I allow the debate to proceed any further—the time is advancing—I think the idea thrown out by Mr. Jinnah calls for the notice of the Chair. Honourable Members are aware that in a situation like this I am always ready to meet the convenience of the House, but I think I must warn the House as a whole, and particularly those individual Members who have been successful in obtaining places in the ballot on any day allotted by His Excellency the Governor General for the discussion either of Resolutions or of non-official Bills, that, if a place is to be found for the continuation of this debate, supposing it to be adjourned this afternoon, it can only be found on a non-official day at the expense of those who have already won a place at the ballot. Therefore I shall have to be satisfied that there is a real genuine consensus of opinion, including the agreement of individual Members who have been successful in the ballot, that that shall be done. I must point out that, if this debate is carried over to a non-official day, the matter has already passed out of my hands and I shall have to set down for that day the Resolutions successful in the ballot. But if each individual Member chooses to forego his right to initiate debate on some other subject, then this adjourned Resolution can come on on the next non-official day.

Colonel J. D. Crawford (Bengal: European): In rising, Sir, to speak on the Resolution before this House to-day I wish to associate myself and my colleagues with the new spirit which is apparent amongst some of us during this session that our deliberations on all occasions should be governed by what is best in the interests of this country; and if I and my colleagues find ourselves in opposition to the views of other political parties in this House and if we express those views with all the force and emphasis that we can command, we consider that on those grounds we should not be suspect but that we should be given credit for an honest desire to serve India, of which we claim by the right of past services the full status of citizenship. I and my colleagues are convinced that the interests of our community and the interests of all communities are identical with the interests of India. When this House rises this afternoon, some of us are going to give a practical proof of our desire to associate ourselves with Indian interests in joining a deputation to His Excellency the Viceroy to endeavour to secure a just settlement of those difficulties with which Indians in South Africa are faced. The views of my community on the question of the Bengal Ordinance are already known to the Government and to the Members of this House. The grant of extraordinary powers to the Executive of the nature of the Ordinance are more repugnant to us, with our long traditions of freedom and personal liberty, than they can be to any other Members of this House who have but learnt the meaning of freedom under the protection of the British flag. We did not accept the Ordinance at the hands of Government without taking special steps to assure ourselves that the menace to personal liberty and freedom was real; and we found that the menace did exist, and that it was the bounden duty of Government to protect it at all costs; and I feel certain that my community, and I trust also the Indian citizens of this House would take the necessary measures, should any Government fail to protect our personal liberty, to bring them to their senses. I realize that there are some Members of this House who will claim, that, in voting for this Resolution to-day, this is what they are doing, but they know in their hearts, and Bengal knows, that the dangers arising from the terrorist movement in Bengal are far greater than any that can come from the hands of the British Raj. Those who would plead for the rights of criminals can surely not realize what would be the result, if their pleading should prove successful. It must, it can, only mean that we would hand to any body of individuals who chose to band themselves together in secret the power to deprive innocent citizens not only of their liberty but of their lives without any offence against society and without trial of any description. It should not be necessary in this House to labour the existence of a terrorist movement. Those who have read their papers have had ample proof from the instances recorded therein from time to time, and if further proof were necessary, they have had the very full statements of the Government of Bengal and the Home Member in this House. But, I forget, anything that Government says is suspect, and we are asked to believe that in the Government we have a secret criminal organization far more dangerous than that which exists in Bengal. There are those who would ask us to believe that the police under this measure are able to vent their spite against innocent citizens solely because they hold political views opposed to those of Government, and that in that tyranny they are backed by Government officials, both Indian and European (*A Voice*: "No, no") and further that they are supported by such liberal-minded men as Their Excellencies Lord Reading and Lord Lytton (*Mr. M. A. Jinnah*: "Who

said that?") and worse still are encouraged in those depraved activities by the late Secretary of State and a Labour Cabinet in England. I am prepared however to endeavour to convince the House, if such is necessary after the Honourable Mr. Bipin Chandra Pal's speech, of the existence of a terrorist movement by quoting the opinions of Indian leaders. I have only to refer to the speech of the Honourable Pandit Motilal Nehru in the last September Session in which he says:

"Mr. Das says there is a more serious anarchical movement than the authorities realize. Now, Sir, I do not know upon what materials Mr. Das made that statement, but I wholly endorse it, every word of it; and not only that but I say that if you do not take care, you will one fine morning wake up and find the whole country full of a honeycomb of secret conspiracies."

If that is not enough to convince, I will quote from the leaflet of a well-known Bengali revolutionary who was convicted in the Benares conspiracy case and who is at present an absconder, Sachindra Sanyal. He says:

"Those who say that there is no revolutionary party in India are not telling the truth, for such an organization of great dimensions really exists. The object of this party is to secure the independence of India by armed revolution."

With these admissions in front of us, it is incomprehensible that there should be still left in India anyone who can qualify his condemnation of terrorism and anarchy by the words "if any". There is no necessity of further elaboration on that point. But I would crave the indulgence of the House for a few minutes to consider the dangers that may arise if this Resolution is passed and if Government were to act on it and if terrorism be allowed to go unchecked. The House, I am sure, will recognize the patience which my community has shown under very grave provocation. They will no doubt remember that on occasions in the past they have been restrained with difficulty. The passing of the Ordinance has lifted a load of anxiety from the shoulders of the leaders of my community. Feeling amongst my constituents at the failure of Government to take action against those who would interfere with the lawful activities of citizens had run very high. We trust that no action of this House will lead to a recrudescence of those trying and anxious days, but I do ask Government to realize the strength of the feeling that exists and the possible dangers that might arise if further murders of innocent Europeans in the public streets take place. But there are graver dangers with which this country is faced. The Russian revolutionaries are endeavouring, wherever they can, to find a root in India and to exploit revolution wherever it is found. They have placed India first on their list of objectives. I do not know whether the Members of this House have studied with the same care that I have, the advance of Russian communists towards eastern countries. Along the borders of India to the north-west they are gradually but surely building up the Russian Empire under the high-sounding title of the Union of Soviet Socialist Republics. In the Cawnpore conspiracy case you have very clear proof of the definite connection of the Russian communists with India, and if you choose to examine the evidence reviewed in the judgment in that case with special reference to the accused, Nalini Gupta, it is not undue presumption to assume that they have a direct connection with the revolutionary party in India. The association of Mr. M. N. Roy in Europe with the Third International is well known, and yet a letter from this gentleman published over the names of Janaki Prasad Begerhotta and Argunal Sethi, members of the All-India Congress Committee, was freely handed out to those who attended the recent meeting of Congress at Belgaum. Sir, if the House to-day

[Colonel J. D. Crawford.]

accepts this Resolution and the Government act on it, we are definitely playing into the hands of the Russian communists. This way the freedom and liberty of India cannot be secured, for freedom under the Soviet Republic is the very negation of all that India holds dear. Those who are authors and inspirers of that blasphemous journal, *Bezbojuik* (which means in English the Godless), which caricatures such prophets as Christ, Muhammad, Buddha and others can find no place in India. India needs no Russians to help her to manage her own affairs. With this knowledge before us there are surely few who will deny the necessity of stern measures to deal with the menace that confronts us. Many resolutions have been passed condemning anarchy and terrorism; much lip service has been done to the spirit of non-violence, but the authors of the notorious Serajganj Resolution, those who supported it at Nagpur and Ahmedabad in June, 1924, and who extolled the so-called patriotism of a misguided stripling cannot escape the responsibility that history will attach to them. I would ask Mr. Bipin Chandra Pal if he considers that on that occasion they were creating sympathy for a man who had been arrested under Regulation III or under the Bengal Ordinance. Indian leaders have not yet shown their determination to crush out this deadly menace which is the ruin of so many youths in Bengal, which has brought so much sorrow to Indian mothers and which has been one of the main causes for the introduction of the Ordinance. The responsibility rests on their shoulders and if they have a conscience I do not envy them their position. I wonder if they will take the action that representatives of Bengal under this new Reforms scheme took in the case of the Goonda trouble in Calcutta. The Members of that Legislative Council on that occasion passed unanimously an Act curtailing the liberties of subjects of this country without any trial and that was passed by Indian representatives of the Bengal Legislative Council. Neither do I think—and here I find myself at one with Mr. Pal—that the Government can escape their share of responsibility for having allowed the situation to develop until it could only be restored by means of emergency measures. I cannot personally think that the Government were wise in appointing the Vincent Committee and in acting on their advice in the repeal of measures introduced for the special purpose of dealing with a menace of this nature before—mind you I say before—they had taken steps to provide themselves under the new constitution and through this House with powers that were adequate to cope with the emergency that has now necessitated the introduction of the Ordinance. I feel that the vacillating policy of the Government of India and the unfortunate speeches of the late Secretary of State for India have much to answer for. The main arguments to-day and since the introduction of the Ordinance amongst those who have the wisdom to recognise the facts lie round the effectiveness or otherwise of the cure which Government have introduced and as to public feeling on the question. As to the effectiveness of Government action, I think there is little doubt that it has been effective, at any rate, in keeping the terrorist movement for the moment in abeyance. There are those who say that the ordinary law is sufficient to deal with the menace and I wonder if they realise the true nature of that menace or if they have any practical experience or knowledge of intelligence work. It seems to me that in the policy of the Home Government during the war in connection with the submarine menace we have an admirable parallel to our position here to-day. On that occasion, in spite of the grave national menace and in spite of the grave anxiety arising therefrom amongst the people, the

Government refused to make any statement because secrecy was the essential to success, and because, had they done so, they would have given away to the enemy the sources of their information, and on that occasion the nation trusted them. In my experience as an Intelligence Officer I have on two occasions seen our sources of information given away by a statement on the part of Government of facts. What happened on those occasions? They did not disclose the sources of our information, but the very fact itself gave the clue to the agency and we were deprived of information at a vital moment. The position is exactly the same in this case. If you were to place the facts on which the charge against détenus was based in court, even if you did not produce the witnesses, those in the organisation who were outside would be able to put two and two together and you would endanger the lives of your agents and you would nullify the sources of your information. I do not believe that this House desires to shut itself off from all sources of information, but if we accept the Resolution as it stands to-day, that is exactly what we should be doing. There is an undoubted fear that under this measure the police have extraordinary powers and may and do make mistakes. But I would be surprised if they did not make mistakes. After all even the ordinary law which some Members consider infallible is, as we all know, capable of considerable error. It may assist the House if from my experience I outline to them the methods adopted by an Intelligence Officer. Information coming from an informer is treated by the trained Intelligence Officer with considerable canniness; it is naturally a matter of interest. If he mentions it in a report, he invariably adds the word "unconfirmed". That information remains suspect until from three or four other sources definitely unrelated to one another he has confirmation of his original information, when it is accepted as a fact beyond reasonable dispute. After that has been done by the police their evidence is then reviewed by two Judges who have knowledge of evidence and beyond that it is personally reviewed by the Governor of the province and by His Excellency the Viceroy; and if these are not sufficient for the elimination of human error as far as possible and for the protection of the rights of individuals in so far as circumstances permit, the Government have offered to bring in a Bill admitting the right of the accused to appeal to the High Court. I cannot think that any reasonable-minded man can, under these circumstances, demand more.

I now come to the question of public feeling towards this Ordinance. I know the Swaraj Party have done their best to inflame public opinion against it. It has come, Sir, at a time when possibly their influence was on the wane and they naturally used it, not thinking of the cost to the country. But from my own personal observation, I believe, it left the people cold. So far as the Muhammadans of Bengal are concerned, they are divided on the subject as, I am afraid, they are divided on so many interests vital to their community. But I would like here to pay my tribute to those who had the courage of their convictions and voted in the Bengal Legislative Council in favour of the Ordinance in the face of very real fear of intimidation and worse. (Hear, hear). As for the voting in the Bengal Legislative Council, it is most unconvincing. Sir Provash Chandra Mitter in his speech against the Ordinance was illogical and has ruined his reputation as a statesman. To the man in the street it was an admirable example of sitting on the fence. I would ask the House to note the number of abstentions on an important matter of this kind. They make one pause and think and give considerable colour to the grave allegation of intimidation of the Members of the Bengal Legislative Council. Now, I come to those

[Colonel J. D. Crawford.]

who voted against the Ordinance. If the two Swarajists who were compulsorily absent were there, then you do not get amongst the members of the Bengal Legislative Council a majority in favour of doing away with the Ordinance. Further, you have only to read the letters in the press in Bengal to realise that Indian mothers were deeply concerned with the fear that their sons might be drawn away from their studies and enmeshed in the net of the revolutionaries. I am prepared to give the whole-hearted support of my constituents to the Government on this occasion and I believe that public opinion in Bengal, though not actually vocal, is silently grateful that the Government have at last seen fit to take action. There is one point with which the public and I gather from the question paper the Honourable Members of this House are troubled. They cannot believe that the late executive officer of the Calcutta Corporation was connected with this movement. The Home Member has said that this was so both prior to and subsequent to his appointment as an executive officer. If that is the case, why then was he ever allowed to be appointed to a responsible position of this nature? I am prepared to accept myself the statement of Government on this question, but they cannot expect the public to give them that support that they deserve on an occasion of this nature, if actions of this nature are allowed to go on. In conclusion, I would add that none of us believe that the country can be governed by emergency measures of this nature (Hear, hear). Though they may remain on the Statute-book, the conditions of the country should be such as to make them a dead letter. The Government must take the earliest steps to remove the real cause of the trouble and we ourselves—and here I am with the Honourable Mover of the Resolution—must individually use our influence and make every endeavour to create a state of things that shall shorten the time during which the Ordinance must remain in force. (*Diwan Bahadur T. Rangachariar*: “Help us to do so.”) There are persons who state that the only remedy is the immediate concession by the Government to their own political demands. This is the attitude of the Swaraj Party in this House. The Honourable Pandit Motilal Nehru in the September session left on me the impression that he was saying to Government: “I have locked up in this cupboard a big stick and if you do not immediately make concession towards our further political progress, it may be produced.” But, Sir, it is not the so-called tyranny of the British Raj that makes revolution and the measure of support it receives from the public. It is in this country, as in all countries, due to economic causes. Afford the people an opportunity to earn an honourable and honest livelihood and they will be contented, law-abiding citizens. We all know that when the monsoon is bad, the forces of unrest make headway and when the monsoon is good there is peace and contentment in the land. The revolutionaries draw their recruits from the ranks of the middle classes, from amongst those youths who, having taken a course of study at our universities, can find no lawful outlet for their activities. Our university system needs urgent reform. As it stands to-day our universities are simply working as machines for turning out agitators. The standard of university qualifications is so low as to secure in the labour market a totally inadequate wage. We must restrict by rigorous entrance examinations the admission to our universities only to those who can benefit by the course of instruction there. We must raise the standard of qualifications, so that those who can obtain their degrees may have hopes of getting a reasonably lucrative appointment. For the rest, primary education and technical schools should suffice. It should be

our object to fit a man to follow in the footsteps of his father either in the fields or in the market place and to make him by technical education a better and more skilful cultivator and a better businessman than his father thus increasing his prosperity and contentment. I would urge Indian leaders to give their most earnest consideration to directing the activities and aspiration of the youth of the country into channels which shall benefit India. In England the energy and enthusiasm of youth find useful outlet in social work and therein they gain that experience which is essential to their translation in due course to the higher councils of the nation. The social uplift of the masses in India is of immense importance and provides a sphere of activities in which the energy and aspirations of Indian youths have ample scope to work for India. If the Government will make a real endeavour to sift the causes of the trouble, to relieve the terrible discontent arising from the present unemployment, I am convinced that this country will benefit and that amongst a prosperous and therefore contented body of citizens there will be found no place for the cancerous growth of anarchy and revolution.

Mr. M. A. Jinnah: Sir, by rising to speak on this Resolution, I fear, I run the risk of ruining my reputation also according to what the last Speaker said. But I hope that anyone who does not agree with Colonel Crawford may not ruin his reputation in the opinion of others. Colonel Crawford gave us a lecture on the economic conditions and so on and so forth which have very little to do with the Resolution which we are discussing now.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President.)

If Colonel Crawford had read the Ordinance carefully—and I venture to say that he has not from what he said—he would never have said that there is nothing wrong with this Ordinance. First of all he said you have a very careful Intelligence Department which prepares a case and after it has been prepared it is placed before two judicial officers and after that it is placed before His Excellency Lord Lytton and after that it is placed before His Excellency Lord Reading. What more do you want? I ask Colonel Crawford, is that the only thing in the Ordinance? Does he know what is the second part of the Ordinance? Has he read that? Sir, in another statement which he made and which was equally without foundation and intended, I think, for outside consumption perhaps, he said that you are charging Lord Lytton as a party to conspiracy. You are charging His Excellency the Viceroy and the members of his Government as a party to conspiracy. Sir, I have been following the criticism throughout the country, but I have not read, nor have I heard any responsible man ever suggest that His Excellency Lord Reading or for the matter of that any Member of his Government, is a party to any conspiracy; far from it. I will, Sir, read the words of His Excellency Lord Reading, in which, speaking to the Members of the Legislature, he said:

"I trust that the Members of the Indian Legislature will realise that my action was taken only after a most careful examination of the whole situation and with the sole object of preventing violent crimes."

Sir, I do not want to attribute any other intention to His Excellency the Viceroy, except that his object was to prevent crimes. I am not quarrelling with the intention of Lord Lytton, who undoubtedly carries with him the reputation of a liberal statesman, that he intends anything else but to prevent violent crimes, and I am sure that my friend, the

[Mr. M. A. Jinnah.]

Honourable the Home Member, will be the last person to desire anything else. Therefore, Sir, let us leave that aside.

The question before the House, which I want to place before the Honourable Member is this. I object strongly to the promulgation of this Ordinance, firstly on the ground that it raises a most vital and a grave constitutional question. When I heard my Honourable friend, Sir Bhupendra Nath Mitra, I was shocked. Evidently his conscience is not yet aroused as to what this means. He said that after all the quarrel is not with regard to the measure but the machinery which is set up. Let me remind the Honourable Member it is not the machinery. It involves a grave principle, and I shall point out what that is. His Excellency the Viceroy, addressing the Members of the Legislature, said:

"It has since been urged that the Legislature should have been summoned again before I took the step of promulgation. In my judgment this course was neither in the circumstances desirable nor indeed was it possible. If the means devised were to prove effective, the responsibility was of a nature which could not be shared, and it would not be right or proper for me to try to share it with you or to place it on your shoulders."

Therefore, we are told, and very rightly told, according to the present constitution that the responsibility is not ours; it cannot be shared with us, and it cannot be placed on our shoulders. This brings out a grave constitutional question to my mind. The assertion of the existence of the power which is embodied in section 72 of the Government of India Act, which gives one single man the opportunity to exercise that power, was hitherto merely a matter of theory. We felt that, among other powers of a very autocratic kind which are given to him, that power was there, but we are face to face to-day with the enforcement of that power, and we are told that the responsibility is not ours. And yet, Sir, I am surprised that the Government and Lord Lytton appeal to every loyal citizen to support them in preventing these violent crimes which are committed. I say, Sir, that clearly brings out the true position of this Legislature, and you, Sir (to Diwan Bahadur T. Rangachariar), a little while ago, while you were not in that high place, but were speaking, described this Assembly as an advisory body. It is an advisory body, and it is proved that it is to be treated as if it did not exist. Now, Sir, what is the position in England? I here appeal to my English friends who are so anxious and who are so keen to support this Ordinance to bear in mind what is the position in England. I will read from a great judge sitting in the highest tribunal of their court in England, and this is what he said. He quotes from Blackstone, and he says:

"He searchingly, treats the cases both of liberty and life as tests, both and equally, of one and the same principle, the very principle which is under scrutiny in the present case. 'To bereave a man of life, or by violence to confiscate his estate, without accusation or trial, would be so gross and notorious an act of despotism, as must at once convey the alarm of tyranny throughout the whole kingdom. But confinement of the person by secretly hurrying him to gaol, where his sufferings are unknown or forgotten, is a less public, a less striking, and therefore a more dangerous engine of arbitrary government. And yet sometimes, when the State is in real danger, even this may be a necessary measure. But the happiness of our constitution is, that it is not left to the Executive power to determine when the danger of the State is so great as to render this measure expedient. For it is the Parliament only, or a legislative power, that, whenever it sees proper, can authorise the Crown, by suspending the Habeas Corpus Act for a short and limited time, to imprison suspected persons without giving any reason for so doing.'"

Mr. S. C. Ghose: Where did you read that from?

Mr. M. A. Jinnah: I am asked by the Honourable Member where I read it from. I read it from the Appeal Cases, 1917, House of Lords, the highest tribunal in Great Britain.

Maulvi Muhammad Yakub: The name of the Judge, please?

Mr. M. A. Jinnah: Lord Shaw. Now, Sir, everyone has argued here and every one has produced the strongest possible arguments that these revolutionaries, these anarchists or whatever you like to call them or those who are perpetrating violent crimes should be shown no mercy should be given no quarter. I agree. No exception can be taken to that. And I am willing to do all I can to help the Government. But I am surprised that not a single Speaker has asked what is to be the position of the innocent. What is to happen to the innocent? Sir, there again you will find that the whole issue is this. The Honourable the Home Member has told us of those few events which have taken place and, in order to wind up to the highest possible pitch, he sums up by saying that there was going to be spectacular murder in Bengal. Was it intended to prevent that spectacular murder? Sir, I cannot conceive that any country with a constitution can possibly tolerate a measure of this character. Sir, you put the guilty and the innocent together. You give powers to your Executive. I owe allegiance to the King Emperor. What do I get in return for it, what do I claim in return for it? Protection of my liberty, my life and my property. My liberty should not be taken away without a judicial trial in a proper court where I have all the right to defend myself. Under this Ordinance, if I were a citizen of Calcutta, I should have to transfer my allegiance to Mr. Tegart the Commissioner, because he is the only man who can give me protection and not His Majesty's High Court or His Majesty's Courts. I am very glad, Sir, that I am not in Calcutta but live in Bombay, because I can still continue my allegiance to the King Emperor. I say, if I were a citizen of Calcutta, in whose hands am I? It is all very well for Colonel Crawford to give us a lecture here as to how the Intelligence Department works. We have examined his Intelligence Department, Sir. I have spent 25 years of my life in doing so and we know what it is; I have gone through many cases and I know how it works. The less said the better. Are you going to lock up an innocent man because of the Intelligence Department? And what do we get from the Home Member? The Home Member says, "I have not got legal evidence, I am not prepared to put it before the Courts, and when I do get evidence I shall do so." You are reversing the order. A man is entitled to his liberty until you have got the evidence to place him before a Court. Says the Home Member: "I am entitled to lock him up because my Police Commissioner says he has got some evidence or he suspects, and I am entitled to lock him up and I will lock him up as long as necessary, and until I get evidence I will keep him there." Sir, I therefore say that it is shocking in the first place and next that it is opposed to the fundamental principles which I say must be observed by any civilised government which is conducted on a certain constitutional system. That is the first objection I have to make to it. And the proposition is a simple one. You can only justify a measure like this if it was for the defence of the realm or for the public safety. And you cannot say you want it for the public safety. You can only put it on the ground of public safety and public safety is in danger according to Government because these few violent crimes have been committed. Now, Sir, may I point out to the Honourable the Home Member what happened in England when the Sein Fein movement was going on? Does he remember that even the gates of

[Mr. M. A. Jinnah.]

Downing Street were barricaded and protected by the police? The life of every Minister of yours was in danger; I know it and it was patent to every citizen in London. What did Great Britain do? What has Great Britain done now? Only a few days ago you had a plot to blow up a British ship. What did you do? (Mr. A. Rangaswami Iyengar: "A conspiracy to blow up the fleet.") Well, I am corrected. It cannot be the whole fleet, it must be a ship. Has the Prime Minister therefore rushed to Parliament and told Parliament—of course, there he cannot do it—"I want a measure of this character." I tell you, Sir, that that Prime Minister would not have 24 hours of his life as Prime Minister if he went with that request to Parliament. Sir, it only shows this that your police is inefficient. It shows that your police want a soft job so that they can lock up men, innocent and guilty, indiscriminately, and of course in the whole lot there may be a few guilty. Let them put them all together and let them rot in jail. This is the soft job you want to give to the police. I suppose, if you arrest a large number of men, quite possibly a few of them may be guilty. Well, Sir, that is my first objection. My second objection is—and I here appeal to Government—that it will defeat its own ends. It not only will defeat its own ends but I have no doubt in my mind—I hope I am wrong—but I have no doubt in my mind that it will make the breach and the gulf between the Government and the people wider than it has ever been, if you persist in this policy of yours. It is not that you want it and we oppose it, or that we oppose it and therefore you will insist upon it. I do ask you, I do appeal to you, to carefully consider it. Sir, we find in the words of one of the English newspapers which are to my mind so to the point that we have got to ask the question, why disturbances have come into existence? Have you asked that question? Colonel Crawford tried to deal with it. It may be—although I think myself it has very little bearing—it may be that it has a bearing, it may be that some young men who are probably driven into it suffer from causes which are economical causes. But, Sir, I will read to you with your permission a paragraph from a newspaper which runs as follows:

" 'No political progress' said Lord Reading, yesterday, 'can have a lot or part with terrorism.' On this it might be argued that several nations which enjoy political freedom to-day obtained it by methods of terrorism."

I think that is a historical truth.

I think it is the historical truth that several nations that enjoy freedom including perhaps Great Britain, did not attain it without some terrorism.

The article continues:

"It is not quite certain that we did not so obtain it ourselves, but that is not the point chiefly to be insisted upon"—and I agree that that is not the point to be insisted upon—"What is most necessary is that the Government of Great Britain and India should ask themselves what causes terrorism. It has been caused always in the past and it is caused to-day by lack of understanding and sympathy on the part of the rulers, by attempts to keep up the domination, by refusal to come down from the pedestals of absurd assumed superiority and to discuss changes on equal terms. The situation is grave in India already. It will rapidly become more so if the truth is lost sight of."

Sir, this is the situation.

The Honourable Sir Alexander Muddiman: May I ask what is the name of the paper?

Mr. M. A. Jinnah: I am sure the Honourable the Home Member would not approve of it. It is the *Daily Herald*. I knew that and that shows the mentality of the Government Benches. Sir, I am not quoting this

because it comes from the *Daily Herald* and I said so from the very start. I cannot put better what is in my own mind, and I have repeatedly said it, perhaps not in such concise language, but I have said it more than once. The Honourable the Home Member will remember that in September I said, "You want to get rid of violent crimes; you want to get rid of terrorism; you can only do so by good government." Good government does not mean autocratic government. Good government does not mean despotic government. Good government means a government that is responsible to the representatives of the people. What do we find here to-day? We find here to-day on the authority of Lord Reading—and rightly under the present constitution—that the Government cannot share the responsibility with us. The responsibility is yours. But we are, if you like to call us, interlopers, if you like to call us, busy bodies, who want to interfere with your responsibility. You may describe us in any other manner you like. But we thought that this debate should be raised, and we must tell you really, frankly and respectfully what is in our mind. The responsibility is yours. If you like to follow our advice, our advice is this. Please revise your policy. It is no sign of weakness to revise your judgment if you are wrong. I again say, "Revise it and come down from your high pedestals, and discuss with us on equal terms what India wants and meet us reasonably". And I venture to say that this terrorism which I condemn in no too strong terms will be destroyed.

Mr. Amar Nath Dutt: Sir, I shall begin by briefly stating the circumstances which have culminated in the promulgation of Ordinance No. 1 of 1924. The Government of Lord Lytton had rendered itself unpopular, by its short-sighted policy of flouting public opinion since the Swarajists determined to capture the Councils, and to expose the hollowness of the reforms. From that time the attitude of the Bengal Government became one of hostility towards the people under its administration. The first step that was taken was to deport under Regulation III of 1818 some congress workers who might be useful in helping Swarajist candidates being returned to the Councils.

Then came the Tarakeshwar *Satyagraha* campaign and instead of helping the people in their non-violent struggle to purify their religious institutions, Lord Lytton's Government saw the spectre of sedition and tried to crush the movement by imprisoning thousands of men, boys and women to whom religion was dearer than their lives. To crown all came His Excellency's Dacca speech, insulting the womanhood of India, which was resented by every one from the highest to the lowest. Added to these there was an attempt to thrust upon the people Ministers of his choice whose salary was twice refused by the accredited representatives of the people in the Council. The people of Bengal in their despair determined not to associate with his Government in any way and they refused to receive the Governor with the respect due to his exalted office whenever he was on tour in the mofussil. All these things instead of making him pause and change his ways enraged him to such an extent that he got the promulgation of Ordinance No. 1 of 1924 by misrepresenting a peaceful, constitutional struggle as the outward manifestation of anarchical conspiracy which, if it really exists anywhere, exists among his officers and advisers. For, are they not anarchists who bring the head of an administration into contempt by fabricating stories of anarchical conspiracies amongst peaceful, law-abiding citizens? We have been told that the Government have ample proof of the existence of anarchical conspiracies in Bengal, but dare not publish the same, and the people are simply asked to believe in the *ipse*

[Mr. Amar Nath Dutt.]

dixits of His Excellency and the members of his Government. The people are perfectly justified in refusing to believe them because their statements are based upon the reports of a notoriously venal and unscrupulous police who are masters in the art of fabrication as proved by the Narayangarh train wrecking case and the Midnapore bomb case. Instances of a stray murder here and there have been cited as instances of anarchical conspiracy, but the same has not been proved by facts. It is said that witnesses are intimidated, but we know as a matter of fact, that witnesses came forward to depose in such cases, to which a political complexion is attempted to be given, and the offenders were punished. Some reliance is also placed upon confessions made under circumstances of torture and agony, which may have its parallel in the legend of Prometheus but not in human history. The ordinary instruments of tyranny and oppression that are available under a so-called civilized Government having been made full use of, the Government of Bengal wants to pursue its career of repression and misrule by the adoption of Star Chamber methods so that the whole province may live in perpetual dread of its power and may not utter a word against its misdeeds. These weapons of coercion and repression are being deliberately used against the members of the Swaraj Party to stifle a perfectly constitutional movement for self-government and to suppress the surging tide of nationalism under cover of preserving law and order.

Outbursts of violence occur in every country in every age and such occasional outbursts do not justify the promulgation of an Ordinance which takes away from the ordinary citizen his most elementary rights.

It is only under very extraordinary circumstances that such elementary rights of citizenship can be taken away and I ask Government whether the refusal of the Ministers' salaries, the attempt to purify religious institutions, or protests against malicious utterances against the honour of our mothers and sisters, are such extraordinary circumstances?

That these measures are intended to destroy by stealth the legitimate constitutional activity of the Swaraj Party, will be apparent to every one from the fact that the chief executive officer of the Calcutta Corporation, which has been captured by the Swaraj Party, the Secretary of the Swaraj Party in Bengal and the Secretary of the Bengal Provincial Congress Committee were deported. The Government of Bengal has never spared any means to prevent the Swarajists from capturing the municipal institutions and District and Local Boards of the Province, and men taking active part in the organisations for such capturing have been dealt with under the Ordinance and taken away from the sphere of their activities. I shall give you one instance of which I have personal knowledge. In my own district of Burdwan the District Board has lived more than double its statutory life through bureaucratic blessings. The Congress party decided to capture the Board and on the eve of the election Srijut Anil Baran Roy, the life and soul of the organisation, was taken away in the midst of his work and the over-zealous subordinates of the executive, who were carrying on an anti-swaraj propaganda, were thus able to threaten and coerce the unsophisticated villagers to vote for their henchmen. It was freely given out that whoever would stand as a nominee of the Swaraj Party or vote for them would be deported, and I know of more instances than one where candidates withdrew for fear of offending the officials. I have referred to this instance, because what is true of my district is true of other places in Bengal, and to prove before you by a concrete instance the reasons for the deportation of Srijut Anil Baran Roy.

Those who have the privilege of knowing Srijut Anil Baran cannot believe that he can belong to any terrorist movement or criminal conspiracy. His simple life and saintly character and his selfless devotion to the cause of our motherland has made him the idol of the people of Bankura, amongst whom he was working, and Burdwan is proud to own him as one of its sons. By taking away such men from the field of their work the Government are driving the people of Bengal, in their despair of constitutional methods, to other paths which we all abhor.

The Government of Bengal in its mad attempt to coerce the people into subjection has not only made free use of rusty weapons in their armoury like Regulation III of 1818, but has invoked the aid of Ordinance No. 1 of 1924 by misrepresenting facts to His Excellency the Governor General and has introduced a reign of terror in my unhappy province. It is almost useless to attempt to convince the Government by facts about the true situation in Bengal, as the Government are determined not to be convinced, but we shall be failing in our duty as representatives of the people if we do not give expression to our deep feeling of resentment against the actions of an irresponsible executive in the province of Bengal.

It has been said that the existence of revolutionary conspiracy is admitted even by the leader of the Swaraj Party. But am I to understand that the Government do not understand the true significance of his warning which was uttered with the best of intentions? The Government have accepted his diagnosis of the disease but not the remedy suggested by him. Does it not prove that the Government do not really accept his statement but merely want to make use of his statement further to strangle political life in Bengal?

Along with the Ordinance a Bill was introduced in the Bengal Legislative Council on the same lines, which although thrown out by the Bengal Council has been certified by the Governor of Bengal in flagrant defiance of public opinion and is awaiting signification of His Majesty's assent. This certified Bill, if it becomes law, will place the people of Bengal, their lives and liberties for five years in the hands of an arbitrary and autocratic executive. Sir, I emphatically deny the existence of any anarchical conspiracy or terrorist movement in Bengal necessitating the introduction of such measures as the Ordinance or the certified Bill. Even a cursory glance at Appendix C of the report of the Repressive Laws Committee will convince you that what was complained of was not any anarchical crime or terrorism, but merely picketing, social boycott and like things, which can easily be dealt with, if the same transgress lawful bounds, under the ordinary law of the country. To characterise these legitimate weapons of constitutional warfare as terrorism indicates the real motive of the autocrat to kill the political aspirations of the people for responsible government and hold them in subjection perpetually for the advantage of their foreign rulers.

Sir, this is a debate which must be very painful to me, painful not only on account of the extraordinary nature of the proceedings which we are considering, but painful also because I find many bright and brilliant young men, who I fondly hoped and believed would add to the honour, the dignity and prestige of my province by their selfless devotion in the service of their motherland, are arrested and deported or interned for causes which I cannot know, which nobody knows and which are never given out. Sir, a general crusade against a community is not justified by reason or logic or considerations of expediency under any circumstances.

[Mr. Amar Nath Dutt.]

I wish I had the power and the ability of placing before the Members of the Assembly the scenes of desolation and sadness that pervade every home in the province of Bengal, as also the agony and despair of sorrowful and bereft families, which would ensure a ready response in support of the Resolution.

I therefore earnestly appeal through this Assembly to His Excellency the Governor General to withdraw the Ordinance and take steps so that the certified Bill of the Governor of Bengal may not disgrace the pages of the Indian Statute-book. You may disregard our appeal, you have the power to do so, you have got the authority—our lives and liberties are at your disposal—but then your action will lay up such a great harvest of discontent amongst the people which it will not be easy to allay. I can do no better than conclude by quoting from the famous ballad of Rabindranath:

* "The more their eyes will be reddened
Our vision will be clearer
The more they tighten their grip
Our shackles will fall off."

With these words, I beg to move the amendment that stands in my name, namely:

"That at the end of the Resolution the following be added:

'And that steps be taken to have the certified Bill of the Governor of Bengal on the lines of the Ordinance withdrawn.'

Mr. President: I propose now to adjourn the House, but before doing so I wish to say that I hope to be in a position on Friday morning to announce that a satisfactory arrangement has been made for the resumption of the debate now adjourned and that the arrangement will provide for that resumption at a reasonably early date.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: I have further to announce the result of the election of Members to serve on the Central Advisory Council for Railways. The following have been elected:

Mr. S. C. Ghose,
Khan Bahadur Saiyid Mohammad Ismail,
Pandit Harkaran Nath Misra,
Mr. H. G. Cocke,
Seth Kasturbhai Lalbhai,
Mr. N. C. Kelkar,
Mr. E. G. Fleming, and
Sir Hari Singh Gour.

The Honourable Sir Alexander Muddiman: With reference to the request that was made earlier in the day by Mr. Jinnah about the resumption of this debate, we had a full day to-day and *prima facie* I am not likely to be in a position to give official time, but I am not in the least inclined to raise any objection to the other procedure suggested. I suggest therefore that we raise the question of the day on which this debate should be taken up again, on Friday next, that is, the next meeting.

The Assembly then adjourned till Eleven of the Clock on Friday, the 30th January, 1925.

LEGISLATIVE ASSEMBLY.

Friday, 30th January, 1925.

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

QUESTIONS AND ANSWERS.

QUARTERS FOR MARRIED OFFICERS OF THE ARMY.

440. ***Mr. Ahmad Ali Khan:** Is it a fact that Government have decided to build quarters for married officers of the Army?

If so, how much do Government propose to spend annually on the building of such houses?

Are Government aware that there are already houses available in many cantonments which could be acquired or taken upon a repairing lease as provided for in the House Accommodation Act?

Mr. E. Burdon: Construction of quarters is undertaken only in cases where it is impossible to make other arrangements for the accommodation of officers.

Government have no proposal for an annual building programme, or for a building programme designed specially for the benefit of married officers.

Government are aware of the fact stated by the Honourable Member, in the third part of his question. In cases where it is necessary and where the houses can be obtained for a reasonable rent, houses are being acquired under the House Accommodation Act.

NEW SITE FOR THE CALCUTTA MINT.

441. ***Mr. Ahmad Ali Khan:** Will Government be pleased to state if any decision has been reached regarding a new site for the Mint?

Are negotiations proceeding for the requisition of a piece of land lying to the east of Russa Road?

If so, will Government be pleased to give their reason for not utilising the factory buildings and staff quarters at Dum Dum which are to be vacated by the Army authorities?

The Honourable Sir Basil Blakett: No decision has yet been reached; the Government are carefully considering various sites and among them the one suggested by the Honourable Member.

INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

442. ***Mr. Ahmad Ali Khan:** Will Government be pleased to state the total amount of contribution made on behalf of India to the funds of the League of Nations?

Is it a fact that since 1923 India has come to occupy the third place in the list of assessees? Did Government make any objection to India being called upon to make a higher contribution than such countries as Italy, Sweden and Belgium?

Mr. L. Graham: The Honourable Member is referred to part (a) of the reply to unstarred question No. 7 given to Mr. D. V. Belvi on the 22nd January, 1925.

It is a fact that India occupied the third place in the list of assessees for the year 1923 and 1924. Repeated endeavours were made to secure a reduction in her contribution and a reduction by 5 units has now been made with the result that she stands fifth in the list of assessees for 1925.

SUBJECTS DISCUSSED AT THE CONFERENCE ON SHIPPING.

443. ***Mr. Ahmad Ali Khan:** Will Government be pleased to state what were the principal subjects of discussion at the Conference on Shipping which assembled at Delhi on or about November 13.

Has any decision been reached in regard to any of them? If so, what?

Mr. G. G. Sim: The principal question discussed at the Conference was whether the Central subjects of (a) shipping and navigation, (b) light-houses, (c) major ports and (d) quarantine should not be co-ordinated and brought more under the direct control of the Central Government than they are at present.

2. The Conference was a preliminary step to more detailed examination of the questions and final conclusions have not yet been formulated.

444. (This question was answered on the 23rd January, 1925.)

AMALGAMATION OF OUDH AND ROHILKHAND AND EAST INDIAN RAILWAYS.

445. ***Mr. C. S. Ranga Iyer:** (a) Is it a fact that the head office of the amalgamated State Railways of the O. and R. Railway and the E. I. Railway is going to be Calcutta and not Lucknow?

(b) Are the Government aware that the transfer of the head office will entail a great hardship especially on the clerical staff drawing a poor pay?

(c) Is it contemplated to give notice to leave the Railway to a number of members of the O. and R. Railway staff?

(d) Are the Government aware that there is a widespread apprehension among the State employees of the O. and R. Railway that their prospects will be adversely affected by the amalgamation?

(e) Has His Excellency the Viceroy received memorials from the employees of the O. and R. Railway?

If yes, will the Government be pleased to lay the memorials on the table?

(f) Have the Government sent replies to the said memorials?

(g) If yes, will the Government be pleased to lay the replies on the table?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The details of the proposed amalgamation have not yet been worked out and Government are unable to make a statement at present.

(d), (e), (f) and (g). Memorials have been received from the clerical staff and gazetted officers of the Oudh and Rohilkhand Railway representing that their interests would be adversely affected by the proposed amalgamation. These are under consideration and Government do not think that any useful purpose will be served by placing copies on the table. However in any changes which have to be made in the public interest Government will see that the fullest possible consideration is paid to the position and prospects of individual members of the present staff, on the Oudh and Rohilkhand and the East Indian Railways and all possible and practicable steps will be taken to minimise hardship in case reductions of establishment become necessary.

AJMER-MERWARA.

446. ***Mr. C. S. Ranga Iyer:** (a) Will Government be pleased to state whether it is a fact that the District of Ajmer-Merwara was detached from the old North Western Provinces in order to form it into a separate model administration for the surrounding Native States of Rajputana?

(b) If so, is the same object maintained by its administration up to the present time?

(c) If not, why not?

Mr. Denys Bray: Ajmer-Merwara was detached in 1871 on general grounds of administrative convenience.

(b) and (c) therefore do not arise.

ADMINISTRATION OF AJMER.

447. ***Mr. C. S. Ranga Iyer:** (a) Is it not a fact that:

(a) Ajmer is still governed by Regulations passed in the years 1877 and 1886?

(b) its chief Subordinate Judge of the first class, exercising powers in cases up to Rs. 10,000 and in some cases of unlimited value, is drawing a salary of Rs. 200?

(c) the process-fees charged in civil suits is nearly three to four times that obtaining in other provinces of British India?

(d) there is no provision for second appeals in the Courts Regulation?

(e) the posts of Collector, District Magistrate, Sessions Judge and District Judge are combined in one officer?

(f) many officers in the Commission exercise both magisterial and civil powers? and

(g) the Vakils and Pleaders have no status in the district as the Legal Practitioners Act has not been extended to it?

(b) If the answers are in the affirmative, will Government state what is being done to revise those laws and to improve the tone of administration of the District?

Mr. Denys Bray: (a) I would refer the Honourable Member to the Chronological Tables at the commencement of the Ajmer Code, 1916 edition, which show the Acts and Regulations in force in the district.

As regards the rest of the question, the information is being obtained and will be furnished to the Honourable Member in due course.

ADMINISTRATION OF AJMER-MERWARA.

448. ***Mr. C. S. Ranga Iyer:** (a) Is it not a fact that the literacy standard and percentage of the District of Ajmer-Merwara compares favourably with the rest of British India?

(b) If so, are there any special reasons why the Province of Ajmer-Merwara should still continue to be a non-regulation scheduled district governed by the Foreign and Political Department and not by the Home Department?

Mr. Denys Bray: (a) Yes.

(b) The Province is not governed by the Foreign and Political Department but by the Government of India. Although for reasons of general administrative convenience the Foreign and Political Department is the channel for correspondence regarding the Province, references to the Home Department or other Departments concerned are invariably made before decisions of any importance are carried out.

POLITICAL AND ADMINISTRATIVE ADVANCEMENT OF AJMER-MERWARA.

449. ***Mr. C. S. Ranga Iyer:** (a) Was any Committee, presided over by Mr. Ashworth, appointed to investigate the political conditions obtaining in the District of Ajmer-Merwara and to suggest steps necessary to bring it into line with the rest of reformed British India in respect of political and administrative advancement?

(b) If so, will Government be pleased to lay a copy of the Committee's report on the table and state what action has been taken on it?

Mr. Denys Bray: (a) Yes.

(b) A copy of the report will be forwarded to the Honourable Member and a copy placed in the Library. As regards the action taken on the report I refer the Honourable Member to the reply given on behalf of Government in the debate in the Council of State on a Resolution moved on the 21st February 1923 by the Honourable Saiyid Raza Ali. As was then anticipated the proposal to merge Ajmer-Merwara in the United Provinces was eventually found to be impracticable. The proposal to establish a local Legislative Council, which had been rejected by the Committee, was re-examined by Government, who, however, found themselves unable to proceed with it. They also explored the possibility of establishing an Advisory Board with certain suggested powers but were advised that such a Board could not be legally constituted. In these circumstances it was decided to grant the province the same measure of participation in the Reforms as had been granted to Delhi, namely, an elected seat in the Legislative Assembly.

As regards the judicial arrangements the Committee recommended that if the amalgamation of the province with the United Provinces was impossible, a Judicial Commissioner should be appointed. As the appointment of a whole time Judicial Commissioner would not have been justifiable the Province had to be combined for this purpose with another area

and the Judicial Commissioner in the States of Western India is now exercising the functions of a High Court for Ajmer-Merwara since the 7th November last.

JUDICIAL WORK OF AJMER-MERWARA.

450. ***Mr. C. S. Ranga Iyer:** (a) Is it a fact that the Judicial Commissioner in Kathiawar with headquarters at Rajkot has been recently appointed to exercise the judicial powers of the Chief Commissioner of Ajmer-Merwara?

(b) Have Government considered the other alternative of putting the judicial work of the district under the Allahabad High Court which is still the Court of Reference of the district?

Mr. Denys Bray: (a) Yes.

(b) Yes, but the alternative was not found feasible.

MUNICIPAL BOARD OF AJMER.

451. ***Mr. C. S. Ranga Iyer:** (a) Is it or is it not still the policy of Government to give full independence to local bodies like the Municipalities and to allow them to learn by their own mistakes?

(b) If the answer is in the affirmative, will Government state whether the same principle applies to the Municipal Board of Ajmer?

Mr. Denys Bray: (a) Yes, so far as this can be done without danger to the public welfare.

(b) Yes.

AJMER-MERWARA MUNICIPALITIES REGULATION.

452. ***Mr. C. S. Ranga Iyer:** (a) Are Government aware that the municipal elections of Ajmer city are due to take place by the end of 1925?

(b) Is it also not a fact that the new Municipalities Regulation is still on the legislative anvil?

(c) Do Government intend to see that the Regulation is passed in time for the election to be held under it?

Mr. Denys Bray: (a) Government are not aware of the exact dates.

(b) and (c). It is hoped that the new Municipalities Regulation will become law in the very near future, and if the municipal elections are not to take place until the end of 1925, it may be taken as certain that the Regulation will be promulgated before the date of the elections.

DEFECTS IN THE MUNICIPAL ADMINISTRATION OF AJMER CITY.

453. ***Mr. C. S. Ranga Iyer:** (1) Will Government be pleased to state what is the percentage of Europeans and Anglo-Indians to the population of Ajmer city?

(2) Is it not a fact that:

(a) 8 out of 24 members of the Municipal Board are European and Anglo-Indians,

(b) the Conveners of the two most important Sub-Committees Conservancy and Public Works, are, under the rules, nominated European officials,

- (e) the District Magistrate and Commissioner, Ajmer, still interferes and exercises control even in petty matters,
- (d) the Water Works, which form one of the main items of municipal expenditure, are still solely controlled and worked by the Public Works Department whose supervision charges vary from Rs. 10,000 to Rs. 17,000 a year,
- (e) new suburbs are springing up and the Committee does not care to regulate the growth of buildings, and
- (f) the municipal franchise is still very limited?

(3) Do Government intend to set all these defects right in the new Regulation and in the rules to be framed thereunder?

Mr. Denys Bray: The information is being obtained and will be furnished to the Honourable Member in due course.

CONFIRMATION OF INDIAN TEMPORARY OFFICERS IN THE SUPERIOR REVENUE ESTABLISHMENT OF STATE RAILWAYS.

454. ***Mr. C. S. Ranga Iyer:** (a) Will the Government be pleased to lay on the table a list of the Indian temporary officers waiting confirmation in the Superior Revenue Establishment of the State Railways?

(b) In view of the Indianization of the Services, will the Government be pleased to state if they intend confirming the above Indian officers?

(c) Will the Government be pleased to lay on the table a list of the temporary officers waiting confirmation in the E. I. Railway and G. I. P. Railway?

Mr. G. G. Sim: (a) Messrs. B. C. Chatterji and A. R. Sarin are the only two Indian temporary officers in the Superior Revenue Establishment of State Railways including the East Indian Railway.

(b) There are at present no vacancies in which they can be confirmed but the question of cadres is under consideration and their claims will be duly considered.

(c) The information has been asked for from the Great Indian Peninsula Railway and will be furnished to the Honourable Member.

EXPORT DUTIES ON CERTAIN ARTICLES.

455. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what, if any, duties are levied upon the following transactions, respectively:

- (a) export of money in whatever shape out of India;
- (b) export of jute raw or manufactured;
- (c) export of lac raw or manufactured;
- (d) export of mica raw or manufactured;
- (e) export of tea;
- (f) manufacture of articles made of jute within the country;
- (g) cultivation of tobacco and its manufacture?

The Honourable Sir Charles Innes: (a) None.

(b) Export duties are levied on raw jute and cuttings at rates of Rs. 4-8-0 and Rs. 1-4-0 per bale respectively, and on jute manufactures at Rs. 20 and Rs. 32 per ton respectively.

(c) None for general revenues, but cesses of 4 annas per maund on exports of lac and 2 annas per maund on exports of refuse lac are levied under the Indian Lac Cess Act of 1921.

(d) None.

(e) Export duty of Rs. 1-8-0 and a cess of 6 annas per 100 lbs.

(f) None.

(g) None.

COST OF COLLECTION OF REVENUE.

456. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to enumerate the different agencies through which various kinds of revenues and taxes are realised and the costs incurred for such realisation?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to the reply given by me to the identical question standing in his name and bearing No. 190 (unstarred) on page 1314 of the Assembly Debates dated the 8th March 1924.

INCOME-TAX ASSESSMENTS.

457. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state how incomes of persons are ascertained for purposes of assessing the income-tax?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to sections 22 and 23 of the Indian Income-tax Act, 1922 (XI of 1922).

458. (This question was answered on the 22nd January 1925.)

THE BRITISH EMPIRE EXHIBITION.

459. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state the financial liability involved in the proposal to continue India's participation in the British Empire Exhibition for the second year, will Government give separate figures for the Central and Provincial Governments' share of the said liability?

(b) Are Government aware that public opinion in the country is entirely opposed to the said participation, and do Government intend to respect Indian feeling in this matter by definitely refusing to participate any longer in the said show?

Mr. G. G. Sim: The Honourable Member is referred to the answers to questions Nos. 189 and 392.

Mr. Darcy Lindsay: Are the Government aware whether the Honourable Member has any authority for posing as the mouthpiece of public opinion in the country, other than his own constituents? According to my information, public opinion is by no means entirely opposed to further participation in the Exhibition.

Mr. Jamnadas M. Mehta: Is this to be taken as the official answer? I represent more people than Mr. Lindsay does. I am a far greater authority than he is on the question.

Mr. Darcy Lindsay: Has the attention of Government been drawn to a special cable from London dated the 22nd January, in the *Pioneer* newspaper, stating that the view is expressed in some quarters that, if the Government of India remain adamant and will not change their decision not

to participate, the United Provinces should take the whole of the buildings on its own account and sub-let space if necessary. A rich harvest is foreshadowed if such action is taken. The question I desire to ask is, are the Government prepared to assist the United Provinces in reaping this rich harvest, and the evident desire to see that India, as a part of the British Empire, is again suitably represented?

Mr. G. G. Sim: I suggest, Sir, the question be put when the Honourable Member for Commerce is present.

INSERTION OF A FAIR WAGES CLAUSE IN CONTRACTS FOR THE PURCHASE OF STORES.

460. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state:

- (a) under what conditions and at what time the Fair Wages Clause of the Indian Stores Department Conditions of Contract was established?
- (b) the object of the establishment of this clause?
- (c) whether a similar clause is insisted upon in India for purchases of Government; if not, do Government propose to do so for the future?
- (d) is there any similar clause insisted upon for purchases made from India for any departments of His Majesty's Government in London?
- (e) is it true, that the insertion of this clause tends to increase the prices paid for material purchased from firms agreeing to this clause and thus imposes a sacrifice on the tax-payer?
- (f) do Government propose to continue this clause?

The Honourable Sir Bhupendra Nath Mitra: (a) A Fair Wages Clause is inserted in all contracts for the supply of stores by British firms to Government Departments in the United Kingdom in pursuance of two Resolutions of the House of Commons, dated the 13th February 1891 and 10th March 1909.

- (b) The object of the clause is to ensure fair conditions for labour employed in the execution of Government contracts.
- (c), (d) and (e). The reply is in the negative.
- (f) The reply is in the affirmative.

STAFF OF THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

461. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state:

- (a) the name, qualification and salary of every member of the staff of the Indian Stores Department in London, getting more than £200 a year;
- (b) the number of this staff belonging respectively to the senior and the junior branches of the "Home" Civil Service;
- (c) the technical qualifications, on which chemists, mechanical and electrical engineers are admitted into the service of the Indian Stores Department;

- (d) whether any Indian has ever applied to the Indian Stores Department for such service, and, if so, how many and with what results?
- (e) whether Government have made provision for the employment of Indians qualified in the United Kingdom for service in the Indian Stores Department;
- (f) whether there is any correspondence with the Secretary of State or the High Commissioner on this subject;
- (g) whether there is any objection on the part of the Government of India to the immediate stoppage of further recruiting of technical and other staff in the Indian Stores Department, London, and in every case to advertise for an Indian of suitable qualifications for this work?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). I shall be pleased to show the Honourable Member a list of establishment of the office of the High Commissioner for India giving such information as is available on these points, if he will kindly call at my office.

(c) and (d). Complete information is not available with the Government of India. The High Commissioner for India has been asked to supply the information.

(e), (f) and (g). The attention of the Honourable Member is invited to the reply given to question No. 346, asked by the Right Honourable Mr. Srinivasa Sastri in the Council of State on the 3rd September, 1924, and in particular to clause (c) of that reply. I would add that it is not possible to direct an immediate stoppage of further recruiting of technical and other staff in the India Store Department, London, but the Government of India have issued orders to the effect that permanent vacancies should not for the present be substantively filled.

EXCESS OF LOCOMOTIVES OVER AUTHORISED STOCK.

462. ***Mr. Jannadas M. Mehta:** (a) Will Government be pleased to state the reason why there was an excess of 141 locomotives of 5' 6" gauge and 73 locomotives of 3'-3 $\frac{3}{8}$ " gauge in the month of June 1924, over the averaged authorised stock?

(b) Who fixes the authorised stock and on what basis?

(c) How the Government account for some railways having more than the authorised stock and others having less?

(d) Will Government be pleased to state why the G. I. P. Railway had 1341 averaged total number of locomotives on the line in April 1924, and 1355 in June 1924?

(e) Will Government explain what happened to the six locomotives during those two months?

(f) Will Government explain why the averaged number of locomotives under or awaiting repairs should be as large as 22.6 per cent.?

(g) Will Government explain why 384 locomotives of the N.-W. Railway, which were under or awaiting repairs, constituted 33.9 per cent. of the total number on the line in April 1924, whereas 364 locomotives, which were under or awaiting repairs in June 1924, constituted only 22.5 per cent., and whether there is a mistake in the statement officially made by the Railway Board?

(h) What is the reason of the increase in the number of locomotives of the B. & N.-W. Railway, which were under or awaiting repairs, of 3'3½" from 83 to 102, i.e., an addition of 19 during two months?

Mr. G. G. Sim: (a) The excess was due to certain old obsolete locomotives being temporarily retained on the list for subsidiary services, though they had been replaced by new and stronger engines.

(b) The authorised stock is fixed by the Railway Board and is based on the requirements of each railway, as calculated from time to time.

(c) The reason why a railway may have excess locomotive stock over the authorised number on a particular date is as given in the answer to (a). The actual number on the line may at any time be less than the authorised stock because new additional stock which has been sanctioned has not yet been completed and placed on the line.

(d) and (e). This is due to some of the old engines which had been replaced but which were still kept in use having been broken up during May and June.

(f) The percentage of 22.6 referred to includes engines under or awaiting repairs in shops as well as in running sheds and also engines stopped for a period of more than 24 hours for boiler examination and boiler washing, and so there must be a number of engines not available for use on any one day, while efforts are being made to reduce this number by the provision of increased facilities in shops and running sheds, this percentage does not compare unfavourably with those found in other countries.

(g) Owing to a typographical error a figure of 33.9 was printed by mistake instead of 23.9.

(h) The number under or awaiting repair must vary from month to month as this depends to a certain extent on the amount of work that can be undertaken in the shops. The number under or awaiting repair in October has fallen from 102 to 76.

TRADE COMBINES.

463. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state what powers they have got at present to interfere with firms and combines of trade which tend to raise prices against the consumer?

(b) Are Government aware that there is a ring which fixes the price of Kerosine?

(c) Are Government aware that there are agreements between various shipping companies controlling freights to and from India as well as between the various ports?

(d) Have Government powers to protect consumers against profiteering and if not, do Government propose to arm themselves with additional powers in this behalf?

Mr. G. G. Sim: (a) and (d). The Government have no power to interfere with trade combinations or to control prices, and as at present advised, they see no necessity for taking any such powers.

(b) and (c). The Government are aware that there are agreements between some oil companies regarding prices and between shipping companies regarding rates.

Mr. W. S. J. Willson: Would the Government like to explain to the Honourable Member the difference between tramps and liners and the necessity of having regular services?

Mr. G. G. Sim: No, Sir.

Mr. Jamnadas M. Mehta: Is it because Government themselves are unacquainted with that fact?

Mr. G. G. Sim: No, Sir.

ESTABLISHMENT OF A RATES TRIBUNAL.

464. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state what protection any industry or area has got at present against the imposition of unfair or heavy rates by the various railway managements?

(b) Will Government state what steps have been taken or are proposed to be taken towards the establishment of a Rates Tribunal?

Mr. G. G. Sim: (a) Maxima and minima rates, within which railways may levy charges, are prescribed by Government, and it is to the interest of the railways themselves to encourage and foster traffic by the quotation of suitable rates.

(b) The matter has been under correspondence with the Secretary of State, whose reply has only now been received.

FUNCTIONS AND QUALIFICATIONS OF THE HIGH COMMISSIONER FOR INDIA.

465. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state the functions entrusted to the High Commissioner for India in London, and also the qualifications which the holder of that office is expected to possess?

Mr. G. G. Sim: The attention of the Honourable Member is invited to my reply to a similar question asked by Diwan Bahadur M. Ramachandra Rao on 1st March last. Since then, the duties in connection with the payment of leave allowances of military officers in civil employ have also been transferred to the High Commissioner. The Government have prescribed no qualifications but select the one who seems most suitable at the time when required.

PURCHASE OF RAILWAY STORES.

466. ***Mr. Jamnadas M. Mehta:** (a) Will Government state whether they have decided to take over to the Indian Stores Department some of the staff at present employed by the "Home" Board of the East Indian Railway Company.

(b) If so, is it because the Indian Stores Department, London, is not considered sufficient for handling the additional work which might be placed with them?

(c) Is it true that the Indian Stores Department is making large purchases for the railways in future so that the total amount of purchases which may go to the Indian Stores Department in London, during the next year will not materially increase as the Indian Stores Department, India, will have taken over a considerable amount of the purchase hitherto made by the railways through London?

(d) If the reply to (c) is in the negative will Government be pleased to state what steps they have taken in connection with the promise of Sir Charles Innes that the Indian Stores Department will make all purchases for railways in India?

(e) Will Government be pleased to state the result of the circular which they sent round to the various railways for larger utilisation of the Indian Stores Department and of the conference which the Railway Board had with the Agents to push forward Government's policy in this direction?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The reply is in the affirmative.

(c) The Indian Stores Department has made purchases of a substantial aggregate volume on behalf of railways, and there is every probability that that Department will be utilized by the railways to a larger extent in future; but as a large proportion of the requirements of the railways consists of specialised types of technical stores which are not manufactured in India it is improbable, so long as the existing arrangements for the purchase of stores manufactured abroad continue, that the utilization of the services of the Indian Stores Department by railways will serve to counterbalance the increase of business that will devolve on the India Store Department, London, as a result of the resumption by Government of the control of the East Indian Railway.

(d) The attention of the Honourable Member is invited to the replies given to the following questions:

Question No. 2135, by Mr. K. C. Neogy on the 17th September, 1924,

Question No. 2322, by Mr. W. S. J. Willson on the 22nd September, 1924.

(e) Since the issue of the circular referred to by the Honourable Member various railways have made greater use of the Indian Stores Department and have up to date placed with that Department indents amounting to over 32 lakhs of rupees.

RUPEE TENDERS.

467. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state whether they passed orders in regard to the Rule for calling of tenders in India in Rupees?

(b) Will Government be pleased to state why there has been a delay of about a year in considering the Assembly's Resolution with regard to Rupee tenders and passing orders thereon?

(c) Will Government be pleased to state whether the Secretary of State or the Indian Stores Department has raised any objection to the proposal for establishing the rule of Rupee tender in India?

(d) Will Government be pleased to lay on the table all correspondence that has passed between them and the Secretary of State or the High Commissioner on this subject?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The Government have not yet come to a final decision in regard to the Resolution adopted by the Assembly to which the Honourable Member refers. As explained by the Honourable Sir Atul Chandra Chatterjee in his reply to question No. 2081, asked by Mr. Willson on the 17th September, 1924, the

question is one which has to be examined in many complicated aspects. This House may, however, rest assured that the matter is receiving the most earnest attention of the Government.

(c) and (d). There has been no correspondence between the Government of India and the Secretary of State for India or the High Commissioner for India on this subject since the Resolution was passed by this House on the 14th February, 1924.

Mr. W. S. J. Willson: Can the Honourable Member give any idea as to when Government are likely to come to their final decision?

The Honourable Sir Bhupendra Nath Mitra: I regret it is not possible for me to give any definite idea on the subject, but as I have said Government are trying their best to come to a decision as quickly as possible.

Mr. Jamnadas M. Mehta: Do not Government regard a period of one year as long enough to make up their mind?

The Honourable Sir Bhupendra Nath Mitra: Sir, in view of the various and complicated aspects of the case I can assure the Honourable Member that the time is not too long.

Sir Purshotamdas Thakurdas: Will the Honourable Member say what are the complicated aspects of the case which embarrass Government and prevent them from coming to a decision within the one year that has elapsed?

The Honourable Sir Bhupendra Nath Mitra: Well, Sir, I cannot answer that question fully without taking up a good deal of the time of this House; but I can tell the Honourable Member broadly this, that the first question with which we are contented is what are the classes of stores to which the policy advocated by this House can be applied.

Mr. W. S. J. Willson and Mr. N. M. Joshi: All stores?

The Honourable Sir Bhupendra Nath Mitra: Well, I may observe that it may be impossible to apply the policy in the case of technical stores of a specialised class; but as I have already said the matter is engaging the earnest consideration of Government. I am not in a position to make a more definite pronouncement on the subject at the present moment.

Mr. Jamnadas M. Mehta: Cannot Government apply this Resolution whenever and wherever they think they can do so with advantage and leave the rest to the future?

The Honourable Sir Bhupendra Nath Mitra: That is precisely what we are attempting to do. We are trying to find out which are the class of articles to which we can apply the Resolution without adding to the expense involved in obtaining those stores and, thus raising their cost to the taxpayer.

INDIAN REPRESENTATIVE ON THE STANDING HEALTH COMMITTEE
OF THE LEAGUE OF NATIONS.

468. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government please state if it is a fact, that the Health Committee, whose constitution was determined by a resolution of the Fourth Session of the Assembly of the League of Nations, contains no representative of India?

(b) If so, will they please state as to why it is so?

(c) Do they propose to see that in future the representative of India obtains a seat on the Health Committee referred to in (a)?

Mr. J. W. Bhore: (a) India has no representative on the Health Committee of the League of Nations but has a representative on the Permanent Committee of the Office International d'Hygiene Publique, Paris, which acts also as the General Advisory Health Council to the League.

(b) Every effort was made to secure a place for an Indian representative on the Committee which is strictly limited in numbers, but in view of the fact that probably 39 countries were competing, they did not meet with success on the last occasion.

(c) The Honourable Member may rest assured that the Government of India will, as in the past, do their best to try and see that India finds a place on the Committee.

Mr. Gaya Prasad Singh: Sir, may I know the names of the Indian representatives on the other Committees of the League of Nations?

Mr. President: That does not arise out of the question.

INDIAN REPRESENTATIVES ON THE COMMITTEE ON THE ALLOCATION OF EXPENSES OF THE LEAGUE OF NATIONS.

469. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government please state if there have been any representatives of India on the Committee on the allocation of expenses since the establishment of the League of Nations up to the last session of it?

(b) If so, will Government please state his or their names?

(c) If not, why not?

Mr. L. Graham: The answer to part (a) is in the negative, part (b) therefore does not arise.

(c) The Committee as at present constituted consists of eight members and the Honourable Member will no doubt realise that it is not possible for every member of the League to be represented on it.

INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

470. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government please state the amount paid by India to the League of Nations by way of contribution, since the establishment of the League up to its last session?

Mr. L. Graham: The Honourable Member is referred to part (a) of the reply to unstarred question No. 7, asked by Mr. D. V. Belvi, on the 22nd January, 1925.

REPORT OF THE ADVISORY COMMITTEE OF THE LEAGUE OF NATIONS ON THE TRAFFIC IN OPIUM, ETC.

471. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the resolution "The Assembly expresses its deep appreciation of the very valuable work done by the Advisory Committee on Traffic in opium and

other dangerous drugs, and adopts its report together with the resolution embodied therein" published in the Gazette of India, December 27th, 1924, Part I, page 1148, para. 1, will the Government be pleased to lay on the table copy of the report with the resolution embodied therein?

The Honourable Sir Basil Blckett: A copy of the report of the Advisory Committee on the work of its sixth Session has been placed in the Library.

EXPORTS OF OPIUM.

472. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state the quantity of opium exported from British India during the years 1920, 1921 and 1922, respectively?

The Honourable Sir Basil Blckett: The figures are given in the report on the traffic in opium and other dangerous drugs for the years 1921 and 1922, which has been submitted by the Government of India to the League of Nations. A copy of this report has already been placed in the hands of the Honourable Member.

CONVERSION OF THE TURNSTILE CROSSING AT THE CHATRA RAILWAY STATION INTO A LEVEL CROSSING.

473. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 31st December, 1924, page 12, under the heading "Chatra Railway Crossing"?

(b) If so, will Government please state, if the statements made therein are correct?

(c) If correct, do they propose to issue necessary instructions to the railway authorities concerned to redress the grievances complained of?

Mr. G. G. Sim: (a) Government have seen the letter referred to.

(b) Inquiry made shows that one boy was knocked down killed on the 13th November 1924 by reason of his own carelessness.

(c) The question of converting this turnstile crossing into a pucca level crossing is receiving consideration.

INTIMIDATION OF WITNESSES AND JURORS IN BENGAL.

474. ***Pandit Nilakantha Das:** (a) Are the Government aware of the fact that Earl Winterton the Under Secretary of State for India said last December, while replying to Sir John Scurr to the effect that the internees could not be put on public trial because the jurors and the witnesses had been intimidated on former occasions and are in danger of being intimidated again on a public trial of internees being undertaken?

(b) How many cases of such intimidation have been reported and published in the past?

(c) Are the Government in possession of any facts to show that any juror in any political case was intimidated or even approached by the accused parties?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) and (c). The Government of India are satisfied that frequent attempts have been made to intimidate courts, jurors, witnesses and prosecuting officers in Bengal. I gave the House such details as it is possible to give in my speech the day before yesterday.

APPOINTMENT OF INDIANS AS MANAGING GOVERNORS OF THE IMPERIAL
BANK OF INDIA.

475. ***Mr. K. C. Neogy:** (a) Will Government be pleased to describe the procedure, by which a vacancy in the post of the Managing Governor of the Imperial Bank of India is filled up?

(b) Will Government be pleased to state how many such vacancies have occurred since the constitution of the Imperial Bank?

(c) Will Government be pleased to state why there has not been any attempt to appoint an Indian to this position?

(d) Will Government be pleased to state their intentions, if any, in the direction of appointing an Indian in this position for the future?

The Honourable Sir Basil Blackett: (a) The Honourable Member is referred to section 28 (1) (v) of the Imperial Bank of India Act, 1920.

(b) There have been four such vacancies, since the original appointments were made.

(c) and (d). The intention of the Government is to appoint the persons best qualified irrespective of race after considering the recommendations of the Central Board, which, I may mention, contains several Indians. The question of a duly qualified Indian has not hitherto arisen.

LOSSES ON REVERSE BILLS, ETC.

476. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to place a statement on the table showing the amount of losses incurred from—

(a) Reverse Bills;

(b) post office money orders;

(c) sales of Gold;

between 1st January 1920 and 31st December 1921, and showing how much of these losses was met from current revenues and how much from long and short term borrowings respectively and the actual form of such borrowings?

The Honourable Sir Basil Blackett: As regards the amounts of losses, I would invite the attention of the Honourable Member to the Memorandum on Exchange gains and losses which appears at pages 549 to 560 of the Council of State Debates of the 24th January 1923. As regards the manner in which the losses were met, he is no doubt aware that the years 1919-20 and 1920-21 were years of deficit and the losses had accordingly to be met from borrowings. The borrowings were not earmarked for particular objects. Details of them will be found in Accounts Nos. 82 and 82A, of the Finance and Revenue Accounts for those years.

TEMPORARY LOANS RAISED BY THE SECRETARY OF STATE FOR INDIA BY
THE ISSUE OF INDIA BILLS.

477. ***Mr. Jamnadas M. Mehta:** (a) Is it the practice of the Secretary of State to raise money on 3, 6 or 12 months bills on London market?

(b) Will Government be pleased to furnish a statement of the amounts so raised in the 5 years ending with the 31st March, 1924, the date of sale of such bills and the discount per annum at which they were sold as also the market rate of discount on the same day for 3 months bills?

(c) Will Government be pleased to furnish a similar statement for the 5 years ending with 31st March 1914?

The Honourable Sir Basil Blackett: The last year in which money was raised by the Secretary of State on bills was 1915-16. Part (b) does not arise. As regards part (c), I place on the table a statement giving the information so far as available.

Statement showing temporary loans raised by the Secretary of State by the issue of India Bills during the five years ending 31st March, 1914.

Year.	Amount raised.	Time of issue.	Period for which current.	Discount.	Market rate of discount for 3 months' Bills at the time of issue.	REMARKS.
	£			£ s. d.		
1909-10, 1st issue	1,000,000	April 1909	12 months	2 3 11.63	Information not available.	Previous years' Bills renewed.
„ 2nd „	5,500,000	June 1909	„	3 1 11.43		
„ 3rd „	2,500,000	December 1909	„	3 3 10.29		
Total	6,000,000					
1910-11, 1st issue	1,000,000	April 1910	„	3 10 9.29		
„ 2nd „	2,500,000	June 1910	„	3 1 5.75		
„ 3rd „	1,500,000	December 1910	„	3 5 4.70		
Total	5,000,000					
1911-12, 1st issue	1,000,000	April 1911	„	2 13 6.27		
„ 2nd „	2,000,000	June 1911	„	3 1 6.76		
„ 3rd „	1,500,000	December 1911	„	3 0 7.256		
Total	4,500,000					
1912-13	...	...	Nil.	...
1913-14	...	...	Nil.	...

HOME DISBURSEMENTS OF THE GOVERNMENT OF INDIA ON REVENUE AND CAPITAL ACCOUNT.

478. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to lay a statement on the table showing the actual disbursements by the Secretary of State for India month by month during each of the years 1921-22, 1922-23 and 1923-24, with some indications, where the payments have been abnormally heavy in any particular month, of the reason for the excess?

The Honourable Sir Basil Blackett: A statement showing the Home disbursements of the Government of India for their London balances on revenue and capital account, is laid on the table.

Statement showing the Home disbursements of the Government of India on revenue and capital account (In millions of £).

Month.	1921-22.	1922-23.	1923-24.	REMARKS.
April	41	4.3	3.5	Payments on account of interest and Railway annuities.
May	3.0	1.6	2.9	
June	2.3	2.9	2.2	
July	4.9	4.7	5.1	Ditto.
August	3.2	2.5	2.5	
September	1.7	1.3	1.6	
October	4.9	5.7	4.8	Ditto.
November	2.4	1.9	4.5	
December	2.6	1.8	2.4	
January	7.1	5.5	5.6	Payments on account of interest and Railway annuities and in 1921-22 payments to War Office debitable to Military.
February	1.8	3.2	2.7	
March	6.2	5.5	5.6	Payments on account of Stores.
Total	44.2	40.9	43.4	

LICENSE FEES OF STALL KEEPERS AND PLATFORM VENDORS ON THE SOUTH INDIAN RAILWAY.

479. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the stall keepers and the platform vendors on the South Indian Railway used to pay Rs. 6 per month as rent for the site of their stalls and about a rupee as a license fee for selling coffee and other articles and that these fees have recently been revised to about Rs. 150 and Rs. 6 respectively. If so, why have the fees been increased?

Mr. G. G. Sim: Inquiry is being made and the Honourable Member will be informed of the result in due course.

REDUCTION OF FARES ON THE SOUTH INDIAN RAILWAY.

480. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that when the Great Indian Peninsula, Bombay, Baroda and Central India, Madras and Southern Mahratta and other Railways increased their first and second class fares by about 12½ per cent., the

South Indian Railway increased its fares by 25 per cent. and that with the recent reduction in fares of the former Railways, the latter railway has not reduced its fares? If so, why?

Mr. G. G. Sim: The percentage of increase in 1922 on the South Indian Railway was the same as that introduced on the Bombay, Baroda and Central India, Great Indian Peninsula and Madras and Southern Mahratta Railways, with the exception that over the latter railways the increase applied only to the first 300 miles of the journey. Government understand that the possibility of reducing fares on the South Indian Railway is now under the consideration of the Company.

GRIEVANCES OF THE SUBORDINATE STAFF OF THE SOUTH INDIAN RAILWAY.

481. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they are aware of the great discontent existing among the subordinate staff of the South Indian Railway working on the line on account of the fact that they do not get in time leave even for urgent purposes owing to the stiffness of leave rules and for that reason also, they could not be relieved of their duty when they fall sick? If so, what steps do they propose to take to remove these grievances? If not, will they be pleased to inquire into the matter and report their findings to the Assembly?

Mr. G. G. Sim: Government have received copies of memorials addressed to the Agent by the subordinate staff of the South Indian Railway. The grant of leave to Company's servants is a matter which must naturally be left to the discretion of the Company's Agent but Government will send the Honourable Member's question to him for such action as he may consider necessary.

COLLECTION OF EXCESS FARES FROM PASSENGERS ON THE SOUTH INDIAN RAILWAY.

482. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the authorities of the South Indian Railway have recently framed rules or issued a circular compelling the ticket collectors and the travelling ticket examiners to show every month a certain percentage of collections from passengers in the shape of excess fares?

Mr. G. G. Sim: I would refer the Honourable Member to the reply given to question No. 257.

ADMISSION OF PASSENGERS TO THE PLATFORMS AT TRICHINOPOLY AND ERRODE JUNCTIONS.

483. ***Mr. N. M. Joshi:** Will Government be pleased to state whether their attention has been drawn to the complaint made in the September-October issue of the *Railway Guardian* (pages 79-80), to the effect that at Trichinopoly and Errode Junctions, passengers are not admitted to the platforms before the actual arrival of trains? If so, do they propose to take steps to remove this complaint and allow the passengers on the platforms sufficiently early before the arrival of the trains? If not, why not?

Mr. G. G. Sim: Government have not seen the complaint referred to, but this is a matter which might suitably be brought to the notice of the Agent through his Local Advisory Committee. The Government will send a copy of the question and answer to the Agent.

**REDUCTION OF STAFF ON AMALGAMATION OF THE EAST INDIAN AND
OUDH AND ROHILKHAND RAILWAYS.**

484. ***Mr. N. M. Joshi:** Will Government be pleased to give the following information:

(a) After the East Indian Railway comes under the State management and is amalgamated with the Oudh and Rohilkhand Railway, is there any likelihood of both the superior and inferior staff of both the railways being reduced?

(b) If so, what will be the percentage of reduction in the superior and inferior services of each railway company?

Mr. G. G. Sim: (a) and (b). Eventually we hope that the amalgamation will result in economy but it is quite impossible at present to say how this economy will affect different classes of railway servants.

**ALLEGATIONS IN THE WEEKLY MAZDOOR OF LUCKNOW AGAINST
RAILWAY ADMINISTRATION.**

485. ***Mr. N. M. Joshi:** With reference to the reply given to my question No. 2280 put on the 19th September, 1924, will Government be pleased to state what action, if any, has been taken by the Agent of the O. and R. Railway Company in respect of the allegations made in the *Weekly Mazdoor* of Lucknow?

Mr. G. G. Sim: As already stated in reply to a similar question by Khan Bahadur Sarfaraz Hussain Khan the matter is still under consideration.

**INDIAN FOREMEN ON THE BOMBAY, BARODA AND CENTRAL INDIA
RAILWAY.**

486. ***Mr. N. M. Joshi:** With reference to my question No. 2190 asked on the 18th September, 1924, will Government be pleased to state, whether, in view of the fact that there are only three Indian foremen and only one Indian under training on the whole Bombay, Baroda and Central India Railway line, they have taken or propose to take any steps to secure more Indians to these posts? If so, what steps they have taken or propose to take? If not, why not?

Mr. G. G. Sim: The selection of men to fill appointments in the service of the Bombay, Baroda and Central India Railway Company is a matter for the Company's Board and their Agent to decide. Government have, however, inquired from the Agent who states that a scheme for training Indians for the posts referred to is under his consideration.

RECOMMENDATIONS OF THE DECK PASSENGER COMMITTEE.

487. ***Mr. N. M. Joshi:** With reference to the reply given to my question No. 2187, on the 18th September, 1924, will Government be pleased to state whether they have now considered the views of the Local Governments and Chambers of Commerce on the recommendations of the Deck Passenger Committee and whether they have come to any conclusion? If so, will they be further pleased to state what their conclusion is?

The Honourable Sir Charles Innes: The matter is still under consideration.

PAY AND LEAVE OF RUNNERS IN THE POSTAL DEPARTMENT.

488. *Mr. N. M. Joshi: With reference to the reply given to my question No. 2271 put on the 19th September, 1924, will Government be pleased to state what relief in respect of pay and leave has been given to the "Runners" in the Postal Department as a result of the consideration of this question by the Postal Inquiry Committee of 1920?

The Honourable Sir Bhupendra Nath Mitra: With respect to the pay of runners, the Honourable Member is referred to the Resolution of the Government of India, Department of Commerce, No. 4737, dated the 30th July 1920, which was published in the Gazette of India, dated the 31st July 1920.

The Postal Inquiry Committee of 1920 made no recommendation in regard to leave for runners.

MEMBERSHIP OF WELFARE COMMITTEES ON THE BENGAL AND NORTH-WESTERN RAILWAY.

489. *Mr. N. M. Joshi: (a) With reference to part (b) of the reply given to part (b) of my question No. 2278 put on the 19th September, 1924, will Government be pleased to state whether it is a fact that compulsion is brought upon the men in the railway workshops of the Bengal and North Western Railway in the matter of making them members of the Welfare Committees?

(b) If the answer to (a) be in the affirmative, do Government propose to take immediate steps to stop this practice?

Mr. G. G. Sim: (a) No.

(b) Does not arise.

EUROPEAN, ANGLO-INDIAN AND INDIAN RAILWAY SCHOOLS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

490. *Mr. N. M. Joshi: (a) With reference to the reply given to my question No. 2283 put on the 19th September, 1924, will Government be pleased to state (a) the number of schools that the M. S. M. Railway has provided for the children of its Anglo-Indian servants with the number of children taking advantage of these schools and (b) the number of schools started for the children of its Indian servants with the number of children attending them?

Mr. G. G. Sim: A statement giving the information asked for by the Honourable Member is placed on the table.

Statement showing the number of European and Anglo-Indian and Indian Railway Schools on the Madras and Southern Mahratta Railway on the 31st March 1924 and the number of pupils attending them.

Class.	Number of Schools.	Number of Pupils.
European and Anglo-Indian	18	817
Indian	5	808

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

491. ***Mr. N. M. Joshi:** With reference to part (d) of the reply given to my question No. 2283, will Government be pleased to state whether they have arrived at any conclusion in respect of the question of assistance given by railways towards the education of their employees' children, which they are considering? If so, will they be pleased to announce it? If not, will they state when they are likely to come to some decision in this matter?

Mr. G. G. Sim: The question is one of considerable difficulty and Government have not yet arrived at any conclusion in respect to it. It is not possible to say at present when an announcement can be made.

REVISION OF THE LEAVE RULES OF RAILWAY EMPLOYEES.

492. ***Mr. N. M. Joshi:** With reference to the reply given to my question No. 2189 of the 18th September, 1924, will Government be pleased to state the result of their inquiry in respect of revising the leave rules for all railway employees with a view to bringing them more into accord with conditions of employment in other industrial concerns? If they have not yet come to any decision, when are they likely to finish their deliberations and arrive at some conclusion?

Mr. G. G. Sim: The revised rules have been drawn up, but it is not possible to say at present when they will be issued.

Mr. N. M. Joshi: May I ask, Sir, for how long this question has been considered by the Government of India?

Mr. G. G. Sim: The question has been under consideration for the last six months.

Mr. N. M. Joshi: May I request the Government to inquire from the office how long this question has been considered?

Mr. G. G. Sim: I have already stated, for the last six months.

Mr. N. M. Joshi: I want Government to make further inquiries.

RAILWAY COLONY AT JONESGANJ, AJMER.

493. ***Mr. N. M. Joshi:** 1. With reference to the information supplied to me by the Railway Board in reply to my question No. 899 of 20th March, 1924, will Government be pleased to furnish further information on the following questions arising from the answer given:

(a) Were the leases granted to the house-owners of Jonesganj, signed on behalf of the Railway by the Agent of the Railway Company, who under clauses 63 and 75 of the Company's Contracts, dated 24th September 1884 and 8th April 1917 respectively, is the only authorised Agent in India to sign such documents on behalf of the Company?

(b) Had the Carriage and Wagon Superintendent legal authority to sign agreements or leases for land on behalf of the Railway Company under the terms of the Company's charter or under clauses 63 and 75 of the Company's Contracts of 1884 and 1907 respectively, with the Secretary of State for India?

(c) Was the ground rent recovered from the house-owners reserved to the Railway Company, or to form a permanent village fund for "all purposes of the village" as laid down in Resolution No. 207 of Official Meetings of the Rajputana-Malwa Railway for 1891?

2. If the answer to (c) of the above question be in the affirmative, will Government be pleased to state whether the ground rent recovered from the house-owners of Jonesganj was reserved to the Railway, was it ever credited to the Railway Revenue Account Abstract K, as laid down in paragraph 534 of the State Railway Open Line Code, Volume I, and paid into the Government Treasury as required by clauses 21 and 32 of the Company's Contracts of 1884 and 1907 respectively, with the Secretary of State for India; or was the ground rent credited to the Village Funds which are quite separate and independent of the Railway Accounts?

RAILWAY COLONY AT JONESGANJ, AJMER.

494. *Mr. N. M. Joshi: With reference to the information supplied to me in reply to part (2) of my question No. 900 of 20th March, 1924, will Government be pleased to state whether the Resolution 207 of the Official Meetings of 1891 laid down any restrictions as to ownership of the houses and whether it did not provide for "leases in due form" to "effect" the ownership of the colonists in the houses?

RAILWAY COLONY AT JONESGANJ, AJMER.

495. *Mr. N. M. Joshi: With reference to part (3) of my question No. 900 of 20th March, 1924 and the reply thereto, will Government be pleased to state whether the Resolution 207 of the Official Meetings of 1891 mentioned *internal* administration of the community affairs, or whether it stipulated a Working Committee for the transaction of all affairs of the village, such as recovery of advances made from the Fine Fund to the Village Community; Watch and Ward and Conservancy of the village, regulation of buildings, purchase of houses of men leaving the village, re-sale of such houses, control over tradesmen, disposal of produce of village land, etc.? What, if any, were the external affairs of the village?

RAILWAY COLONY AT JONESGANJ, AJMER.

496. *Mr. N. M. Joshi: With reference to part (4) of my question No. 900 of 20th March, 1924 and the reply thereto, will Government be pleased to state whether the Railway Company ever paid for any of the houses taken over from men who left the village; if so, from which head or sub-head of Railway Account were the payments made and how many houses were paid for by the Railway Company in this way?

RAILWAY COLONY AT JONESGANJ, AJMER.

497. *Mr. N. M. Joshi: With reference to question No. 902 of 20th March 1924, will Government be pleased to furnish (a) a copy of letter No. 3126-A., dated 30th May, 1898, from the Carriage and Wagon Superintendent, Ajmer; and (b) a copy of letter No. 1431-R. S., dated 30th January 1917, from the Carriage and Wagon Superintendent, Ajmer, as also a copy of the other suggestions made side by side by that officer?

Mr. G. G. Sim: I propose to reply to Questions 493 to 497 together.

The information asked for in these questions is being obtained from the railway administration concerned and will be communicated to the Honourable Member on receipt.

Mr. N. M. Joshi: May I take it, Sir, that all these questions have been answered up to 497?

Mr. G. G. Sim: Yes.

ADMISSION OF POSTAL RUNNERS AND VILLAGE POSTMEN TO THE
BENEFITS OF THE WORKMEN'S COMPENSATION ACT.

498. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they propose to bring the postal runners and village postmen within the scope of the Workmen's Compensation Act? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: No. The occupations of these men are not particularly hazardous and provision is already made for these workers in the Civil Service Regulations.

Mr. N. M. Joshi: May I ask whether Government have made inquiries as to how many runners and village postmen are either killed or injured each year by going through forests and floods?

The Honourable Sir Bhupendra Nath Mitra: Sir, the decision of Government has been arrived at after a full consideration of the statistics referred to by my Honourable friend, Mr. Joshi.

Mr. N. M. Joshi: May I request the Government to give the House the statistics which they have found out?

The Honourable Sir Bhupendra Nath Mitra: I shall require notice of that question, Sir.

REVISION OF THE CONDITIONS OF SERVICE OF MENIALS IN ALL
GOVERNMENT DEPARTMENTS.

499. ***Mr. N. M. Joshi:** Will Government be pleased to state whether their inquiries regarding the question of revising the conditions of service of menials in all Government Departments are now completed? If not, why not? If the inquiries are completed, when will they publish their decisions?

The Honourable Sir Alexander Muddiman: I regret that it has not yet been possible to issue orders in this matter. But it has been fully considered and we hope to issue orders shortly.

CARRIAGE OF THIRD CLASS PASSENGERS IN GOODS WAGONS.

500. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state the total number of third class passengers carried in goods wagons?

(b) Have the Government of India consulted their legal advisers as to whether railways carrying passengers in goods wagons and charging them third class fares, are not guilty of a breach of the law?

(c) Will the Government of India be pleased to state when they will be in a position to discontinue the practice of carrying passengers in goods wagons?

Mr. G. G. Sim: (a) The information asked for is not available.

(b) So far as Government are aware, the carriage of passengers in goods-vehicles on occasions when coaching vehicles are not available is not a breach of any law.

(c) Government cannot give a definite date, but instructions have already been issued to railway administrations that steps should be taken as far as practicable to put a stop to this practice.

Mr. N. M. Joshi: I did not ask what is the opinion of the Government. What I really want to know is whether Government have consulted their legal adviser. I want Government to consult their legal advisers whether the carrying of passengers who pay third class fares by goods wagons is not illegal?

Mr. G. G. Sim: If the Honourable Member would suggest any particular law, that is contravened, the legal advisers would have something to advise about.

Mr. N. M. Joshi: This is the law of common sense that you must carry those who pay third class fares in the third class.

Mr. G. G. Sim: One does not ask for legal advice in matters of common sense.

Mr. Darcy Lindsay: Is it not a fact, Sir, that goods wagons are only used in cases of extreme emergency and in particular to meet the occasional rush of pilgrim traffic and that in such cases the wagons are made as comfortable as possible?

Mr. G. G. Sim: Yes.

Mr. Gaya Prasad Singh: How are goods wagons made as comfortable as possible?

Mr. G. G. Sim: In many cases they are provided with electric lights.

Mr. Gaya Prasad Singh: Are Government aware that this practice does not obtain on the Bengal and North-Western Railway? I can speak authoritatively.

Mr. N. M. Joshi: May I ask whether Government will be prepared to reduce the fares to those passengers who are carried in goods wagons?

Mr. G. G. Sim: No, Sir.

Mr. N. M. Joshi: May I ask the reason why?

Mr. M. A. Jinnah: Public interest.

PROHIBITION OF THE EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

501. ***Mr. N. M. Joshi:** (a) Will Government be pleased to publish the reports they may have received from Local Governments regarding the prohibition of the employment of women underground in mines?

(b) Have they considered the reports? If so, what is their decision?

INTRODUCTION OF SHIFTS IN COAL MINES.

502. *Mr. N. M. Joshi: (a) Will Government be pleased to publish the reports they may have received from the Local Governments regarding the introduction of shifts in coal mines?

(b) Have they considered the reports and, if so, what is their decision?

The Honourable Sir Bhupendra Nath Mitra: I propose to answer questions 501 and 502 together. The Government of India have received the replies of Local Governments to their circular letter on these questions, but they have not yet formulated their decisions. The question of publishing the replies will be considered.

MATERNITY BENEFIT SCHEMES IN INDUSTRIAL UNDERTAKINGS.

503. *Mr. N. M. Joshi: Will Government be pleased to publish the reports they may have received from Local Governments regarding the introduction of Maternity Benefit Schemes on a voluntary basis in industrial undertakings?

The Honourable Sir Bhupendra Nath Mitra: Government intend to publish the information after all the replies have been received.

TRUCK ACTS.

504. *Mr. N. M. Joshi: (a) Has the attention of the Government of India been drawn to two articles recently published in the *Servant of India* on the necessity of Truck Acts?

(b) Will they be pleased to ask the Local Governments to inquire into the question and publish the reports?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Government of India do not consider it necessary at present to take the action suggested.

Mr. N. M. Joshi: May I ask, Sir, the reason why Government are unwilling to make that inquiry?

The Honourable Sir Bhupendra Nath Mitra: The reason is, Sir, that the Government consider the inquiry to be unnecessary under present conditions in India.

Mr. N. M. Joshi: May I ask, Sir, if Government have not made any inquiry as to the existence of the evil, how can they know that the evil does not exist and that there is no necessity for an inquiry?

The Honourable Sir Bhupendra Nath Mitra: The decision was arrived at by Government with reference to the knowledge they possess about present conditions in India.

Mr. N. M. Joshi: May I ask that Government should possess better information about these labour conditions than they possess to-day?

The Honourable Sir Bhupendra Nath Mitra: I leave it to the Honourable Member to form his own conclusions in that matter. I have already explained the Government view, Sir.

REDUCTION OF THIRD CLASS FARES ON RAILWAYS.

505. *Mr. N. M. Joshi: Will Government be pleased to state whether they propose to reduce the third class fares on Indian railways? If not, why not?

Mr. G. G. Sim: The Honourable Member is referred to the answer given to question No. 259.

Sir Campbell Rhodes: Do Government anticipate that they will be able to reduce third class fares after the proposed committee on grievances of railway employees has done its beneficent work?

The Honourable Sir Charles Innes: The answer, Sir, is in the negative.

ESTABLISHMENT OF A PROVIDENT FUND IN PLACE OF PENSIONS FOR GOVERNMENT SERVANTS.

506. *Mr. N. M. Joshi: Will Government be pleased to state whether they have considered the proposal of establishing Provident Fund for the benefit of the Government employees as an alternative to pensions? If so, will they state their decision and will they state what steps they had taken to give effect to the proposal?

The Honourable Sir Basil Blackett: The attention of the Honourable Member is invited to the reply given to Mr. Harchandrai Vishindas (question No. 69) during the current Session.

AMENDMENT OF THE ASSAM LABOUR AND EMIGRATION ACT.

507. *Mr. N. M. Joshi: Will Government be pleased to state what steps they have taken for the revision of the Assam Labour and Emigration Act, for the removal of penalties for absence from work and other labour offences?

The Honourable Sir Bhupendra Nath Mitra: The penal provisions to which the Honourable Member refers have been withdrawn by notifications.

Mr. N. M. Joshi: What I wanted to know was whether Government are going to revise the Assam Labour and Emigration Act?

The Honourable Sir Bhupendra Nath Mitra: Sir, I have already replied to the specified inquiry which the Honourable Mr. Joshi has made. If he has something else in his mind, I shall be glad if he will give notice.

Mr. N. M. Joshi: I have nothing in my mind. The answer given by the Honourable Member is not a reply to my question at all. I never asked whether certain provisions have been withdrawn by notification or not. There is no mention of that at all in my question.

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member asked whether certain action has been taken for the removal of certain penalties. I have replied to him that the penal provisions have already been withdrawn by notifications.

Mr. N. M. Joshi: I am asking about the Assam Labour and Emigration Act. My question has not been answered.

The Honourable Sir Bhupendra Nath Mitra: The question of the revision of the law does not arise because the penal provisions have been withdrawn by notifications.

Mr. N. M. Joshi: Government have already published that information that these penal provisions have been withdrawn by notifications. The question is whether they want to remove the penal clauses from the Act. This information is being given to me for several years. What I want to know is whether Government are going to remove the penal provisions from the Act.

The Honourable Sir Bhupendra Nath Mitra: Government have no immediate intention of doing so.

Diwan Bahadur Ramachandra Rao: May I ask the Honourable Member to state whether the notifications referred to by him were issued under any provisions of the Act and to state what that provision is?

The Honourable Sir Bhupendra Nath Mitra: The notifications were issued undoubtedly under the provisions of the Act.

Dewan Bahadur M. Ramachandra Rao: May I know under what provision of the Act?

The Honourable Sir Bhupendra Nath Mitra: I have not got a copy of the Act here, and I shall be obliged if the Honourable Member would give me notice of that question.

PUBLICATION OF THE ANNUAL REPORT OF THE AGENTS OF THE GOVERNMENT OF INDIA IN CEYLON AND MALAYA.

508. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to publish an annual report of the work done by their Agents in Ceylon and Malaya? If not, why not?

Mr. J. W. Bhoze: The suggestion will be considered.

APPOINTMENT OF AN AGENT OF THE GOVERNMENT OF INDIA IN MAURITIUS.

509. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to appoint an Agent in Mauritius? If not, why not?

Mr. J. W. Bhoze: The Government of India are not at present considering the question of appointing an Agent in Mauritius. They are awaiting the report of the special officer who has lately been deputed to that colony to investigate certain matters.

RECEIPTS FROM FEES FOR EXTERNAL LABOUR EMIGRATION.

510. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state the amount they have so far received from the fees for external labour emigration?

(b) Will they be pleased to state how they propose to spend the amount?

Mr. J. W. Bhoze: (a) A statement giving the information required is laid on the table.

(b) It is the policy of Government to spend the income from these fees on all legitimate objects relating to External Emigration.

STATEMENT.

Quarter ending.	Receipts.	
	Rs.	A. P.
June 1923	5,805	0 0
September 1923	83,458	0 0
December 1923	49,613	0 0
March 1924	44,843	6 7†
June 1924	61,375	0 0
September 1924	1,43,117	0 0
Total up to the end of September 1924	3,88,211	6 7

PUBLICATION OF REPORTS OF INDIAN DELEGATES TO THE ASSEMBLY OF THE LEAGUE OF NATIONS.

511. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether it is a fact, that the Government publishes a report made by their representatives for the Assembly of the League of Nations?

(b) Do they receive reports from their representatives for the Annual International Labour Conferences? If they do, are these reports published? If not, why not?

(c) Will they consider the advisability of publishing these reports?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) Reports are received. They are not at present published as the delegates have prepared them on the understanding that they will be kept confidential.

(c) Government will consider the possibility of publishing reports in future.

Mr. N. M. Joshi: Are Government aware that when their representatives at the International Labour Conference make confidential Reports, such reports sometimes leave the impression on the minds of the labour and other delegates that the Government delegates have made certain criticisms about the conduct of the labour representatives behind their back?

The Honourable Sir Bhupendra Nath Mitra: I shall require notice of that question.

UTILISATION OF THE GOLD STANDARD RESERVE FOR PURPOSES OTHER THAN SUPPORT TO THE CURRENCY SYSTEM.

512. *Dr. K. G. Lohokare: Will Government be pleased to state when, for what purpose and how much was spent on each occasion from 1893 to end of 1924, from the Gold Standard Reserve and the interest therefrom on purposes other than support to the Currency system?

† Includes Rs. 934-6-7 credited to Government on account of estates of deceased emigrants.

The Honourable Sir Basil Blckett: In the years 1907-1908 and 1908-1909 a sum of £1,123,655 was appropriated from the Gold Standard Reserve for Railway Capital Expenditure. This is the only occasion on which the Gold Standard Reserve was utilised for purposes other than support to the Currency system. Beginning with the year 1923-24 interest, etc., earned the investments held by the Reserve have been appropriated to general revenues so long as the capital is not less than £40,000,000 and have not been added to the Capital of the Reserve. The amount so appropriated in 1923-24 was £1,199,127. Figures for 1924-25 are not yet ascertainable.

DISMISSAL OF MR. G. D. KANADE, STATION MASTER, ADARKI, ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

513. ***Dr. K. G. Lohokare:** (a) Is it a fact that Mr. G. D. Kanade, Station Master, Adarki, had been peremptorily dismissed from the services of the Madras and Southern Mahratta Railway on 10th April, 1923?

(b) Is it a fact that this person had applied for a judicial hearing of his departmental case in which it was alleged that he allowed 4 passengers to get into the goods train, while he was allowed no opportunity of a hearing when the case was decided departmentally?

(c) Is it a fact that the General Secretary of the Amalgamated Society of Railway Servants had applied to the Agent, Madras and Southern Mahratta Railway for allowing this case a hearing before an impartial tribunal, as published in the *Railway Times* of 6th October, 1923?

(d) Is it a fact that this servant had a clean previous record of 17 years' service?

(e) Is it a fact that the dismissal meant in addition to losing service, losing gratuity too?

(f) Do Government propose to look into the case?

CASE OF MR. K. R. DESHPANDE, LATE A BOOKING CLERK ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

514. ***Dr. K. G. Lohokare:** (a) Is it a fact that Mr. K. R. Deshpande, Coaching Clerk, Poona City Booking Office, Madras and Southern Mahratta Railway, was asked to resign in May, 1923, by the District Traffic Superintendent orally—as an alternative to his transfer to Marma Goa because the Poona City Booking Office was then abolished?

(b) Is it a fact that this person had offered to accept a lower salary post even, if he was transferred to the Belgaum District instead of to Marma Goa, to be able to look to the education of his children placed in Poona?

(c) Is it a fact that this employee has put in 18 years of service with a clean record?

(d) Is it a fact that gratuity has been refused in his case simply because he resigned, and that too on the understanding given by the District Traffic Superintendent that he would not stand to lose anything else?

(e) Do Government propose to inquire into the case?

CASE OF MR. R. K. KARMARKAR, LATE A GOODS CLERK ON THE
MADRAS AND SOUTHERN MAHRATTA RAILWAY.

515. ***Dr. K. G. Lohokare:** (a) Is it a fact that Mr. R. K. Karmarkar, Goods Clerk, Poona, Madras and Southern Mahratta Railway, was orally asked to resign service in April, 1923, by the District Traffic Superintendent, Belgaum, without allowing him a hearing in a case alleged against him?

(b) Is it a fact, that on the next day of his resignation, he put in an application to withdraw his resignation and that the withdrawal of resignation was not allowed?

(c) Is it a fact that the person has a clean record of 22 years' service?

(d) Is it a fact that in this case gratuity was disallowed?

(e) Do Government propose to inquire into the case?

Mr. G. G. Sim: I propose to reply to this question and the two following together. The Government have no knowledge of the incidents referred to, and since no right of appeal lies to them, they do not propose to inquire.

Dr. K. G. Lohokare: Are Government aware of the fact that these persons had appealed to the Agents in question and they received a negative answer?

Mr. G. G. Sim: No, Sir, the Government have no information whatsoever.

Dr. K. G. Lohokare. Will they please inquire?

Mr. G. G. Sim: No, Sir, the Government do not propose to inquire, since no right of appeal lies in the matter.

516. (This question was answered on the 26th January, 1925.)

PRICE OF IRON AND STEEL PURCHASED FROM ENGLAND AND THE
CONTINENT.

517. ***Mr. T. C. Goswami:** Will the Government state:

(a) the price of iron and steel ordered by them from England and the Continent since the beginning of 1924, up to date, with the quantities ordered?

(b) which of the steel and iron goods ordered from abroad were not or could not be produced in India?

The Honourable Sir Bhupendra Nath Mitra: I should be glad to show the Honourable Member, if he would call at my office, a statement giving such information as is available on the points raised in the question. The statement is of some length, and Government do not think it would serve any useful purpose to lay it on the table.

SAVINGS ON THE PURCHASES OF STERLING.

518. ***Mr. Jamnadas M. Mehta:** (a) Has the attention of Government been drawn to the statement in the *Statesman* from its Delhi correspondent, dated the 13th November 1924 to the effect that in the course of the current financial year a saving of a crore and a half of rupees is expected to accrue from the purchases of sterling under the present rate of exchange?

(b) Will Government be pleased to state if that figure is approximately correct; if not, will Government state what is the amount of probable saving expected from that source?

(c) Are Government aware that the total exports from India now run into the neighbourhood of 350 crores?

(d) Do Government realise that most of these exports consist of agricultural produce either in a raw or semi-manufactured condition?

(e) Are Government aware that every penny of higher exchange means a loss of 20 crores of rupees to the producer of these agricultural products?

The Honourable Sir Basil Blackett: (a) and (b). The Government have seen the statement referred to, but I am sure the Honourable Member does not expect me to anticipate my Budget statement or express an opinion on the accuracy of the figure quoted. I would ask him to wait till February 28th.

(c) and (d). The statements are I think approximately correct.

(e) The statement is clearly incorrect. It ignores most of the relevant factors by which the position of producers is affected. It also ignores entirely their interests as consumers.

INCOME FROM STAMPS ON BANK CHEQUES.

519. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state the income from stamps collected on bank cheques in each of the three financial years 1921-22, 1922-23 and 1923-24?

The Honourable Sir Basil Blackett: The income from stamps on bank cheques is not separately recorded in the books of Government. The total receipts in India from one-anna impressed stamps on cheque forms as well as receipt forms amounted to Rs. 8,25,600, 8,32,860 and 8,32,880 during the years 1921-22, 1922-23 and 1923-24 respectively. Cheques can under the law be stamped with ordinary postage and revenue adhesive stamps, as can receipts. I would remind the Honourable Member that the receipts from this duty are provincial.

Mr. Jamnadas M. Mehta: Do Government desire to encourage banking habits in this country?

The Honourable Sir Basil Blackett: Yes, Sir.

Mr. Jamnadas M. Mehta: In that case will they consider the question of abolishing one anna stamps on cheques?

The Honourable Sir Basil Blackett: No, Sir.

Mr. Jamnadas M. Mehta: If they think that it is desirable to encourage banking, then is not the second answer quite inconsistent with the first?

The Honourable Sir Basil Blackett: I have nothing to add.

Mr. Jamnadas M. Mehta: Yes; you cannot usefully add anything.

VALUE OF IMMOVEABLE PROPERTY BELONGING TO THE MILITARY, RAILWAY, PUBLIC WORKS AND OTHER DEPARTMENTS.

520. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to lay on the table a statement showing approximately or even roughly the value of immoveable property held by (i) the Military, (ii) the Railway, (iii) the Public Works and other Departments of the Government of India?

The Honourable Sir Bhupendra Nath Mitra: Information sufficient to give even a rough estimate is not available and the collection of it would involve an amount of labour which in the opinion of Government is incommensurate with the value of the information when collected.

Mr. Jamnadas M. Mehta: Do Government realise that the information is absolutely essential if the House is to consider the question of the reduction and the avoidance of public debt?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. Jamnadas M. Mehta: No cost can be regarded as too great when a question of such vast magnitude is concerned?

The Honourable Sir Bhupendra Nath Mitra: I did not catch the Honourable Member's question. Will he please repeat it?

Mr. Jamnadas M. Mehta: No expenditure can be regarded as excessive when a question of such great importance is to be considered. Government ought to spend time, labour and money, in fact they must spend themselves, in order to supply materials for considering the question of the avoidance of public debt?

The Honourable Sir Bhupendra Nath Mitra: I have said, Sir, what the Government's view in the matter is. If the Honourable Member holds a different view I can only leave it at that.

Diwan Bahadur M. Ramachandra Rao: Do not Government consider it desirable to know the book value of all the immovable properties held by the Public Works Department, the military authorities and the Railways?

The Honourable Sir Bhupendra Nath Mitra: As I have said, Sir, we have not got the information readily available; that is to say, our accounts do not contain a separate record of these items. They have to be collected by means of a special compilation; and as already stated, the view of Government is that the special compilation would involve an amount of labour which would not be commensurate with the value of the information when collected.

Diwan Bahadur M. Ramachandra Rao: Is it not desirable that the Government should know the amount of investment in respect of the immovable properties referred to in the question? In certain cases the Government are already taking that into account. If Government were to introduce a system of commercialised accounts, the book value will come out?

Mr. E. Burdon: Might I suggest to the Honourable Member that it would be a difficult thing, in fact an impossible thing, to arrive at an approximate estimate of the value of Fort St. George or Fort William.

Diwan Bahadur M. Ramachandra Rao: May I know whether it is not important that we should know the amount of non-recurring expenditure that has been incurred by Government up to date in regard to the various classes of buildings mentioned in the question. That is the exact amount invested in the various classes of buildings now in the occupation of the military authorities?

Mr. E. Burdon: It would be quite impossible to say that. Even if the information asked for is collected, it will not reveal that. Many buildings in the possession of the military authorities were acquired by conquest.

Diwan Bahadur M. Ramachandra Rao: Many barracks and other buildings have been constructed.

Mr. President: That is a matter of argument rather than a question requiring an answer. The Honourable Member might perhaps put it in the form of a Resolution.

NUMBER OF INDIAN OFFICERS OF THE INDIAN CIVIL SERVICE WITH
SECRETARIAT EXPERIENCE, ETC.

521. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to give information as follows:

- (a) A statement with the names, in order of seniority on the general list of Indian officers of the I. C. S. of more than 18 years' standing who have had secretariat experience giving the nature and length of such experience, as also the posting of each such officer on 1st December 1924?
- (b) A statement with the names of the Indian officers posted on 1st December, 1924, in each of the Departments of the Government of India as Secretaries, Joint Secretaries, Deputy Secretaries or Under Secretaries?
- (c) A statement giving the Departments of the Government of India where no Indian is at present employed in any such capacity?
- (d) Have Government received requests from responsible Indian quarters to the effect that in every Department of the Government of India in the charge of a British Member, there should be at least one Indian Secretary or Joint Secretary?
- (e) Have Government themselves accepted and acted upon the principle that whenever the High Commissioner of India in England, is an Indian, his Secretary should be a British officer?
- (f) What is the explanation for the entire absence of Indian officers of the standing mentioned under (b) from the Departments referred to under (c)?

The Honourable Sir Alexander Muddiman: (a) The information is available from the History of Services of Gazetted Officers and the Civil Lists published by the Provincial Governments.

(b) and (c). A statement giving the information asked for is laid on the table.

(d) There is no record of any specific request in the precise terms suggested by the Honourable Member but representations have been made to the Government of India recommending generally an increase in the number of Indians in the Departments of the Government of India.

(e) and (f). The policy of the Government of India is to appoint Indians in increasing numbers to Secretariat posts but they are not prepared to agree to any fixed ratio of Indians in such posts which are essentially

selection appointments nor are they prepared to make a rule that either the Secretary or the Joint Secretary in a department must be of a different race from the member or that the High Commissioner and his Secretary must invariably be one an Indian and the other a British officer.

STATEMENT.

Departments in which Indians are employed in the offices of Secretary, Joint Secretary, etc.

Home Department	Mr. T. C. S. Jayaratnam, I.C.S., Under Secretary.
Finance Department	Mr. S. C. Gupta, Under Secretary (on deputation to England). Mr. V. S. Sundaram, Under Secretary.
Legislative Department	Mr. S. C. Gupta, Bar.-at-Law, Deputy Secretary.
Department of Education, Health and Lands	Mr. J. W. Bhore, I.C.S., Secretary. Mr. G. S. Bajpai, I.C.S., Deputy Secretary. Mr. M. S. A. Hydari, I.C.S., Under Secretary.
Department of Industries and Labour .	R. B. J. P. Ganguli, Under Secretary (Officiating).

Departments in which no Indians are employed as Secretaries, Joint Secretaries, etc.

- Army Department.
- Foreign and Political Department.
- Commerce Department.

ELECTED PRESIDENTS FOR THE DELHI MUNICIPALITY.

522. *Lala Piyare Lal: Are the Government aware that while all municipalities in the principal cities of India have their elected Presidents the Delhi Municipality is deprived of this privilege? Are the Government prepared to extend this privilege to this municipality as well?

Mr. J. W. Bhore: The Deputy Commissioner, Delhi, is still President of the Delhi Municipal Committee. It is not the intention of Government that this arrangement should be adhered to permanently but the immediate present is not a suitable time for making any change.

GOVERNMENT CONTRIBUTION TO THE DELHI MUNICIPALITY.

523. *Lala Piyare Lal: Are Government aware that while large contributions are regularly made by the Government to the Notified Area Committee of Delhi, every year, none are made to the Delhi Municipality for its general expenses which have increased to a large extent by the location of the Government of India at the place? Are Government prepared to take this matter into consideration at the time of the next budget?

Mr. J. W. Bhore: Although the grants to Delhi Municipality have usually been made for specific purposes the Municipality has been treated with great liberality in the past: and it at present derives from Government properties a considerable income which is devoted to general expenses. The Chief Commissioner has recently submitted certain proposals which recognise the fact that the location of the Government of India at Delhi has indirectly increased the general expenses of the Municipal Committee, and suggests an increased annual grant to the Committee. These proposals are now under the consideration of the Government of India. I may add for the information of the Honourable Member that the circumstances of the Civil Lines, Notified Area, are entirely different as this area besides containing the temporary winter capital of the Government of India includes a large number of recreation grounds which involve considerable expense and are maintained very largely in the interests of the inhabitants of Delhi City.

INDIAN CLERKS' QUARTERS AT RAISINA.

524. ***Lala Piyare Lal:** Will the Government be pleased to state if the Indian clerks of the Imperial Secretariat were consulted as to their requirements before quarters for their occupation were built at Raisina in New Delhi?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member's attention is invited to the answer given by Sir Atul Chandra Chatterjee on the 3rd March, 1924, to starred question No. 577, asked by Mr. Bhabendra Chandra Roy.

RENTS OF INDIAN CLERKS' QUARTERS AT RAISINA, ETC.

525. ***Lala Piyare Lal:** (a) Is it a fact that the rents of the Indian clerks' quarters at Raisina have been increased since they have gone to occupy these quarters to a large extent? If it is so, will Government be pleased to state the reasons for this increase?

(b) Is it a fact that Indian clerks of the Imperial Secretariat have complained about the unsafety of these quarters and a large number of thefts have occurred there?

(c) If the answer to part (b) is in the affirmative, will the Government be pleased to state what steps have been taken to remove these complaints?

The Honourable Sir Bhupendra Nath Mitra: (a) The assessed rents of the clerks' quarters in Raisina were formerly calculated on the basis of $3\frac{1}{2}$ per cent. of interest on capital outlay. In accordance with the Fundamental Rules interest on outlay incurred on quarters occupied for the first time after 1st July 1922 has to be calculated at 6 per cent. of the capital outlay. The interest charges were accordingly pooled and the pooled rate is 4.64 per cent. for buildings, 4.33 per cent. for special services and 4.57 per cent. electrical installation as compared with the previous rate of $3\frac{1}{2}$ per cent. This mainly accounts for the increase in the assessed rents. Recoveries have, however, been made hitherto at concession rates which have been gradually withdrawn as facilities have increased in the New Capital Area.

(b) The answer is in the affirmative.

(c) As the result of a representation received in 1921, the compound walls of all the quarters were raised by 2 ft. and bars were provided to certain windows. Two other representations have been received, one from certain occupants of B, C and D class quarters asking for iron bars to kitchen windows and one from the Imperial Secretariat Association asking for certain other protective measures against theft. These representations are under consideration and orders will shortly be passed by Government.

RETRENCHMENTS OF APPOINTMENTS ON BIG SALARIES.

526. ***Lala Piyare Lal**: Will the Government be pleased to state if it is a fact that certain high posts carrying big salaries recommended by the Inchcape Committee to be abolished have been retained, restored or transformed into new appointments? Is it the policy of the Government to apply the Inchcape Committee's axe to smaller appointments and to grants for educational and other useful institutions leaving the higher appointments intact?

The Honourable Sir Basil Blackett: If the Honourable Member will specify the posts which he has in mind I shall endeavour to answer the first part of his question. As he himself is well aware, the answer to the second part is in the negative.

WITHDRAWAL OF TROOPS FROM MUZAFFARPUR.

527. ***Mr. Gaya Prasad Singh**: (a) Are Government aware that the public of Muzaffarpur assembled in a mass meeting in May last, under the presidency of Maulvi Mohamad Shaffi, M.L.A., protested against the construction of barracks for the permanent location of troops in that town?

(b) Are Government aware that the District Board of Muzaffarpur passed the following resolution at a meeting held on the 22nd November, 1924:

"That this District Board recommends to the Government of Bihar and Orissa to move the Government of India that they may be pleased to remove the troops located at Muzaffarpur, and not to build quarters for them, as their presence has already led to friction between them and the peaceful citizens of this town and suburbs, and as their permanent location is likely to lead to breaches of peace and bitterness"?

(c) Are Government aware that the Municipal Board of Muzaffarpur passed the following resolution, at a meeting held on the 25th November 1924:

"That this Board requests the Government of Bihar and Orissa to move the Government of India to withdraw the troops from Muzaffarpur, and not to build barracks, as their continued presence is likely to lead to breach of peace and bitterness between them and the citizens of the town and suburbs, many instances of which have already occurred in the past"?

Mr. E. Burdon: (a), (b) and (c). The Government of India have no information of the meetings and resolutions to which the Honourable Member refers.

Mr. Gaya Prasad Singh: May I take it, Sir, that the Government of Bihar and Orissa do not keep the Government of India informed of all the facts of this case?

Mr. E. Burdon: In the recent continuous correspondence which I have had with the Government of Bihar and Orissa they have not mentioned any of the meetings or resolutions to which the Honourable Member has referred.

Mr. Devaki Prasad Sinha: Sir, have the Government of Bihar and Orissa in the recent correspondence to which the Honourable Member refers drawn attention to the fact that there is considerable feeling in Muzaffarpur on account of the troops being kept there?

Mr. E. Burdon: The fact to which my Honourable friend refers was certainly mentioned—it certainly came into the correspondence—it is impossible that it should not have in view of the questions and answers that have taken place both in this House and in the Bihar and Orissa Council.

Mr. Devaki Prasad Sinha: Sir, do the Government of India propose of their own accord to consult public opinion on this question of the troops being at Muzaffarpur or do they propose to give effect to the resolutions which have now come to their notice in questions and answers, Sir?

Mr. E. Burdon: I have in answer to previous questions explained that the Government of India do not propose themselves directly to consult local opinion in Bihar and Orissa on this subject.

Mr. Devaki Prasad Sinha: Sir, do the Government of India at all propose to change their determination in regard to the troops being kept at Muzaffarpur?

Mr. E. Burdon: No, Sir.

DISALLOWED RESOLUTIONS.

528. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to lay on the table a statement, giving the Resolutions which have been disallowed under Rule 22 (1) of the Indian Legislative Rules, separately, since January 1924 up to date, together with the dates of such disallowance?

Mr. L. Graham: It is not the practice to publish Resolutions which have been disallowed by the Governor General. The Government of India therefore regret that they are unable to accede to the request of the Honourable Member.

Mr. Gaya Prasad Singh: When was this practice formed, Sir, may I know during the last five years?

Mr. L. Graham: I think, Sir, it was in the first session of the last Assembly. It was certainly in the time of the Membership of the Honourable Dr. Sapru.

Mr. A. Rangaswami Iyengar: May I know, Sir, why the practice should not be varied?

Mr. L. Graham: The question of Resolutions is a matter between individual Members and the Governor General who exercises his statutory discretion. It is not desirable that it should be put before the House in any form.

Mr. A. Rangaswami Iyengar: Is it not a fact that this disallowance ought to be made on the ground of the public interest and that therefore it is in the public interest that this disallowance should be made public?

Mr. L. Graham: Sir, may I refer the Honourable Member to rule 22(1). It is possible that Resolutions may be disallowed on the ground that they cannot be moved without detriment to the public interest, but very few Resolutions are disallowed by the Governor General under this rule and they are practically all I may say—not absolutely all—disallowed under the second part of the rule on the ground that they relate to a matter which is not primarily the concern of the Governor General in Council.

Mr. Gaya Prasad Singh: Sir, is this practice formed under any rule made by the Government of India or His Majesty's Secretary of State?

Mr. L. Graham: The general rule of desirability.

CONSTRUCTION OF THE HARDWAR-KARNPRAYAG RAILWAY.

529. ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 28 of the 1st February 1924, will the Government be pleased to state if they are prepared to invite private companies to take up the construction of Hardwar-Karnprayag Railway line, in the District of Garhwal, as a business proposition?

Mr. G. G. Sim: Government have recently sanctioned the construction of the Rikhikesh Road—Rikhikesh section of the Hardwar-Karnprayag Railway project, but have had to defer consideration of the remaining portion in view of the fact that it is not likely to be remunerative. Government do not consider that the construction of the remainder could be undertaken as a business proposition and in the circumstances are not prepared to invite any private company to take it up.

Mr. Gaya Prasad Singh: Sir, are Government not prepared to invite private companies to take up this project?

Mr. G. G. Sim: I said the project is not a remunerative one and no private company would take it up.

RAIDS IN THE NORTH-WEST FRONTIER PROVINCE.

530. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state:

- (a) if it is a fact that in the North-West Frontier Province half the population belongs to settled districts and half to unsettled districts?
- (b) whether the number of raids in the province has been steadily increasing or decreasing from the time of the separation of the Frontier Province from the Punjab up to the year 1923?
- (c) whether the judgments of the Judicial Commissioner of the province are appealable to the Chief Commissioner or are they final?

Mr. Denys Bray: (a) Approximately. The detailed figures are given in the Census Report.

(b) There appears to have been no steady decrease or increase. The figures for the last 16 years are given on page 15 of the North-West Frontier Inquiry Report.

(c) The judgments are final.

Nawab Sir Sahibzada Abdul Qaiyum: Will the Government be pleased to state how the state of crime in the North-West Frontier Province compares with the state of crime in Bengal during the same period?

Mr. Denys Bray: I should require prolonged notice of that question.

POST OFFICE ESTABLISHMENT.

531. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is the number of officials of different cadres in the Post Office Department, as noted below, correct?

1. Postmasters (including Sub and Branch, Inspectors, Clerks and Sorters)	27,006
2. Postmen and Mail Guards	29,800
3. Official of inferior service (including Road and River staff)	32,000
4. Extra-Departmental Agents	12,670

(b) If not, will the Government please give correct figures?

Sir Geoffrey Clarke: The numbers on the 31st March, 1924, were:

1. 26,835
2. 29,637
3. 29,713
4. 12,623

These figures are exclusive of season, temporary and experimental establishments and, in the case of items 1 and 3, of staff employed in administrative offices, who are not engaged on purely postal work.

STATEMENT OF BUSINESS.

Mr. President: I would like to ask the Honourable the Leader of the House whether he is in a position to make a statement regarding the business for next week.

The Honourable Sir Alexander Muddiman (Home Member): Sir, as far as I can see at present, the following will be the course of business during the next week. On Monday, the 2nd February, elections will be held for the Standing Finance Committee and the Public Accounts Committee, as already announced in the House. Motions will be made for the reference to Select Committee of the Cotton Ginning and Pressing Factories Bill and the Trade Unions Bill. Motions will also be made for taking into consideration and passing the Workmen's Breach of Contract (Repealing) Bill and consideration of the Indian Paper Currency (Amendment) Bill will be resumed. It is also proposed to ask for leave to introduce the President's Salary Bill and the Indian Income-tax (Amendment) Bill. Motions will be made either on the 2nd or on the 4th for the acceptance of the recommendations of the Council of State to reference to Joint Committees of the

Indian Succession (Consolidation) Bill and the Indian Succession (Amendment) Bill and for the appointment of Members to these Committees. I may say in connection with this business that I have just mentioned would be put down for Monday that it is a long list and that I do not think we would be able to get through it on that day. Probably a good deal would have to be carried over to Wednesday. I may mention for the information of Members that the last item on the list would be the Trade Unions Bill and I may warn Members that very probably it will have to go on to Wednesday. On Wednesday the 4th, in addition to any legislative business which may be left over from Monday, a motion will be made to take into consideration the further amendments made by the Council of State in the Provident Funds Bill, and it is also proposed to move for leave to introduce a Bill to amend the law relating to the carriage of goods by sea and to move for its circulation. It is possible that on the same day leave may be asked to introduce a Bill relating to contempt of court and that we may proceed with the consideration of the Indian Merchant Shipping Bill which deals with the Haj. Tuesday, the 3rd, is a day allotted for non-official Bills and Thursday, the 5th, is a day allotted for non-official Resolutions. There will be no meetings of the Assembly either on Friday, the 6th, or on Saturday, the 7th.

With reference to my remarks regarding Government time for non-official business I regret I am unable to give Government time for further consideration of the debate on the Bengal Ordinance which was adjourned the other day. But I am perfectly prepared, with your permission, Sir, and if it is the wish of the House, to resume the debate on either of the non-official days next week. I do not know whether Thursday would be a day which would meet the wishes of the House, if you agree.

Mr. President: Failing information to the effect that Honourable Members who have been successful in the ballot for the first non-official day, namely, Thursday, the 5th, are prepared to dispense with their rights in order to give priority to the resumption of the debate on the Bengal Ordinance, we shall have to wait till a further opportunity arises. Meanwhile, the list of business for Thursday will contain the Resolutions which were successful in the ballot and, at the end, the proposal that the adjourned debate on the Bengal Ordinance be resumed. If by that time the Members who have obtained a place in the ballot have been persuaded by their leaders or friends to give up their rights, we shall come to the debate on the Bengal Ordinance as the first item.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): May I ask, Sir, what becomes of the debate on the Railway Resolution which was adjourned the other day?

Mr. President: I shall have to consider that point. My Honourable friend says that the first item on the list of business for the next non-official day is the adjourned debate on the Resolution relating to the grievances of subordinate railway employés. I shall have to consider that matter. I think, however, that both these Resolutions were moved by the same Honourable Member.

Mr. A. Rangaswami Iyengar: No, the Railway Resolution was moved by Mr. M. K. Acharya.

Mr. President: Yes. As these two gentlemen sit together, perhaps they may have a conversation on that point.

Mr. A. Rangaswami Iyengar: May I know, Sir, if it is not possible under the rules now in force for you to take the adjourned debate on this non-official Resolution of Mr. Duraiswami Aiyangar exactly on the same terms as those of the non-official Resolution of Mr. Acharya, especially as the Chair is prepared to treat the one as if he were the other?

Mr. President: The Honourable Member perhaps does not quite appreciate that the Resolution on the railway grievances not having been finished on the original non-official day, it automatically passes on to the next non-official day and must appear as first in the list. Under the ballot rules it must then be followed by the Resolutions which have been successful in the ballot for that day. I was proposing to put the Bengal Ordinance Resolution as last on the list on the assumption that the Members in charge of the Resolutions standing higher up on the list would give up their rights in its favour.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, is it not possible, with the consent of the House, which I think can be obtained, that the Railway Resolution should stand first on Thursday, next in order should stand the debate on the Ordinance and thereafter those Resolutions which have been drawn in the ballot by other Honourable Members, so that it may be possible to finish the Railway Resolution, to finish the debate on the Ordinance and possibly give a chance at least to one, if not more, of the Resolutions which have been drawn in the ballot for that day?

Mr. President: I must have time to consider that proposal. But my Honourable friend will realise that the Bengal Ordinance Resolution stands in a class by itself for various reasons. The only reason I am concerned with now, however, is that it is not a Resolution which has found a place in the ballot and therefore it would be a dangerous precedent to establish that the Chair should, even following the unanimous desire of the House, upset the order of the ballot except by the consent of those who have been successful in the ballot. I may point out that I am using wrong language even there. I am not proposing to upset the ballot with anybody's consent. I am inviting Honourable Members to consult among themselves and to persuade Honourable Members who have been successful to dispense with their rights in what may be called the public interest.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): May I ask the Honourable the Leader of the House, with your permission, Sir, to make a statement of all official business for the whole month of February? It will be a great convenience to all those gentlemen who have got other engagements if the official business for the whole of the month is put down.

The Honourable Sir Alexander Muddiman: It would be a great pleasure to me if I could make such a statement. It would not only be a great convenience to Honourable Members of the House but it would be a great convenience to me also. But I regret that the course of public business cannot be foreseen so far about as to enable me to make a prophecy. It depends very largely on the progress of business in the House.

Mr. A. Rangaswami Iyengar: May I suggest to the Honourable the Leader of the House that all this difficulty would be got rid of if we have one of the off days for the discussion of this Resolution? It can be easily adjusted. Otherwise, this difficulty will continue to face us.

The Honourable Sir Alexander Muddiman: I am always ready, Sir, to meet the wishes of the House, as far as I can, and I think the House recognises that I have met them as far as I can in this matter. But it is really impossible for us to sit longer than we do. It may sound perhaps strange from the point of view of non-official Members, but we have our work to do and I regret I am not able to accept that proposal.

Mr. C. Duraiswami Aiyangar: May I know whether the Government, having kindly consented to give an official day for the moving of this Resolution, are not now estopped from not giving another official day for it?

The Honourable Sir Alexander Muddiman: I think it is a little unfair to press them. When I acceded to my Honourable friend's request I made it perfectly clear that it would be extremely difficult to give official time.

Diwan Bahadur M. Ramachandra Rao: May I suggest to the Leader of the House that his religious objection was to sitting on Saturdays and that Friday is a day on which we are not sitting? May I ask whether he will find it convenient to take this Ordinance debate on Friday next?

The Honourable Sir Alexander Muddiman: Friday is a day fixed for the meeting of the Executive Council. Last Friday we proceeded direct after the debate in this House to the Executive Council at a quarter past five and there we sat for such a period that we were unable to do very much work till next morning.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): May I suggest that on the next non-official Resolution day, which I understand is the 5th February, the adjourned debate on the Ordinance Resolution may be put immediately after the other adjourned debate on the Resolution regarding the grievances of railway subordinate employees, with the consent, which I am glad to inform the House I have obtained, of all the gentlemen who have got Resolutions balloted for that day with the exception of Raja Raghunandan Prasad Singh who is not present? I have wired to him and I have very little doubt that he will consent. I would further beg you to consider whether you could dispense with the question hour on that day and begin with the Resolutions from the very beginning at 11 o'clock. I suppose one hour would be enough for the adjourned debate on the Railway Resolution and then we will have the rest of the day for the Ordinance Resolution.

Mr. President: I pointed out a moment ago that it would be improper on my part in response to any request from the House to upset the established order of the ballot. When the ballot has been held the control of business for that day passes out of the hands of the Chair and the order on the list of business for that day must be set down as it emerges from the ballot. I am perfectly prepared to meet the Honourable Member, as he knows, in every possible way to enable this debate to be carried on for the maximum amount of time made available for it. He has only to ask the Honourable Member from Madras who is in charge of the Railway Resolution to curtail his remarks in reply and the Honourable Commerce Member to curtail his, to provide practically a full day for the further discussion on the Ordinance Resolution. I may here and now say that I am perfectly prepared to dispense with the question hour for that purpose.

Mr. M. A. Jinnah: May I ask for your ruling on one point? I can quite appreciate your difficulty to disturb the ballot which has placed the Resolutions for Thursday. Supposing those Members who have drawn the ballot and are in charge of those Resolutions give their consent individually to give precedence to the Ordinance debate after the Railway Resolution, is that possible, with their consent, not with the consent of the House?

Mr. President: Their consent can only be given, so far as I am concerned, either by their absence from the Chamber when their names are called, or by their rising in their places then and saying, "I beg to withdraw the Resolution". Withdrawal of a Resolution in that way leaves the Honourable Member who has drawn the ballot for that Resolution perfectly free to put it in for another ballot. It is only where a Resolution has been withdrawn by the leave of the Assembly that it cannot be discussed again. Where it has been withdrawn from discussion it can find a place in a subsequent ballot.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AGE OF CONSENT.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): I beg to move that the Bill further to amend the Indian Penal Code, as reported by the Select Committee, be re-committed to the Select Committee. Sir, I would only add that instead of the name of Sir Malcolm Hailey the name of Sir Alexander Muddiman for obvious reasons be substituted in the list of members of the Select Committee which was constituted to consider this Bill.

Honourable Members will find that the report of the Select Committee on this Bill, popularly known as the Age of Consent Bill, was presented to this House on the 15th March 1924, after which it was recirculated for public opinions. These opinions have now been collected and Honourable Members will find that they are of the usual type. There is a body of men which is opposed to all change and those who were opposed to the change on the last occasion are equally opposed to the change now. They are the irreconcilables so far as this piece of legislation is concerned. There remain those who, while favouring a change in the case of persons other than those married, would deprecate a change in the case falling within marital relations. Lastly, there is a body of opinion in favour of the raising of the age from 12 to 13, and some opinion in favour of raising it to 14. Well, Sir, it will be the duty of the Select Committee to re-examine the collected opinions and to draw up a fresh report for the information of this House. I need not therefore detain the House any longer and I move that the Bill be re-committed to the Select Committee.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, I rise to support the motion made by Sir Hari Singh Gour, but I have certain difficulties which I desire to place before the House. In the first place, the Select Committee did not contain any member of the Indian Christian community with the result that it completely overlooked that the actual

Statute law of marriage among Indian Christians—the Christian Marriage Act—is affected, indirectly if not directly, by this measure. If you will turn to Part VI of the Christian Marriage Act, XV of 1872, under the head of Marriage of Native Christians, section 60 says:

“Every marriage between Native Christians applying for a certificate shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise:

- (1) the age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years.”

In other words, if the age of consent is raised to 14 we shall have to change the age of marriage in this Act also. I may say that there are two great sections of the Christian community in India. The majority are Catholics and a minority are Protestants. In the past few years there has been a tremendous advance of opinion among the Protestant section of Indian Christians and they would desire that the age of consent as well as the age of marriage should be raised. On the other hand the Catholics, as far as I am aware, have at present been unable to accept (though in informal conversations and not in any public manner) proposals to enhance the minimum age of marriage beyond what is prescribed in the Act. Indeed quite recently the Right Reverend the Bishop of Bombay and myself have been appointed to negotiate with the authorities of the Catholic Church in India regarding the raising of the marriage age. In the second place we have not had an opportunity of placing our views and opinions before the Select Committee. The National Christian Council of India on my initiative has collected a great deal of evidence on the facts relating to the age of consent and the minimum age of marriage; we have obtained opinions, medical and social, which we would desire to place before the Select Committee. In short I ask that this measure should be sent back to the Select Committee for reconsideration and might I also urge that the defect from my point of view from which that Select Committee suffers should be cured at this time. I venture to ask that the one Member representing the Indian Christian community in this House should no longer be excluded from the Select Committee.

Sir Hari Singh Gour: I have great pleasure in suggesting to the House that I might be permitted to add the name of Dr. S. K. Datta to the list of Members of the Select Committee.

Mr. President: The question is:

“That the Bill further to amend the Indian Penal Code, as reported by the Select Committee, be re-committed to the Select Committee.”

The motion was adopted.

Mr. President: As far as the substitution of the name of the present Home Member for that of the late Home Member is concerned that is automatic under the operation of the Standing Orders. The Members of Government to whose department the Bill relates must under the Standing Orders be a member of the Select Committee.

Mr. N. M. Joshi: May I suggest that the name of Dr. Datta be added?

Mr. President: The question is that Dr. S. K. Datta's name be added to the Select Committee.

Mr. S. C. Ghosh: I move that Mr. Amar Nath Dutt be added as a member of the Select-Committee.

Mr. President: The question is that Dr. Datta be added as a member of the Select Committee.

The motion was adopted.

Mr. President: The question is that Mr. Amar Nath Dutt be added to that Select Committee.

The motion was adopted.

THE HINDU RELIGIOUS AND CHARITABLE TRUSTS BILL.

Mr. President: The Assembly will now proceed to the further consideration of the motion moved by Sir Hari Singh Gour on the 16th September 1924 in the following form:

“That the Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties, be referred to a Select Committee consisting of Mr. N. C. Kelkar, Sir P. S. Sivaswamy Aiyer, Diwan Bahadur T. Rangachariar, Mr. Gaya Prasad Singh, Mr. Ambika Prasad Singh, Baba Ujagar Singh Bedi, Lala Hans Raj, Pandit Madan Mohan Malaviya, Pandit Motilal Nehru, Mr. K. C. Neogy, Maulvi Abul Kasem, Mr. C. Duraiswami Aiyangar, Mr. M. A. Jinnah, Mr. T. C. Goswami, Mr. Chaman Lall, Mr. S. C. Ghose, Rai Sahib M. Harbilas Sarda, Pandit Harkaran Nath Misra, Pandit Nilakantha Das, Mr. M. C. Naidu, and Sir Hari Singh Gour; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven.”

Honourable Members will remember that that motion was originally moved by Dr. Gour in the September Session last year and that on the motion of the Honourable the Home Member the debate was then adjourned in order to provide further opportunity for the consideration of the matter.

The Honourable Sir Narasimha Sarma (Law Member): The Honourable the President has already informed the Assembly that it was at the request of the Government that the Assembly was pleased to adjourn the further debate on this question to a date in the Delhi Session in order to enable the Government to examine carefully the opinions forwarded by the various Local Governments and public bodies and to state their attitude towards the Bill to the Members of this House. I fully appreciate the difficulties under which this House as well as the Government are placed by reason of a Bill of a somewhat similar nature having been passed into law in respect of Muhammadan *wakfs*. I also fully realise that there is a general desire amongst all classes that everything that can be done by this Legislature and by the Government for placing Hindu religious and charitable endowments on a correct basis should be done as far as may be possible. To that extent the Government are in full sympathy with the objects of Dr. Gour's Bill, and that view is reflected in the opinions which have been forwarded by the various Local Governments. But I hope I shall have the attention of the House when I place before them the various difficulties which I foresee in enacting this Bill into law in respect of Hindu religious endowments. The Honourable Sir Hari Singh Gour has very correctly, in referring this Bill for opinions, stated that all that he was doing at that time was to elicit the opinions of the Hindu community

and the various Local Governments and that there was time for this House to take into consideration the views so expressed before they came to any particular decision, and I therefore hope that the Government are not wrong in interpreting the wishes of the Local Governments and the public bodies when they ask this House to pause a little and give further consideration to the matter in the light of the observations which I hope to make on this subject. It has already been stated, and I do not wish to lay any very great emphasis or stress on the point, that the position with regard to Hindu religious and charitable endowments has completely changed with the reforms, the subject being now a provincial transferred subject. The answer to that objection, as far as I could read from the records of the debate, is that it could be equally urged against the Muhammadan Wakfs Bill, and, secondly, that all that this Bill does is to enable the Local Governments to utilise the provisions of this Bill if they choose to do so, and that therefore it is a harmless measure which places a statutory duty upon trustees to place accounts before the Courts if the Local Governments in the various provinces choose to apply the provisions of this Bill.

Now, Sir, the main object which Sir Hari Singh Gour placed before this House in asking for all-India legislation, apart from the question of equality of treatment, is that it was his ambition and it ought to be the ambition of every one to have a national register from which one could see exactly what the trusts were, what the income of those trusts is, and how those trust monies are being appropriated. Well, I fear that here his ambitious designs are likely to be frustrated and rendered hopeless from the attitude which the principal Local Governments have adopted with reference to this measure. Honourable Members will see and especially the Hindu Members will know that the principal provinces in which shrines and mutts of very great and all-India importance to which Hindus generally resort are situated mainly in the United Provinces, Bihar and Orissa, Madras, and then you may place Bengal and Bombay. One of the reasons why it was said that there should be an all-India measure is that most of these shrines are shrines at which not merely the local population, but the whole Hindu population worships, and therefore it is but legitimate and right that this Assembly should be seized of the matter and place its foundations on a proper footing. But then the shrines, according to the proposed Bill itself, are going to be regulated only by the Local Governments, and if the Local Governments say that they would not touch this Bill, that they are in favour of their own provincial legislation, that they see dangers in this Bill, I think it is but reasonable that we should fall in with the spirit of the reforms and that we should respect the wishes of the Ministers and the Local Governments and allow them to follow their own wishes. And there is the more reason for that when we have not got the power as this Bill does not propose to do anything which is compulsory in its character. I can understand a Bill which says that in India there shall be a register on which every trust shall find a place, and which provides machinery for doing that, something like a record of rights which is to be common to the whole of India. But that would be possible only with compulsory legislation and this Bill does not propose to do that. I can understand an all-India legislation without which Local Governments might be powerless to deal with the shrines. That was the case as a matter of fact previous to the reforms. Whenever a Local Government or whenever public opinion

[Sir Narasimha Sarma.]

favoured reforms, they were met with the statement that the Government of India were really the master in the matter and that without their lead nothing could be done. That was the reason why the Government of India had to move and move cautiously in placing the Act of 1920 on the Statute-book. But now what are you proposing? You are empowering the Local Governments to do what they can and do without any all-India legislation. To that extent it is a work of supererogation. You are empowering the Local Government to do what they can do and what they desire to do without your help, without any all-India legislation. Therefore the main object, namely, of having an all-India register is not likely to be attained by reason of the attitude of the Local Governments. Secondly, it is a work of supererogation because Local Governments do possess the power already of doing whatever may be necessary for the purpose of placing religious and charitable endowments on a sound basis, for demanding accounts, for punishing people who do not in various ways comply with the statutory provisions. I think I should at this stage read a few of the opinions of the Local Governments in order to show that I am justified in these remarks. I said I thought the United Provinces Government the most important in this respect, because most of the shrines are situated in what the Hindus call Aryavarta. I do not want to read the whole of it. They say:

"For the reasons given above the Governor in Council is not in favour of the Bill. He would leave it to Members of the local Legislature interested in the questions involved to initiate legislation in the Provincial Legislatures."

He gives various reasons and shows how this legislation would be infructuous, ineffective and dangerous in some particulars. I shall not deal with the details of the criticism at this stage which show that the United Provinces Government are against it. Then the next Government is that of Bihar and Orissa where the famous shrines of Puri, Gaya and others are situated. Their view is:

"For this reason and for the reasons mentioned in paragraph 3 above the Local Government consider that the legislation should be left to the Provincial Councils."

And then they say:

"The Local Government consider the Bill as drafted is quite unsuitable."

The Bihar and Orissa Government think that orthodox opinion is decidedly opposed to this measure. Then we come to Madras. Madras has had a measure of this kind already on the Statute-book and Honourable Members will remember what great opposition it has aroused in various quarters. Then we come to Bengal. Bengal are emphatically against this measure. They say:

"On the above grounds Dr. Gour's Bill is unacceptable to the Government of Bengal. They are further of opinion that legislation on the subject cannot suitably be undertaken by the Central Legislature not only because conditions must vary in the different provinces, but because religious and charitable endowments are a transferred provincial subject and it should be left to the Minister in charge to formulate his own policy."

In connection with that statement I may also point out that the Calcutta High Court deprecate any legislation on this subject and the British Indian

Association emphatically protest against the attitude of the Central Legislature generally in respect of legislation of this description. This is what the Calcutta High Court says:

"It appears to the Honourable the Chief Justice and Judges that the Bill is intended to affect not only public religious and charitable endowments but also private *debutter* properties in which no one outside the family of the grantor has any concern. There are numerous such *debutter* properties in Bengal, and there are also properties which are not absolute *debutter* but charged with the performance of the *sheba* of an idol. . . . As regards public trusts there is the recent Act XIV of 1920, under which the public interested in the administration thereof has been given some control. The Honourable the Chief Justice and Judges do not know as yet whether any advantage has been taken of its provisions. Their Lordships do not see any necessity for the contemplated legislation at present."

So Bengal may be said to be against it. As regards Bombay, the Government of Bombay are of opinion that they should undertake local legislation on the subject. They are therefore opposed to Dr. Gour's Bill and recommend that the sanction of the Government of India to it may be withheld. . . .

Diwan Bahadur R. Ramachandra Rao: I do not wish to interrupt the Honourable Member, but may I ask whether any of these opinions were obtained subsequent to the last debate, or were they already there before the last debate took place?

The Honourable Sir Narasimha Sarma: I believe most of these opinions had been received but not been considered by the Government at the time and that is the reason; time was taken by the Honourable the Home Member in order that the Government may arrive at some decision for themselves. I am not sure as to whether one or two might not have been received later. Therefore, Sir, the major administrations including the Ministers are against this Bill, or at any rate favour only local legislation. The Hindu community cannot, therefore, be said to be enthusiastic in respect of this new legislation. I am not speaking of the educated classes; they naturally guide society in certain respects, but I am afraid do not carry sufficient influence in respect of social matters. Generally speaking, therefore, the Hindu community cannot be said to be enthusiastic; in fact a section of it is absolutely opposed to it, as my friend the Honourable Dr. Gour put it on a previous occasion; and I shall quote only one statement to show the depth of feeling amongst some of the most orthodox people, and Honourable Members will realise the danger to which Government would be exposing themselves if they were not to respect the wishes of the orthodox community who after all are the bulk of the population with which the actual administration has to deal. I am quoting from a letter from the Punjab:

"That your petitioners (the Mahants of local Hindu temples and the Baragi Sadhus of the Ludhiana District) have heard with horror and dismay that the Government intends to pass a Bill demanding the submission of quarterly accounts of the Hindu temples",

and so on.

I have read these words "horror and dismay" to show the impression any legislation on this subject is likely *prima facie* to create, and that we as a Legislature ought to be very chary when we undertake legislation in advance of the times or which public opinion does not endorse, unless it is of a character which must be undertaken in the general interests of the country.

Then, Sir, it is asked, will not Government help in demanding accounts from persons in charge of rich *mutts* whose assets are generally wasted? The answer to that is that there is already a statutory provision compelling

[Sir Narasimha Sarma.]

these various trusts to maintain accounts and there is already statutory provision under which any person interested in these trusts can compel the trustees to give all the information that is required under this Act, and there is also a procedure provided for effectuating that object. Under Act XX of 1863—I do not say it covers all, but it covers most of the institutions which are worth mentioning—it shall be the duty of every trustee, manager and superintendent of a mosque, temple or religious establishment to which the provisions of this Act shall apply to keep regular accounts of his receipts and disbursements in respect of the endowments and expenses of such mosque, temple or other religious establishment; and then there is machinery provided for compelling them to do so and suits also have been provided for. Under Act XIV of 1920 there is further machinery provided under which any person interested can move a Court to compel any of these trustees of public and charitable endowments to state all the particulars roughly that are required by some of the principal clauses of the Bill under consideration. Therefore the Government of India have not been remiss, have not been negligent in their duties in the past. They have rendered it compulsory to keep these accounts and they have enabled the public who are interested in the matter to get the accounts. The only difficulty has been really that, except where there are factions in a village or there is gross mismanagement, there was nobody really interested to enforce these provisions. I have had something to do with these institutions, both as beneficiary as my Honourable friend, Pandit Motilal Nehru, put it, because I derived a portion of my income from defending and prosecuting claims against Mahants, and I was also a member of a body which poked its nose into these matters and irritated everybody in Madras whose interests were affected by trying to establish these religious foundations on a correct basis. So I know something of what I am speaking. The real trouble is there must be some machinery which will take charge of this and compel the trustees to do it. An attempt has been made in Madras to create such a machinery. This Bill therefore is perfectly innocuous, ineffective and useless because there is no machinery provided, and no machinery can be provided except by the Local Governments. It provides for a registry, a record of rights as it were, to achieve which there is no machinery. Sir, I do not wish to try the patience of this House very much longer. I would ask the Honourable Members to remember this that it is undesirable to legislate in advance of the times. It is undesirable to expose the educated public, the reformers, to the charge that the masses cannot be safe in their hands. Speaking for a moment as an individual and not as a Member of the Government, I do consider it desirable to state that all those who are keen about the rapid advance of self-government should pause a little and realise the dangers to which they would be exposing themselves if an impression should be created on the general Indian public that their religious interests would not be safe in the hands of a Legislature composed of their representatives. I am not saying that we should shirk our duty in placing institutions on a correct foundation if we can do so effectually and if there is a great reason for it. But the Legislature has wisely provided a division of functions and has left to Local Governments an absolute discretion in dealing with this matter unhampered by the Central Legislature or the Central Government not even the bureaucratic Government. In a matter of that description where it is a provincial transferred subject, where the public can enforce their desires by forcing the hands of Ministers is it desirable that we should step in and create the impression that the

central body is, like all bureaucratic bodies, desirous of encroaching upon the privileges of other bodies, that it grasps at power, that it is not satisfied with leaving to Provincial Legislatures on the reform basis the discharge of the duties entrusted to them, and that the religious public, the orthodox public, should be under the impression that there is no longer safety for them in a Legislature composed as it is at present. I have given my best consideration to this matter and I ask, not merely with reference to this measure, but generally with reference to such measures, that we should consider once, twice and thrice before we undertake a compulsory legislation in advance of the times and also unnecessarily. Sir, I have said enough which precludes the Government, much as they sympathise with the object which the Honourable Sir Hari Singh Gour has in view, from doing anything but oppose the further progress of this Bill. They do so, Sir, in the interests of the Local Government under the reforms so that we may not encroach upon their privileges and also because this legislation, as it stands, is unnecessary, ineffective and useless and has not been accepted by Local Governments for whose benefit alone it is supposed to make provision. I would like to add only one word more. I have read the debates on the previous occasion and I know that several Honourable Members have taken the *prima facie* view that there can be no harm in putting these trusts on a proper basis and that they would be discharging their duties properly if they were to vote for the further progress of this Bill. I ask them, Sir, respectfully to reconsider their attitude if it is possible to do so and support the Government in upholding, as I have said, the cause of provincial self-government.

Lala Piyare Lal (Delhi: General): I submit, Sir, that, so far as my community is concerned, it will not be affected by this measure because I find that the definition of the word "Trust" is so worded that it has not covered my community. The words are:

" 'Trust' means the permanent dedication by a person professing the Hindu faith . . . "

We are Hindus as we profess a religion which has its origin in India, but of course we do not profess the Hindu faith. I therefore submit, Sir, that my community will not be affected by this measure at all. But so far as my community is concerned, I think they do not favour the idea of this measure at all. They think this measure will be of very doubtful value. In the first place honest trustees will be saddled with the additional duties of keeping accounts and filing them in the Courts, while the lawless ones will get very good opportunities of cooking their accounts and filing them in the Courts. My community has already protested against the Madras Religious Endowments Act. A deputation waited upon His Excellency to veto it. I submit, Sir, that this measure, so far as the orthodox community even of Hindus is concerned, does not look with favour on it, because in the first place people are not very willing to expose the whole of the assets of their shrines and trust properties, but so far as I am concerned, I think the motion of the Honourable Member should not be given effect to, and that the Local Governments should be left the discretion of introducing legislation.

Mr. K. Venkatarama Reddi (Guntur *cum* Nellore: Non-Muhammadan Rural): I think, Sir, I also must oppose this Bill. After the lucid explanation of the Honourable Member opposite I think the Honourable Mover will be well advised to withdraw this Bill. I do not think I can usefully

[Mr. K. Venkatarama Reddi.]

add anything to what the Honourable Member said, but I would say that the ideas relating to religious and charitable institutions, and the principles on which they are based differ from community to community and from province to province, so I think it would be safer to leave this question to the Provincial Governments to legislate if public opinion demands. Diverse trusts cannot be analysed and cannot be brought under the purview of legislation from this House because the trusts differ in their incidence and character. Then there are difficult questions arising as to the class in which a trust falls. There are private trusts and there are those not absolutely private. Again there are trusts which are partly pious and partly given to maintain families which are entrusted with the duty of wishing prosperity to the donor and his family. Property attached to a trust might have come from different sources, that is property might have been earned by self mortification of the trustee; it might have been donated by the votaries, and property might have been given by various charitable persons, I do not think, Sir, that because this Legislature has passed the Wakf Act, we are justified in giving assent to this Bill also. The ideas relating to religious and charitable institutions are quite different from those relating to *wakfs*. On these grounds I oppose this Bill.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhanmadan Urban): Sir, much as I sympathise with the general aspect of the question presented to the House by my Honourable friend the present Law Member as regards leaving this matter to Provincial Legislatures, the recent Madras experiment in this matter has convinced me that in the matter relating to public trusts, it is safer that the all-India Legislature handles the subject rather than the Provincial Legislatures. An all-India Legislature can act with that caution and deliberation in these delicate matters affecting Hindu religious rights and usages, while perhaps a Minister in charge belonging to a party as he does is oftentimes dissuaded from the right course of action, or rather from the cautious course of action which he ought to pursue, by party attractions. In fact the Madras Legislature have passed legislation which has evoked a storm of opposition from whole sections of the community. If this Legislature, for instance, had the handling of the subject I am sure some of the provisions which have found a place in that legislation would have been more carefully weighed before they became provisions of law.

Another reason which induces me to think that this Legislature is the proper authority to deal with the subject is that we have already on the Statute-book two pieces of legislation dealing with this subject, that is, Act XX of 1863 referred to by my Honourable friend, and this Act XIV of 1920. Both of them are Acts of the Central Legislature. In fact if you leave it to the various provinces to deal with these subjects, they enact provisions which are in opposition to measures already contained in these pieces of legislation. For instance, section 22 of Act XX of 1863 is a very general provision which was introduced, as Honourable Members who have studied the history of the subject will remember, after careful consideration as to the non-intervention of Government or Government officers in matters of religious institutions. It formed the subject of keen controversy, and section 22 of Act XX of 1863 was deliberately enacted for that purpose, the Parliament also having carefully considered that question. Any departure from such a general principle by any local legislation should be carefully considered by the central authority, and I know in the case of Madras that

provision was introduced there without previous consultation with the Government of India. The hands of the Government of India were forced in that matter when a departure from the principle contained in that section was introduced in the Madras Act, and of course when the matter comes up to the Governor General as the vetoing authority merely it becomes a difficult matter for him to interfere at that stage. So that the subject is a very delicate one. You cannot be too cautious in matters of this kind, and a central legislature is the proper body to deal with these subjects because it can bring impartial judgment to bear on the various questions in examining the provisions of a Bill. Nobody denies that the legislative provisions which now exist for the protection of religious endowments are defective. They have to be revised, and how best they can be revised is a matter for consideration—which is the best authority which can consider it without local prejudices and passions? I think the Central Legislature is the body which can deal with that subject free from these passions and prejudices which actuate the local people. I therefore, Sir, think that orthodox people who object to provisions of this sort will welcome legislation from a central body like this rather than from the local legislatures. I therefore support the motion of Sir Hari Singh Gour to recommit this Bill to Select Committee.

Maulvi Abul Kasem (Bengal: Nominated Non-Official): Sir, I have heard the halting, hesitating opposition of the Honourable the Law Member to the motion of my friend, Sir Hari Singh Gour. We have been told times out of number that this is a matter for provincial legislation and that the Central Legislature should not interfere. We have been hearing this for the last four or five years, but have the Provincial Governments or the Provincial Legislatures taken any action in the matter? An appeal has been made to our feelings, to our sentiments and to our responsibility by saying that people will think that we are anxious to grab all the powers and do not want to leave to the Local Legislatures work which ought properly to be done by them. I submit, Sir, that the Local Legislatures, as pointed out by my learned friend from Madras, are not the proper people. Their personal interests interfere with questions like these. Supposing the Minister in charge of Religious Endowments were to introduce a measure like this and there happen to be in that Council about 6 or 7 members who are trustees of these religious and charitable endowments, he will not dare to do so for fear of his salary not being sanctioned; and it has been done in some cases. Secondly, Sir, there is nothing in the provisions of this Bill which can cause, as it has been said, horror to either the Mahants themselves or to the most orthodox section of the community. The only thing that is asked in this Bill, as was very ably pointed out by the Honourable Law Member, was that they have to register trust properties. That is the only thing. Why should it cause horror to anybody only to go to the Collector's office and make a statement what the property which he holds in trust is and what is its income? In my part of the country every landholder, big and small, has to go to the Collector for his notices, assessments, and not only to register the names of his property and its extent and income, but also the individual rent he realises from each tenant. That does not cause much horror or much trouble to these people. Why should a trustee be so much afraid to get his trust properties duly registered? The only other thing he is asked to do is to submit at the end of the year an account of the receipts and expenditure. There is nobody to question it;

[Maulvi Abul Kasem.]

the only thing he has to do is to prepare for public inspection an account of his income and expenditure. It has been said that there is a provision in the law by which anybody interested in the trust can compel a trustee to submit his accounts. We all knew that; but the fact remains that the man who is interested, in order to compel the trustee to submit accounts, has to institute a suit and to follow it up, and those who have to deal with our law Courts, especially Civil Courts, know how difficult it is to institute a suit and follow it up and prosecute it to the end. Nobody will take the trouble and the expense and the worry of civil litigation simply to discharge a public duty. Besides that, if he files a suit he does not know what is the trust property, what is the income and what the terms are of the trust by which that money has to be spent; whereas the trustee has got all the advantages for his defence. Under the circumstances, Sir, I think it will be really shirking our duty and responsibility if we delay the passing of this Bill into an Act any longer. This has been hanging fire for some time. In fact in the beginning of this reformed Council, when I introduced my Bill, I was asked not only by Muhammadans but by Hindus as well, to make it an Act applicable to both communities, Hindus and Muhammadans. I knew that the trustees of Hindu religious endowments were very wealthy; they had a mint of money behind them and could produce an agitation against it. So I was nervous about it, and I left out the Hindu element from my Bill in order to have a clear sailing for the Muhammadan Wakf Act, and after that was passed into law, my friend took up the present Bill and now realises why I avoided the Hindu element. It has been said, Sir, that the Mahants strongly object to it. Of course they would, because if they have to submit an account, true or false, they will be liable to submit an explanation. Then it will be easier for people interested in the Trust to come forward and ask for removal of a Mahant if they find that there is something wrong in the accounts. It is only in rare cases that such suits are filed. Whenever a wealthy territorial magnate is insulted by a Trustee or Mahant, then he goes to Court and files a suit for removing the Mahant, and as soon as the suit is filed, it is found that the Mahant has been misappropriating the trust money for very many years and that it is necessary to remove him. I refer to the late Mahant of Devgarh.

Then it has been said that the Bengal Government is very much against the introduction of this measure in this House, and they say that it will hurt the Hindu sentiment and Hindu feelings. How did the Bengal Government fare during the fracas which took place at Tarakeshwar. The Mahant was on one side and the people were on the other side. The Bengal Government was not able even to protect the property or at least the vested interests of the Mahant of Tarakeshwar during this time. At the same time, the Bengal Government refused to legislate and impose upon the Mahant the duty of registering his trust properties and submitting an annual account of his receipts and expenditure. It is very fine for the Bengal Government to say that it will hurt the religious feelings of Hindus and that it is a matter for the local Legislature to deal with, and all such arguments in favour of their contention, but when time for action came, when the Mahant, who, I believe as everybody knows, has been misappropriating the princely trust moneys of the Tarakeshwar estates was assailed by the Hindu

public, rightly or wrongly, when the people went over to his place and interfered with the performance of his duties, rightly or wrongly, it is a fact that the Bengal Government could not protect him and he had to run away from Tarakeshwar to save his skin. Of course, the Bengal Government apprehended so many people on the ground that they had committed an offence under certain sections of the Act and hundreds of young men were sent to jail. All these troubles can be avoided. Why not make it compulsory on the trustees of the properties which belong to the public and which they have a right to enjoy, to submit a statement of their receipts and expenditure and facilitate the prosecution of a case against them, if necessary, and save all unnecessary trouble? Instead of that, they want to have the law as it is and create difficulties both for the public and for themselves. I hope, Sir, that wiser counsels will prevail and the House will support the motion of my Honourable friend Dr. Gour. I also hope, Sir, that before this Session comes to a close, this measure will be put on the Statute-book.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot, Non-Muhammadan Rural): Sir, in the Statement of Objects and Reasons appended to this Bill, the Mover in support of his contention that legislation of this kind ought to be taken up by the Central Legislature, has given the reason that because the Central Legislature protected the trusts and endowments of one community it must protect the trusts of another community also. That is the only reason which he has adduced why the Central Legislature must take up legislation of this kind. That argument was supplemented by my Honourable friend Diwan Bahadur Rangachariar who said that it was dangerous to leave legislation of this kind to a popular Minister in a province, who might be actuated by party considerations and other motives. Sir, when questions of provincial autonomy and decentralisation are talked about, my Honourable friend, Mr. Rangachariar, becomes very eloquent and adduces very many reasons why provinces ought to be placed on a more autonomous basis than they are at present. But evidently he is one of those who will have provincial autonomy but will not accept the implications of provincial autonomy. The framers of the Government of India Act have very rightly made the subject of religious and charitable endowments not merely a provincial subject, but a provincial transferred subject under the control of Ministers. My Honourable friend, Mr. Rangachariar said that a great deal of caution is required before legislation of this kind can be launched upon and that it is the Central Legislature sitting in the cool atmosphere of Delhi or Simla that can be trusted to have that caution and not the local Legislature sitting in the blazing heat of Madras or any other province. Well, Sir, if the history of the measure that has recently been passed in Madras is to be a criterion of the caution exercised by Local Governments, then I must say that they have erred too much on the side of caution altogether. The question of reforming and placing on a better footing religious and charitable endowments has been engaging the attention of the Madras Government for about half a century and it was when the Legislature became a popular House and when this subject came to be under the control of a popular Minister, that the problem was boldly tackled and legislation was passed. The example of Madras would therefore show that Provincial Governments have rather erred on the side of caution than otherwise. The plea of caution will not therefore justify the Central

[Mr. R. K. Shanmukham Chetty.]

Legislature in taking upon itself to legislate on a measure of this nature. Sir, I was one of those who were responsible for piloting the Hindu Religious Endowments Act through the Madras Legislature, and I know by personal experience, though I am convinced that that Act is a very good measure in spite of some of its defects, the volume of opposition that was launched against that measure. One of the very salutary provisions of that measure which is sought also to be embodied in the Bill that is now before us is that heads of religious institutions and *mutts* and other persons in charge of charitable and trust property must be called upon to render an account to the public. When this provision was enacted, the heads of *mutts* in my part of the country set up a great agitation and maintained that they were not responsible, by virtue of their position, to any human authority and that it was derogatory on their part to be called upon to submit an account to any human Minister. That agitation was headed by my Honourable friend, Mr. T. Rangachariar. And here, Sir, my Honourable friend gives his blessing to the Bill that is now before us, the only provision of which is that the heads of religious institutions must be called upon to submit an account. As my Honourable friend, the Law Member, very rightly pointed out, the measure that is now before us is absolutely innocuous and useless. I do not know whether by the enactment of this legislation you will take away from the Local Governments the power that has already been given to them by the Government of India Act. You cannot do that. If this Assembly wants to arrogate to itself the sole responsibility for legislating in a matter like this, they cannot do that because the Government of India Act has very rightly delegated the power to the local Legislatures. If your object is to circumscribe the power which has already been given to the local Legislature, I think it is not a wise measure. Sir, legislation sometimes is undertaken in advance of public opinion. More often, legislation is taken after public opinion has been formed and in response to public opinion, and from the bitter experience that we have had in Madras over the Hindu Religious Endowments Act, which was passed by that Legislature, I am led to think that in legislation of this nature, it will be far better that we follow public opinion than be in advance of it. I strongly oppose the motion which has been brought forward by my Honourable friend Sir Hari Singh Gour.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I have heard my Honourable friend, Sir Narasimha Sarma. His most important point is that the Central Legislature should not take up this business, and that under the Reform Act it is the Provincial Legislatures that ought to have taken up this matter. This is not the place to discuss whether our religious matters, which are practically like those concerning the Ecclesiastical Department, and which concern Hindus and Muhammadans throughout India, should have been given over to the Provincial Governments so early. But now that they have been given, in principle legislation ought to be introduced in the provinces. But, as a matter of fact, except in Madras, for these five years no other province has taken to legislation in this matter. I come from a province which stands in the opinion of the Honourable Sir Narasimha Sarma second in importance. I belong to Bihar and Orissa. Especially I belong to the Orissa Division, the whole of which is "holy ground", full of religious shrines and endowments. It is more for Orissa than for Gaya that perhaps Bihar and

Orissa stands second in the list. But as for the horror and dismay quoted by my Honourable friend, I belong to a most orthodox community and I live in a part peopled by orthodox Brahmins and high-caste men. If there was any horror and dismay on the part of the people. I should not have been allowed by my constituency to support this motion which I am here doing. I know that people of my constituency are looking up to the Government of India for such legislation, and as it may be innocuous and ineffective as my Honourable friend has stated, it will mean no loss to Government and at the same time it will undoubtedly have some moral influence, and it will create an atmosphere in the country under which the heads of religious and charitable endowments will find it difficult to behave as they do now. This will have a great moral effect though as piece of legislation it may, as he said, be ineffective, for it is in danger of not being accepted readily by many Provincial Governments. As for the Provincial Governments taking up this legislation, I think that it should proceed from this Indian Legislature, because as my Honourable friend, Maulvi Abul Kasem, has remarked the heads of Hindu religious and charitable endowments are very rich, and if money means influence they have got a good deal of influence in their localities. I do not know if it will be quite proper to mention it here, that I have known big mahants in Puri spend thousands and thousands of rupees in giving parties to Governors, and dancing attendance on Executive Council Members, Ministers and other high officials. This it is, and not the proposed Bill, that has actually been looked upon by the people with *horror and dismay*.

We have been told that the former enactments on this subject provide enough safeguards. But so far as I remember, my Honourable friend, Maulvi Abul Kasem, has clearly pointed out during the discussion of the Mussalman Wakf Bill, how it is practically impossible for people to act according to that legislation specially when they will have to go against mahants and heads of religious endowments who are very rich men. In one case it costs something like Rs. 65,000 as my Honourable friend mentioned—I do not remember the exact figure. If it is a safeguard at all, the safeguard which this Bill proposes is of a similar nature, but only this is easier for people to handle effectively and with small expense.

As for the disadvantages to the provinces and the people, the Mussalman Wakf Act has been passed and it was passed by this reformed Legislature. It has not created any disadvantages in the country. I do not claim equal treatment in this matter for I am not one who claims equality of rights on communal grounds. If the Muhammadans have it, and if the Hindus are not going to have it, for good reasons, I shall remain satisfied; I do not claim equal treatment on that ground. If the point is that it will create disadvantages to Government, where are the disadvantages? Under the Mussalman Wakf Act there are no disadvantages and this Bill, if passed into law, will create none. On the other hand, this will simply create, if not anything else, a moral atmosphere in the country, and for the present so long as the Local Governments are unable or find it impossible, for various reasons which I need not mention here, to take up legislation, so long will it effect as a moral atmosphere in the country. As for the orthodox opinion being against it, I assure the House on behalf of my constituency that there will be no *horror* or *dismay* or opposition from the people. They will be rather glad, for they look up to this Central Legislature to pass some such Act as will give some

[Pandit Nilakantha Das.]

moral nerve to the people and have some moral influence on the heads of endowments. With these few remarks I appeal to the House to support this motion.

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

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

Colonel Sir Henry Stanyon (United Provinces: European): Sir, as a European I speak with some diffidence on a subject which is essentially one for my Hindu friends. Nevertheless, with some experience of India and its people I offer my views for what they may be worth. Whether or not this measure is a logical sequence of the Mussalman Waqf Act of 1923, as claimed in the Statement of Objects and Reasons, I am not sure. There is much more variety in Hindu law, Hindu customs and Hindu religious views in different parts of India than, I think, in the law of Islam. I say, with all respect, that this is not a case to which one could apply the well-known saying, that "what is sauce for the goose is sauce for the gander". What may be applicable to the Muhammadans is by no means necessarily as good for the Hindu community. Therefore I do not base my support of the motion on what might be a controversial ground. But the first and main question is this. Is there need for reform? Of that I have no doubt. Twenty years ago, as Judicial Commissioner in Berar, I had before me a well-known case which showed an urgent need for the existence of some such measure as is now before the House. All my other experience has pointed in the same way. Trustees of public funds, and particularly of religious endowments, in many cases claim (as we have heard to-day they have done in Madras), that they are not responsible to human authority for the management of the public money entrusted to them. They desire to render accounts in heaven. It will be said that the proper power for bringing such accounts down to earth is the public opinion of the community concerned and not the Legislature. Sir, public opinion on many matters in this country is silent or shy or apathetic or dumb. We have been told that orthodox public opinion is against Sir Hari Singh Gour's measure. That is a fine sounding phrase and would be decisive of this debate if we could be sure that the so-called orthodox public opinion sent up to Local Governments is something more than petitions instigated by influential trustees and formulated by paid scribes. In the present condition of India public opinion has to be led towards reform. In some cases indeed it has to be forced. Reform must come from above. It will be argued, again, that the Assembly is not the proper place for a purely moral reform. Is the reform here proposed purely moral? Is it not as much a legal reform as any other legislative measure for the prevention and detection of crime against public property? At the same time I agree with my Honourable and much valued friend, Mr. Rangachariar, that we must proceed, as a House, with the utmost caution in handling a subject so closely connected with the religious sentiments of the largest community in India. But I think that in a reasonable way this is just what is being done. Sir Hari Singh Gour is to be congratulated on the moderation and care with which his Bill has been drafted, and the proposal now is merely to refer that Bill to a large

Committee, representative of Hindu sentiments all over India, with only one European, I think, and two Muhammadan Members on it. This Committee can be trusted to thresh out the measure in all its bearings, and in particular on the question whether provincial or central legislation would meet the requirements of the case. Personally, I incline to the view that provincial legislation would be preferable. But I should be guided in this matter by the opinion of this representative Committee. I shall be agreeably surprised if that Committee can reach a unanimous report. I anticipate a cleavage of opinion for and against the measure, and for and against provincial legislation. But at all events here we have a matter in which this House, by legislation, seeks to lead and educate public opinion on a matter of reform, call it social or moral if you like, bearing on what is the peculiar business of one of the Indian communities. And it seems to me that this is a move in the right direction, and that the Government would do well, at least, not oppose this effort to discharge the responsibility that undoubtedly does lie on this House to lead the country towards enlightenment. With these few remarks I beg to support the proposal to refer this Bill to the Select Committee.

Mr. K. Rama Aiyangar (Madura and Kamnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, I wish to say a few words in connection with the question of the Act itself. The Government of India Act is intended to serve a transitional stage and the questions relating to religious rites and usages have been specifically reserved for the Indian Legislature. Section 67 of the Act clearly mentions it and even there the Governor General's previous sanction is required to the introduction of any measure in this Legislature also. A confusion of ideas has arisen by the fact that religious and charitable endowments are included in the list of transferred subjects. That confusion must be clarified if the Act is to be understood. Section 67 of the Act, as I said, excludes religious rites and usages from the operation of the Provincial Councils because of sub-rule (2) of Rule 3 of the Devolution Rules, which runs as follows:

"Any matter which is included in the list of provincial subjects set out in Part II of Schedule I shall, to the extent of such inclusion, be excluded from any central subject of which but for such inclusion, it would form part."

From this it will be seen that the religious and charitable endowments are transferred but religious rites and usages are reserved. So, religious rites and usages, apart from religious and charitable endowments, stand part of a central subject. It is not only that. You will again see in the Reservation Rules the same thing. Under rule 2 of the Reservation Rules questions affecting the religion or religious rites of any class of British subjects in British India shall be reserved for the consideration of the Governor General by the Governor of any province when there is any legislation undertaken in that legislature for subjects connected with that. So that it will be seen that under both the Devolution Rules and the Reservation Rules and section 67 of the Government of India Act religious rites and usages, apart from religious and charitable endowments, are excluded from the Provincial Legislatures. So, such questions can actually be taken up only here. I submit, therefore, that the real difficulty has arisen like this. Finding that religious and charitable endowments are included in the transferred list, legislation has been undertaken in the Provincial Councils not only in respect of them but also covering much wider ground. It practically covered religious funds and endowments for secular purposes. That portion, therefore, in the present transitional constitution of the law has made it clear that such subjects ought to be practically

[Mr. K. Rama Aiyangar.]

within the guidance and control of the Governor General and that his sanction ought to be got and the same considered by the Central Legislature and not by any Provincial Legislature. The whole power therefore is not with this Legislature. It is only for certain purposes and for training them to understand the system better that some subjects have been transferred, but religious rites and usages have been particularly reserved. Under those circumstances, what I wish to place before this Assembly is that the Act has not been properly construed in the matter connected with the Religious and Charitable Endowments Bill of Madras which clearly interferes with religious rites and usages, as I said, in the case of *mutts* as also by allowing them for secular purposes. But the real difficulty seems to have arisen in connection with the Reservation Rules where it is said that the Governor of a province, if he finds it interferes with religious rites and usages, shall reserve it to himself. The discretion which is given to the Governor of a province does not mean that, if the Bill actually interferes with religious rites and usages, he can declare that he thinks that it does not interfere with religious rites and usages. Therefore, I say that, if a Governor in his discretion declares that an Act does not interfere with religious rites and usages, it is the province of the Governor General to decide whether it does or not. If it is so, then the Governor General will have to reserve it and see that this Legislature alone takes it up and that it is not allowed to be done by the Provincial Legislature. In the case of the Madras Presidency this fight has been going on between the Governor General and the Provincial Government. It is, of course, a matter for the authorities to decide whether the Act itself interferes with religious rites and usages or not. I dare say the matter will have to be settled at last by the Secretary of State. That, however, is a different matter. The present Bill that has been introduced requires certain powers to ask the people who claim to be the sole lords of the trust monies, religious or charitable, to render their accounts and to do certain other things which are provided in the Bill. That portion of the Bill, I submit, can never be undertaken by a Provincial Legislature. It is wrong to suppose that the Governor General can allow such a thing. I know the Governor General may permit a Provincial Legislature to take up a question and to place it before him for consent and he may sanction such a Bill. But, ordinarily, the right of this Legislative Assembly to consider such questions cannot be taken away. I do not think it is a matter which the Government ought to oppose. Questions may arise where it may be pleaded that religious sanction has been given to particular heads not to give accounts to anybody in this world, as was suggested by Colonel Sir Henry Stanyon. Even such cases can, with the sanction of the Governor General alone, be taken up only by this Legislature and not by any Provincial Legislature. I submit, Sir, that under those circumstances it is not a case in which it is open for the Government to oppose the Bill altogether. It will have to be taken up. If they subsequently think that any portion of it relates to the charitable and religious endowments and that the Provincial Legislature might be trusted to look to the details of the management and other things, it may be done. But that is quite a different matter. Broad questions relating to the interests of persons who religiously lay claim to that right have to be dealt with here and only here—with the previous sanction of the Governor General and in this Legislature. I submit under these circumstances it is a mistake and it is not proper for the Government to oppose this Bill. I know that the Religious Endowments Bill of Madras was by the action of

the Government of India considerably encouraged to be done the wrong way; but that is no reason why the present Bill should meet with opposition here. I submit that under the structure of the Act itself and according to the real intention of those who framed the Act, the Governor of any province is bound to reserve when he finds any interference with religious rites and usages. But here is a question of seeing that money intended for religious purposes is not used for other purposes is interference with religious rites and usages. Under these circumstances I submit this Assembly has got the power to deal with this matter, and I support the motion of my Honourable friend, Sir Hari Singh Gour.

Mr. L. Graham (Secretary, Legislative Department): Sir, I had no intention of taking part in this debate though after what he said just now I feel I must accept the challenge of my Honourable friend opposite. I understand—I hope I am taking it in the right way—his first point was that the Madras Religious Endowments Act—which somehow or other seems to be the centre of conflict in the House at the present moment, although I thought we were engaged on another motion—was outside the jurisdiction of the Madras Legislative Council, and his reason for saying that apparently was that the provisions of section 67 of the Government of India Act require that, if a measure is introduced in the Central Legislature affecting religious rites and usages, the previous sanction of the Governor General shall be obtained. From that he proceeded to the conclusion that because sanction is required in the Central Legislature to the introduction of legislation of this sort, such legislation could not constitutionally be introduced in a Provincial Council. Sir, I venture to differ. The powers conferred on Provincial Legislatures are extremely wide. In the first place, they may make laws for the peace and good government of the territories for the time being constituting that province; and they can frame laws for the administration of subjects which are allocated to them as provincial subjects under the Devolution Rules. Now one of these subjects which have been declared to be provincial subjects is Religious and Charitable Endowments. I do not think it can be contested for a moment that the main subject-matter not only of the Bill before us but also of the Bill about which all this contention is really raging, is the regulation of religious endowments; and that subject is a transferred provincial subject.

Now in making the distribution between central and provincial subjects, we have left on the central list Civil Law, Criminal Law and various large heads like that; but in legislating for provincial subjects the Provinces have inevitably to some extent I will not say trespassed but overrun the border. This was contemplated when the Act was framed. There is this express provision under section 80A of the Government of India Act that where a Provincial Legislature proposes to pass legislation which in any way regulates a central subject, the previous sanction of the Governor General shall be obtained.

Now, Sir, the main subject-matter both of the Madras Bill and of the legislation now before us is undoubtedly religious and charitable endowments; and therefore the first place in which you would expect legislation on this subject to be introduced is the Provincial Legislature. If Honourable Members will look at the back of the Bill before them they will find an endorsement to the effect that the required sanction of the Governor General has been obtained to its introduction. Now, why was that done? Because under section 67 of the Act this Bill before us is one regulating a provincial subject. The Honourable Member opposite, I may say, tried

[Mr. L. Graham.]

to draw the House away by what are really minor issues which do not arise on this Bill at all, when he referred to the matter of Bills affecting religion and religious rites. The Bill before us does not affect religion or religious rites. I think I have the agreement of the author of the Bill when I say that. It is a Bill affecting the management of religious and charitable endowments. Therefore, this contention which was introduced, this further apple of discord thrown into the House by the Honourable Member was entirely off the point. It might happen that a Bill providing for the regulation of religious and charitable endowments might to some extent affect the religion or religious rites of a class of British subjects, but that, Sir, is no reason why a Bill of which the main subject-matter is the regulation of religious and charitable endowments should not be introduced in a Provincial Legislature. In fact, Sir, if a Bill of which the main subject is to regulate religious and charitable endowments is to be introduced anywhere, the proper place, in the first instance, is the Provincial Legislature. It might be introduced here, but in that case the sanction of the Governor General is required, as has been done in this case. But I repeat, Sir, that the proper place both for the Madras Bill and for this Bill is the Provincial Legislature.

Mr. E. H. Ashworth (United Provinces: Nominated Official): Sir, the object of this Bill is the better provision for the management of Hindu trust properties throughout India. Whether the Bill will effect that better management is a question, I think, that is open to doubt. The machinery is that accounts should be filed in the Court of the District Judge. What will actually happen I think I am in a position to explain to Members of this House; they may not themselves otherwise be aware of it. The accounts that are filed will be put in the charge of a clerk in the District Judge's Court. I should be very much surprised if the clerk put in charge of that department is a clerk who would draw more than Rs. 60 a month. Whether a clerk who receives such salary is a clerk who can scrutinise such accounts is a matter that I leave to the House to judge. There is no machinery in the Bill whereby the District Judge himself is called upon or expected to scrutinise these accounts, unless some private person interested in the particular endowment should come forward. We all know how difficult it is, even in the advanced industrial city of London, to require companies to put in accounts which shall not be misleading. I venture to think that the provision of this Bill which it is intended should improve the management of Hindu trusts will be a dead letter. In coming to that conclusion I am fortified by the admission of a Member who supported this Bill, who himself, if I heard him rightly, said that the Bill will be a dead letter or may be inoperative, but that it would be a fine moral gesture, on the part of this House, to show that the opinion of this House is that Hindu trusts and Hindu endowments should be better managed. This brings me to the position which I wish to take up at a very early stage in my association with this House. It is that the Statute-book is not the proper place for moral gestures and for sermons. I was

3 P.M.

unable to catch the eye of the President on the last Bill, but I was going to make exactly the same point. In that Bill there is a provision which in the opinion of many in this House is likely to be a dead letter, and it is proposed to put it into the Statute-book because it will demonstrate the opinion of this House that marital relations should not begin before a certain age. That again is what I may call an attempt to use a section in the Statute-book to preach a sermon. The Indian Statute-book, as it is, is voluminous enough, without increasing its volume-

by measures of this character. The Honourable Mover of this Bill has, I believe, in another place a Resolution to clear the Statute-book of what is irrelevant and unnecessary. It will not assist him in that labour if he himself adds to the future labour by putting on the Statute-book unnecessary and inoperative enactments. I would ask the House very carefully to consider the desirability of keeping away from the Indian Statute-book any measures which, however fine moral gestures they may make, fail really to make operative law. If the House does not see its way to curtail the Statute-book in this way, I would suggest, as a Judge who has to constantly refer to the Statute-book that, for the convenience of the Bench and the Bar, these Statutes of a moral nature, or what I may call sermon Statutes, might be printed in a different style; they might have a different binding, say pink or something different to the sombre colour which the really operative Statutes at present bear.

Sir Hari Singh Gour: Sir, I should very briefly reply to the various criticisms that have been hurled against my Bill, and in doing so, I shall give the place of honour to the Honourable the Law Member. I am surprised, Sir, that a member of the bureaucracy should for once pose as a champion of democracy. The best part of his speech was devoted to convincing this House that we must be extremely chary and jealous of the rights of the Provincial Legislatures and that we should not encroach upon and trample down the rights and privileges of the Provincial Governments and the Provincial Ministers. It was very refreshing to hear the Honourable the Law Member propound his proposition, but I hope he will remember it in the proper time and place when the result of the reform inquiry is to be announced to this House.

My Honourable friend said that this is a subject which is more appropriate to the Provincial Legislature, and in doing so he gave three very good reasons which, he said, were reasons against it. Those reasons were that all previous Acts of the Indian Legislature deal with Religious and Charitable Endowments. From the year 1863 down to 1923 every Act dealing with Religious and Charitable Endowments is an Act of the Central Legislature. My friends will say, but what about the reforms? I have not forgotten the reforms, and I know this House has not forgotten the reforms either. The last Act, the Muhammedan Charitable and Religious Trusts Act, was enacted after the reforms and under the present constitution and by the Central Legislature. My friend admits that.

The second point to which my Honourable friend drew the attention of this House was that these Hindu shrines lie scattered throughout the length and breadth of the country. As my friend, Mr. Das pointed out, some of these shrines are very sacred to the people of all India and therefore it is necessary that an all-India Legislature should deal with them and control them. Having therefore categorised three most weighty objections why a piece of legislation of this character should be in the hands of the Central Legislature, he then brushed aside the whole question and said: but this is a matter which is essentially within the province of the Local Government. Well, Sir, if this were a matter within the province of the Local Governments, the Governor General would not have certified my Bill as appropriate for introduction in the Central Legislature; and I go further and say that in 1923 when a similar measure affecting the Muhammadan endowments in this country was brought forward, the question was considered and after consideration it was decided that this is the proper place for the enactment of this legislation. I submit, therefore, the matter is *res judicata*. And my learned friend on the Bench opposite

[Sir Hari Singh Gour.]

is too late in the day in trying now to recanvas the question which has once been settled and settled against him. (My friend, Mr. Jinnah, says it is equally time barred.) Well, Sir, then my learned friend on the other side read scraps from here and there to convince this House that the provinces were against it. I shall only give you two examples of what his scrappy reading led to. First of all, he said: "A very large number of valuable endowments are situate in the United Provinces" and therefore he said: "I shall read to you the opinion of the Government of the United Provinces," and he read it. Now I ask the Honourable the Law Member to bear with me while I read to him the very next sentence which he did not read and this is what is said on page 35. He read to you the first sentence, now read the second sentence which I will continue to read:

"In view of the comparatively small use made of the existing law by which the better control and administration of trusts can be secured, the Governor in Council doubts whether the remedy does not lie in the education of public opinion rather than in additional legislation."

Public opinion is so apathetic in the United Provinces. They say: "Here is a man who is misappropriating other people's money, what business is it of mine to interfere?" That is the view they take in the United Provinces and therefore the Government say: "Very well, educate public opinion, let this dormant, apathetic public opinion be roused to a sense of public wrong from which they suffer on account of the continuous malversation of funds and public money, and then it will be time for legislation." Is this saying anything against my Bill? Certainly not. (*A Voice*: "Of course it is.") Then he says: "It is the opinion of the Government of Bihar and Orissa". Now, Sir, I will also read the opinion of the Government of Bihar and Orissa. I read from page 38 of this compilation. This is what the Bihar and Orissa Government say:

"Although, therefore, there is probably some feeling in Orissa in favour of legislation of this kind owing to the alleged mismanagement of religious endowments in that division, Government consider it certain that a very large majority of Hindus in Bihar proper would be definitely opposed to any legislation at all."

The Government of Bihar and Orissa say that in Orissa the feeling is strong in favour of legislation and the strength of feeling has been further made firm by reason of mismanagement of these endowments, and as regards Bihar Hindu opinion is against it. Now, Sir, I wish to ask what Hindu opinion is against it? Well, if I happen to possess large property which is not mine and I happen to enjoy it, I should certainly be most firmly opposed to anybody interfering with the enjoyment of that property, and I venture to submit that most of the opposition that has been engineered against my measure has come from interested quarters.

Then it is said that Bengal and Bombay are opposed to it. Now, Sir, a very large number of endowments in this country have been made by the Marwari community, and I invite the attention of the House to the opinion given by the Marwari Association, who have not only supported the measure but have opined that it is rather weak to meet the requirements of the case. I therefore submit that so far as public opinion is concerned, it supports my measure. What better forum of public opinion can I demand than the opinion of this House, and if the Government challenge a division, they will very soon have the opinion of this Assembly as to whether it is in favour of this measure or against it. Then, Sir, it has been said that this measure is innocuous, it is futile, it is unnecessary. If these are all adjectives which can be safely applied to my measure, why any opposition at

all? Let this innocuous, futile measure go on the Statute-book. Honourable Members who accuse it of innocuousness and futility know that it serves a great purpose, the purpose being first to place upon the national register all the public endowments which belong to the public and which are fast falling into private hands, and, secondly, that the trustees should render to the public an account of the trust and thus retain their character as trustees and not arrogate to themselves, as they too often do, the position of masters and owners. That, I submit, Sir, is the short purpose of my Bill, and I ask this House to support it.

The Honourable Sir Alexander Muddiman: (Home Member): Sir, let me in the first place express my full sympathy with the chivalrous attitude of the Honourable Knight from Nagpur in attacking the grave scandals which we all deplore. The prevention of the malversation of public funds, which I believe from what I have heard to be common, is obviously an object which must be the care of all of us, and particularly of the Government. I have no quarrel at all with the objects of this Bill, but I have certain matters which I should like to lay before the House in connection with it more especially in connection with the constitutional position. Let me make it perfectly clear that I sympathise with and admire the object of this Bill and the ardour with which the Mover of this Bill has put forward his case. We are at one with him and there is no ground whatever for difference in the matter. We all desire the same end, though we may desire to attain it by somewhat different means. I have been extraordinarily interested in the debate of this morning. I have heard people speaking from different points of view and there have been cross currents, if I may so call them. But it has been a very interesting morning indeed for me. The debate has shown curious tendencies. It may in some instances be perhaps due to not entirely appreciating the constitutional position. But in other cases I can hardly believe that it entirely explains the views which were put forward. Now, my Honourable friend, the Law Member, has dealt with the legal aspect of the matter with his usual admirable manner and I do not desire to add one word on that. But I will put one question to my Honourable friend, the Mover of the Bill. It was raised by the Honourable the Law Member in his speech, but I do not know that the Honourable Mover definitely dealt with it. It is a question raised by the Calcutta High Court. The question is, does the Honourable Mover intend this Bill to apply to private trusts or does he not? If he does, is he asking this House at this moment to say that the legislation he brings forward is suitable legislation in the case of those private trusts which are referred to in the letter from the Calcutta High Court?

Sir Hari Singh Gour: That can be settled in the Select Committee. On the last day of the debate I pointed out that this is a matter for the Select Committee. They can cut out private trusts if they like.

The Honourable Sir Alexander Muddiman: I should like to point out that it is a matter of great importance whether the Bill applies to private trusts or not, and it should be decided by this House before it goes to the Select Committee and I have not heard a definite expression of my Honourable friend's intention in the matter. It is not a matter for Select Committee but a point of principle for the House itself. The Honourable Sir Narasimha Sarma dealt with the point of view that there are apprehensions in the minds of the orthodox section in regard to this Bill. On that subject I do not propose to go further. My Honourable friend is a lawyer,

[Sir Alexander Muddiman.]

a Brahmin and a liberal-minded man and if he thinks that there are apprehensions in the minds of the orthodox section, it is certainly not for me to say no. I will not proceed further on that point. At any rate I think those of us in this House who are not Hindus might well weigh his opinion, his considered opinion carefully, and if there are apprehensions, however fallacious, in the minds of the orthodox community, it is a matter for serious consideration. So much, Sir, on the merits.

I come now to what I regard as the really important aspect of the case and that is the constitutional position. The point that I desire to develop is this. Religious endowments are a transferred subject and we have consulted the Local Governments on this Bill which relates to religious endowments. That is indubitable and it has not been seriously challenged. Who are the Local Governments who have given opinion on this Bill? Who are they? They are the Ministers, the elected representatives of the people, (*A Voice*: "Question") that part of the Government which is at any rate—you may deny they are all representative—(*Diwan Bahadur T. Rangacharior*: "I deny it") which is as far as we can ascertain it representative. We had urged before us on the Reforms Committee repeatedly that the Ministers were not able to express their opinions freely. I ask whether on a subject like this, a subject which concerns religious endowments, the Ministers are likely to be influenced or any one is likely to be tempted to influence their views. My own experience is that we perhaps sometimes pay too great attention to the opinions of our Indian friends on these matters: I am sure we do not pay too little. Therefore, these opinions are the opinions of Ministers and no one else and all these Ministers tell you,—they may be right, they may be wrong, on that point I am not prepared to express any opinion—but they tell you that this is a matter which they desire and which they think ought to be dealt with in the local Council. If you are satisfied with their opinion it has serious implications. I am well aware that my Honourable friend opposite takes the view that they are not competent to deal with a matter of this kind, that religious endowments are not a matter for Ministers and that they are a matter for the Central Legislature. That is a somewhat novel point of view. I do not propose to combat it, but still it is not the constitution as it now exists. The logical conclusion of that argument is that a subject should be retransferred and should be made Central and not Provincial. That is a matter on which I for one am not prepared to express an opinion at this moment, but that is the logical result of my Honourable friend's argument and I submit further that will be the logical result of a vote of this House if it should take to itself the power to enact measures which relate to a transferred subject when, mark you and that is the point in issue, all the Ministers concerned have expressed their views that the legislation should be local. Now, Sir, some one said to me (I do not wish to take up the point at great length because I am extremely reluctant to oppose this) as I was leaving the Chamber for lunch "What on earth have Government to do in this matter? Why don't you let these people have their own way? It is a matter which concerns their own religious endowments". The argument would be a good one if it were not for the constitutional position. It is not a light thing for you to override the opinion of Provincial Governments in this matter and to act against the theory of the constitution. It has been said that legislation has been undertaken in the Imperial Council. Well, that is perfectly true. There was one Bill in 1863 and another in 1920. That was before the reforms.

There was one afterwards in 1923, the Wakf Bill. I am not going to say anything about the Wakf Bill. Legislation was put through by the Government of the day and that is history. Still it has to be remembered that against that there has been legislation in the provinces. There has been the Madras Bill which, as my Honourable friend behind me reminded me, has figured very largely in this debate and has been influencing Members on the general question. There is another Bill. I think it is in Coorg. I am told there is a Bill that has been received from Bengal which is now under disposal here. So, on the merits, there has been Provincial legislation and there has been Imperial legislation and my Honourable friend, Mr. Shanmukham Chetty (I should like to congratulate him on his admirable and clearly expressed speech) pointed out the difficulties that had arisen and have been dealt with in Madras. Then I am told by my Honourable friend, the Mover, that the matter, because the Governor General gave his sanction to the introduction of this Bill, is *res judicata*. Now, surely, even in Nagpur the rule is not so harsh as that.

Sir Hari Singh Gour: I did not say that. What I said was the matter was settled in 1923 in connection with the Wakf Bill and that matter is *res judicata*.

The Honourable Sir Alexander Muddiman: The Wakf Bill is *res judicata* but the principle which led to the Wakf Bill is not *res judicata*. I submit this in all humility. I do not oppose this motion out of mere obstinacy or from any desire to go contrary to the wishes of the House. I do feel that this involves a serious constitutional question and the House is really on a side issue, while this important issue was not brought before the House at the previous debate and I honestly think was not considered by many Members who spoke. The question is whether in a transferred subject, where the Ministers have all reported in favour of local legislation, we should rush in this House and insist on legislating here. The tendency of all authorities is to amplify jurisdiction, but we must endeavour to resist that tendency as far as this Legislature is concerned and not encroach on the provincial sphere. My Honourable friend, Sir Henry Stanyon, suggested that the question between Central and local legislation should be left to the Select Committee. Now any suggestion from him must always receive the most careful consideration. But I do think this is a matter of principle. It is a question whether the House is going to exercise jurisdiction or not, and that I think is a matter for the decision of the House itself here and not a matter which can safely or rightly be transferred to any Select Committee, however large or however representative.

Well, Sir, I do not desire to go over the ground again but to repeat very briefly what I have said, my points are these. I have every sympathy with the Mover of the Bill. I have every sympathy with his ideals. I will not go so far as my Honourable friend, the Law Member and say the Bill will not do any good. I will not go so far as to say that as a moral gesture it is worthless. I do however think the Bill is not a very effective one and will do little good. I will not hide that from the House. But my main ground for opposing it is the constitutional ground which I regard as of great importance, which I regard as carrying with it if wrongly decided implications of great moment. If the House are prepared to undertake this legislation then they affirm a principle with decided implications which carry us much further than this Bill. I accordingly feel it my duty as a Member of the Government to ask for a recorded vote of this House and I shall take the motion to a division.

Mr. President: The question is:

"That the Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties, be referred to a Select Committee consisting of Mr. N. C. Kelkar, Sir P. S. Sivaswamy Aiyer, Diwan Bahadur T. Rangachariar, Mr. Gaya Prasad Singh, Mr. Ambika Prasad Singh, Baba Ujagar Singh Bedi, Lala Hans Raj, Pandit Madan Mohan Malaviya, Pandit Motilal Nehru, Mr. K. C. Neogy, Maulvi Abul Kasem, Mr. C. Duraiswami Aiyangar, Mr. M. A. Jinnah, Mr. T. C. Goswami, Mr. Chaman Lall, Mr. S. C. Ghose, Rai Sahib M. Harbilas Sarda, Pandit Harkaran Nath Misra, Pandit Nilkantha Das, Mr. M. C. Naidu, and Sir Hari Singh Gour; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

The Assembly divided:

AYES—53.

- Abdul Karim, Khwaja.
- Abul Kasem, Maulvi.
- Aiyangar, Mr. C. Duraiswami.
- Aiyangar, Mr. K. Rama.
- Akram Hussain, Prince A. M. M.
- Alimuzzaman Chowdhry, Mr.
- Chaman Lall, Mr.
- Cocke, Mr. H. G.
- Crawford, Colonel J. D.
- Das, Mr. B.
- Das, Pandit Nilakantha.
- Dutt, Mr. Amar Nath.
- Ghazanfar Ali Khan, Raja.
- Ghulam Abbas, Sayyad.
- Goswami, Mr. T. C.
- Gour, Sir Hari Singh.
- Gulab Singh, Sardar.
- Hans Raj, Lala.
- Hussanally, Khan Bahadur W. M.
- Ismail Khan, Mr.
- Iyengar, Mr. A. Rangaswami.
- Jeelani, Haji S. A. K.
- Jinnah, Mr. M. A.
- Joshi, Mr. N. M.
- Lindsay, Mr. Darcy.
- Mehta, Mr. Jamnadas M.
- Misra, Pandit Harkaran Nath.
- Muhammad Ismail, Khan Bahadur Saiyid.
- Murtuza Sahib Bahadur, Maulvi Sayad.
- Naidu, Mr. M. C.
- Nambiyar, Mr. K. K.
- Nehru, Dr. Kishenlal.
- Nehru, Pandit Motilal.
- Nehru, Pandit Shamlal.
- Neogy, Mr. K. C.
- Patel, Mr. V. J.
- Purshotamdas Thakurdas, Sir.
- Ramachandra Rao, Diwan Bahadur A.
- Rangachariar, Diwan Bahadur T.
- Ranga Iyer, Mr. C. S.
- Ray, Mr. Kumar Sankar.
- Rhodes, Sir Campbell.
- Sarfaraz Hussain Khan, Khan Bahadur.
- Shafee, Maulvi Mohamruad.
- Shams-uz-Zoha, Khan Bahadur M.
- Singh, Mr. Gaya Prasad.
- Sinha, Mr. Devaki Prasad.
- Sinha, Kumar Ganganand.
- Stanyon, Colonel Sir Henry.
- Sykes, Mr. E. F.
- Wajihuddin, Haji.
- Willson, Mr. W. S. J.
- Yusuf Imam, Mr. M.

NOES—39.

- Abdul Qaiyum, Nawab Sir Sahibzada.
- Abhyankar, Mr. M. V.
- Acharya, Mr. M. K.
- Ajab Khan, Captain.
- Aney, Mr. M. S.
- Ashworth, Mr. E. H.
- Bhole, Mr. J. W.
- Blackett, The Honourable Sir Basil.
- Bray, Mr. Denys.
- Burdon, Mr. E.
- Chetty, Mr. R. K. Shanmukham.
- Clarke, Sir Geoffrey.
- Clow, Mr. A. G.
- Cosgrave, Mr. W. A.
- Dalal, Sardar B. A.
- Duval, Mr. H. P.
- Fleming, Mr. E. G.
- Ghose, Mr. S. C.
- Graham, Mr. L.
- Hudson, Mr. W. F.
- Innes, The Honourable Sir Charles.
- Makan, Mr. M. E.
- McCallum, Mr. J. L.
- Mitra, The Honourable Sir Bhupendra Nath.
- Muddiman, The Honourable Sir Alexander.
- Mutalik, Sadar V. N.
- Piyare Lal, Lala.
- Raj Narain, Rai Bahadur.
- Reddi, Mr. K. Venkataramana.
- Rushbrook-Williams, Prof. L. F.
- Samiullah Khan, Mr. M.
- Sastri, Diwan Bahadur C. V. Visvanatha.
- Sim, Mr. G. G.
- Singh, Rai Bahadur S. N.
- Tonkinson, Mr. H.
- Ujagar Singh Bedi, Baba.
- Venkatapatiraju, Mr. B.
- Webb, Mr. M.
- Wilson, Mr. R. A.

The motion was adopted.

THE WEEKLY PAYMENTS BILL.

Mr. Chaman Lall (West Punjab; Non-Muhammadan): Sir, I move:

"That the Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to a Select Committee consisting of Mr. Ranga Iyer, Mr. N. M. Joshi, Colonel J. D. Crawford, Mr. T. C. Goswami, Mr. Devaki Prasad Sinha, Mr. Harkaran Nath Misra, Mr. Yusuf Imam and myself."

Some years ago Mr. Bernard Shaw, one of the greatest dramatists of our times, told me that the best translations of his plays had been made by people who had not understood his meaning. I think most of the opposition to this particular Bill of mine has come from people who have not understood my meaning. There is a French saying "*Tout comprendre c'est tout pardonner*"—To understand all is to forgive all. Unfortunately those who delude themselves that they understand everything are least inclined to forgive me my sins in presenting this Bill to this House. This Bill, Sir, is a very simple measure. There are just two points connected with it which ought to make this measure go through this House without any difficulty whatsoever, and these two points are these. Firstly the point of view of the worker, and secondly the point of view of the employer. We know that in Bombay and other industrial centres in India the workers are invariably in debt. This Bill is rather an inadequate measure for providing for the best means of enabling the workers to get out of the clutches of the money-lender. We find that when a worker and his family come in from the mofussil they have some little cash with them. If their cash can be replenished week by week by the employer, there is every chance that they will not resort to the money-lender who charges them a high rate of interest, or to the *mahajan* who charges them four annas in the rupee for every article of necessity they buy from him on credit. The second point is the point of view of the employer. I admit in this House there are very many employers and their interests are diametrically opposed to the interests of the workers; but I will appeal to them to realise that this is a measure of justice which they owe to the worker. Not very long ago in Bombay there was a huge strike amongst the mill hands and we discovered that the employers refused to pay them the wages that were due to them. This was a sort of victimisation they were indulging in to induce the workers to come back to work; they were trying to starve the workers to come back to work. Even papers like the *Times of India*, which cannot be said to be too highly sensitive to the point of view of the worker, as well as the *Bombay Chronicle*, were all in favour of the workers' point of view. They insisted in leading articles and notes that the employers had no justification whatsoever to withhold the wages of these workers, but the employers did not relent until the Government of Bombay were constrained to move in the matter and they, I believe, appointed a Committee. I do not know what the recommendations of the Committee were, but the Committee did work on these lines, and I believe there was a suggestion that the wages instead of being paid on the 15th of every month should be paid to the workers every fortnight. There are no doubt provisions in this Bill which can be cut out in the Select Committee, but I want to draw the attention of the representatives of employers here to the fact that there are many industrial centres in India where this system actually prevails to-day. I believe in many jute mills payment is made weekly; also in the coal area I am told payments are made in several places on a weekly basis. When you have this system in actual working order to-day and supported by a large body of opinion amongst employers or employers'

[Mr. Chaman Lall.]

representatives, I see no reason whatever why the employers' representatives here should raise their hands in horror when a measure of this kind is presented to them. It is a measure calculated to help the worker to keep on his feet. We are familiar with all the horrible tales relating to the woes of our industrial workers, where these workers live in the clutches of the money-lender. We know that when we took a census of Bombay, nearly 98 per cent. of the postmen were discovered to be in perpetual debt and there was no chance of their being redeemed into solvency. Such conditions should be abolished. I therefore very briefly, Sir, move that this Bill be referred to a Select Committee.

Mr. President: Motion moved:

"That the Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to a Select Committee, consisting of Mr. Ranga Iyer, Mr. N. M. Joshi, Colonel J. D. Crawford, Mr. T. C. Goswami, Mr. Devaki Prasad Sinha, Mr. Harkaran Nath Misra, Mr. Yusuf Imam, and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

I may point out to the Honourable Member that the motion does not satisfy Standing Order 40, in that it does not contain the name of any one who can preside over the Select Committee.

Mr. Chaman Lall: I am sorry I was not present at that time, but may I add the name of Mr. K. C. Neogy?

Mr. President: Amendment moved:

"That the name of Mr. K. C. Neogy be added."

Mr. E. G. Fleming (Burma: European): Sir, I rise to oppose this measure. The views I have to express emanate principally from the large employers in Burma and I am convinced that the conditions existing there cannot be peculiar to that Province only. Firms connected with the forests and with rice and cotton mills are opposed to it. The River Transport Company is also definitely opposed to it. They do not see how they would be in a position to conform to the regulation if this measure were to become law. To give some details. Take for instance the timber industry. The officers and employees are away from their headquarters for months on end with absolutely no need or desire to have money with them. The risk of dacoity and such things are severe. The employees are well rationed, and at the end of two or three months they return to headquarters and draw the pay which is due to them. In the oil industry, which covers a large area, the paymasters going out to the fields are away from their headquarters paying the employees as long as three weeks out of every month, so that they are fairly well kept on tour the whole time. The cotton mills, of one of which I was myself for several years a Manager, found that pay day always entailed a certain cessation of work. That coming once a month is serious enough, and if it was to be repeated every week, would entail a considerable loss in output and other disorganisation of labour. As regards the river transport concern, the steamers are away from headquarters frequently for a month to six weeks on end, and it would be quite impossible and inconvenient to give the Commanders of these steamers funds to pay their men. Another point raised is that the labourers from India remit, monthly, considerable sums of money to their homes in India. If that money were to be remitted weekly, and the remitter were to entail the cost of say four annas a week instead of perhaps four annas a month, it might be prejudicial to the amount of money he would be able to remit, and might stop remittances altogether.

THE WEEKLY PAYMENTS BILL.

The general opinion, I think, on my side of the Bay is that the Bill is absolutely unnecessary. Where employees or staff, in a few cases, are in financial difficulties there is nothing in the way of their obtaining an advance from their employers; and it has even been suggested that for the first fortnight people taking up new employment could arrange to be paid by the day for the first two weeks and that would prevent them getting into the hands of money-lenders—which the Honourable Member suggests is the object of his Bill.

With these words I oppose the Bill.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, I beg to move an amendment to the motion which has just been placed before this House by my friend Mr. Chaman Lall. My proposal is that the Weekly Payments Bill should be circulated for the purpose of eliciting opinion thereon.

I submit, Sir, that it is hardly fair to ask this House to proceed to deal with this Bill until it is fully satisfied that the need for the measure in the present-day conditions of India is felt by the people whom it is intended to benefit and is admitted by the public at large. We must also know the views of the employers on this question. Mr. Fleming has already told us that employers in Burma and possibly throughout India are strongly opposed to the Bill. For these various purposes it seems to me that the Bill should be given the widest publicity. It is also necessary to obtain the opinions of the various Local Governments, for under the existing constitution welfare of labour is a provincial subject. I may state for the information of the House that in October last Government circulated the Bill to the various Provincial Governments for their opinions. Two of the more important Governments, namely, Bombay and Bengal, have however not yet found it possible to arrive at any definite conclusions on the subject and we have not received their replies. It may also interest the House to know that the opinions so far received seem to be in strong unanimity against the need for the measure. Several Local Governments have reported that most of the workers and employees in the province who have expressed any opinion on the subject of the Bill are opposed to its provisions. We are told that this is the view of certain employees' associations in the Madras Presidency; that the labourers of Rangoon have recorded a strong protest against the Bill, that the Jamshedpur Labour Association regard the Bill with apprehension as likely to deprive the monthly paid staff of payments for holidays and other privileges and concessions which they now enjoy; and that Government employees generally are opposed to the Bill. Sir, I accordingly move that the Weekly Payments Bill be circulated for the purpose of obtaining opinion thereon.

Mr. Chaman Lall: I am prepared to accept that amendment if it is acceptable to the Assembly.

Mr. President: The original question was:

“That the Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to a Select Committee.”

Since which an amendment has been moved

“That the Bill be circulated for the purpose of eliciting opinions thereon.”

The question I have to put is:

“That the Bill be circulated for the purpose of eliciting opinions thereon.”

The motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I beg to move that the Bill further to amend the Indian Railways Act, 1890, be taken into consideration.

It will be remembered that this Bill was introduced in this House in September last with the object of prohibiting the labelling of compartments on railway trains as reserved for any particular class, community or creed. The evil which this Bill seeks to remove is very well known indeed, and Indian opinion has expressed itself in unmistakable terms in this Chamber as also outside it. The strength of Indian feeling may be gauged from the fact that there have been instances in which Indians have deliberately transgressed the railway regulations and sought to enter compartments reserved for Europeans with a view to court prosecution. I will not insult this Assembly by dwelling at any further length on this aspect of the question and give my justification for this Bill.

Now, a word as to the manner in which I propose to make the amendment. While the different High Courts were engaged in considering the question as to whether the railway authorities had the power to reserve compartments for the exclusive use of any particular community, class or creed, they had to examine the provisions of clause (2) of section 42 of the Indian Railways Act, which lays down that it shall be unlawful for any railway administration to show any undue preference to any person or passenger. As the decision of the High Courts turned upon the interpretation of section 42, I have sought to add an Explanation to clause (2) of section 42 to the effect that for the purpose of that section any such reservation shall be deemed to be undue preference. I do not suppose I need say anything more in support of my motion just now and I hope that the Government will gracefully accept my Bill.

The Honourable Sir Charles Innes (Commerce Member): Sir, I am afraid it is my duty to oppose this Bill, but I can assure Mr. Neogy that I shall do so as gracefully as I can. Sir, from the Statement of Objects and Reasons, I understand that the first object of this Bill is to remove a certain obscurity in the law. Now, Sir, I do not admit that this obscurity exists. I am not a lawyer, but I have taken the precaution of getting hold of the latest pronouncement of the learned Judges of a certain High Court upon this matter. I will quote the Law Report. It is Calcutta 51, 168—I believe that is the correct way to cite a law report. (*Cries of: "It is not."*) The substance of the judgment was this: The management of a railway is vested in the railway company and ordinarily it has power, unless expressly curtailed by law, (*Mr. K. C. Neogy: "Exactly so"*) to make such arrangements as it considers necessary for the convenience of its customers. It goes on to say that section 42 (2) of the Act prohibits undue or unreasonable preference. What is or is not within the description of those words depends on the facts of each case. Now, as far as I can see, the law on the subject is perfectly clear. As I said, I am not a lawyer; but it seems to me that when you have a word like that "undue or unreasonable" the interpretation of that word must depend upon the facts of each case. I say, Sir, that the effect of this Bill will not be to clear up the law, but it will be to curtail the power of a railway company to make arrangements for the convenience of its customers, that is to say, the passengers.

It is next said that the object of the Bill is to bring the law into harmony with public opinion. I presume that Mr. Neogy's point is that public opinion is sensitive on this point because it is felt that this reservation implies a racial distinction. I join issue at once with Mr. Neogy. I have here the history of this reservation, and I shall proceed to show to the House that that reservation was introduced by the railway companies for no racial considerations at all but it was introduced by the railway companies at the definite request of Indians. In 1904, Sir, there was a conference held at Lucknow. That conference appointed a select committee to report on the grievances of third class passengers. Let me read resolution No. 42 of this conference. It recommended that:

"Every train be provided with a separate compartment for Europeans partitioned by planks, and not by iron bars, and that European third class passengers be restricted to the use of that compartment."

Sir, these racial distinctions are very deplorable things. Here we find a conference of Indians held as far back as 1904 asking that Europeans should be separated from Indian third class passengers not merely by iron bars but by wooden planks. But, Sir, I am prepared to admit that those who proposed this Resolution were not actuated by any racial motives at all. I happen to have here an account of this conference written by a very old officer of the railways who, I suspect, was actually present at the conference. He writes:

"It is not perhaps generally known that this reservation of railways arose from a demand made by Indians themselves at a conference held at Lucknow which was presided over by Sir Henry Burt who was at that time Agent of the Oudh and Rohilkhand Railway. Objection was raised that Europeans and Eurasians (as they were then called) eat beef and ham sandwiches in front of orthodox Hindus and Muhammedans thereby greatly offending against their tenets and susceptibilities and it was suggested by an Indian that the best way to get over the difficulty was to reserve a compartment for Europeans and Eurasians which was done almost universally on Indian railways from that time onwards."

Now, Sir, I think I have proved what I have said, that this reservation was introduced by the Indian railways at the request of Indians themselves for no racial considerations but merely for the convenience of passengers. That, Sir, is the view which the Indian railways have always tried to put forward and which has never been accepted by this House. It seems to me that it is a curious revenge that time brings. We do our best in the Railway Department to meet the views of our Indian passengers in the way of what they call their grievances. In 1904 we went out of our way to introduce this reservation at the request of Indians themselves. Now it is held up against us as a racial discrimination. It is nothing of the kind. It is nothing of the kind for another reason. We do not confine these compartments to Europeans or Anglo-Indians. We admit into any of these compartments Indians wearing European dress. The reason is that these compartments have been differently fitted up from the ordinary third class compartments in order to meet different habits of life and different dress.

Now, Sir, it will be said that, whatever public opinion may have been in 1904—mind you, orthodox public opinion in 1904 was strongly in favour of this reservation—it will be said that public opinion is now changing and that the railways should try to meet that public opinion. Sir, that is

[Sir Charles Innes.]

exactly what we have been doing and what we are doing now. I took the trouble only in last September in reply to a question to make a statement of our policy in the matter.

"We do not think", I said, "that the reservation of intermediate class compartments for Europeans and Anglo-Indians is any longer required by traffic considerations, and we have therefore issued instructions for its cessation on State-managed railways. These instructions will apply to the East Indian Railway when it comes under State management at the end of this year."

That is to say, now on all State railways we have abolished altogether the reservation of intermediate compartments for Europeans and Anglo-Indians. And the reservation of intermediate class compartments has already
 4 P.M. been discontinued on all other company railways. It has also been our policy to reduce the reservation of third class compartments and from the statement which I laid on the table Honourable Members will see that the practice has already been to reduce it to very small dimensions. You will remember that the recommendation of the Lucknow Conference in 1904 proposed that a compartment should be reserved for Europeans on every train. Now, we have reduced it on the North-Western Railway to one small third class compartment on mail and fast passenger trains, on the Oudh and Rohilkhand Railway to one third class compartment on the Punjab and Dehra Dun Mails, on the East Indian Railway to one small third class compartment on mail and express trains; on the Great Indian Peninsula Railway to third class accommodation on mail and express trains. The Bombay, Baroda and Central India Railway in September last had one third class compartment reserved on mail and fast passenger trains only. Since then they have dropped it altogether. The Bengal Nagpur Railway has one third class compartment on mail and fast passenger trains. And so on. Now, Sir, I have shown that, in response to public opinion, the railways have been cutting down this reservation as much as they can. We have withdrawn it altogether in so far as intermediate compartments are concerned. As regards the third class accommodation, we merely reserve one small third class compartment on mail and fast passenger trains. I say, Sir, therefore that the proper way to deal with this matter is to regard it, as we in the railways regard it, as merely an administrative detail. We regard it in the railways not from any racial point of view at all. We try to run our railways as business concerns and it is our object to consult the convenience of our passengers. And we believe that by this reservation of this one third class compartment on mail and fast passenger trains we are consulting the convenience of our passengers, of our Anglo-Indian passengers, as well as our Indian passengers. Though, Sir, this convenience seems to bulk very large in this House, I do not believe that among the vast majority of your third class passengers in India—and I beg you to remember that last year we carried some 600 millions of them—I believe that the vast majority of these like this reservation, they like it because they do not want to travel for long distances cooped up with men whose habits of life are different from their own. I am aware, Sir, as Mr. Neogy has said, that some Indians think it their duty to assert their right of travelling in these compartments. They think it their duty to court prosecution in order that they may vindicate their rights as Indians to do so. Sir, it seems to me a very extraordinary thing that any educated Indian should think it necessary to force his way into one of these reserved compartments in order to demonstrate that he is in no way inferior to an Anglo-Indian

or to a European. Surely it is an entirely unnecessary thing to do. It brings this silly matter into far more prominence than it deserves. The fact is that as far as the railways are concerned, we do not care two straws whether this reservation is removed to-morrow or whether it is not. But we in the Government think this matter ought to be left to the railways to be dealt with as a purely business matter. We think it beneath the dignity of the Assembly to interfere in a matter of this kind, to legislate in a petty matter of this kind. What will be the effect of legislation of that kind? Sir, I believe myself that one of the most serious problems before the India of the future is the future of the Anglo-Indian community. It is very difficult for members of that community to see their path before them. It is very difficult for them to see what the future has in store for them. They are peculiarly sensitive as regards a little privilege of this kind. Is it generous, is it right for this House to mobilise all the forces of law to take away a little privilege which has grown up during the last 20 years? It will be misunderstood. It will be thought that it is a case of the majority imposing its will on the minority in an improper way. Mr. Ashworth just now said, that it would be wrong to put a moral gesture upon the Statute-book. Sir, I submit it would be wrong for this House to deal with this matter in this way and that you will be defacing your own Statute-book if you do so. Sir, I oppose the motion.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): Sir, this subject comes before this Assembly for the third time. I was the first to bring up this subject before the Assembly in 1921, when I brought forward a Resolution asking that these reserved compartments be abolished. At that time or soon afterwards, Sir Danvers Waghorn, then President of the Railway Board, gave me an assurance that these reserved compartments would be done away with, except on one or two trains—I suppose he said only the mail trains. But as I thought he did not keep the promise I brought up this point again by Resolution in 1924 and there was a very big discussion upon the subject. My friend Maulvi Abul Kasem attributed the Resolution having come up before the Assembly to the vagaries of the ballot box, and he taxed me very severely for having brought up this petty matter before this Assembly once more. I now see that Sir Charles Innes also calls it a petty matter. (*A Voice*: "Silly".) Well, Sir, at that time, there was very considerable discussion, as you will see from the debates of that period, and my friend Colonel Gidney, whom I do not see here to-day, also opposed my Resolution tooth and nail, and called the reservation a necessity, whereas I argued that on several railways, and especially on the North-Western Railway with which I am more intimately connected, while Indian ladies could hardly find standing room in their compartments with a number of children, a solitary individual of a European or Anglo-Indian or domiciled person carried away a compartment which was meant for 15 to 20 persons, and was enjoying it all by himself. Very frequently this compartment travelled empty and yet the guard in charge of the train would not allow any Indian to get in. Then it was said that Indians travelling in European dress were now allowed to travel by these compartments. I argued at that time that if my son with a sola hat got into that compartment, he would be allowed to do so, whereas if I went in with my fez, I would be kicked out. Sir, at that time Sir Charles Innes again made a promise that these reserved compartments would be abolished, and it was on that assurance that I withdrew the Resolution once more. Since then I wrote a private note to Sir Charles Innes to say that these reserved compartments were still kept up, especially

[Khan Bahadur W. M. Hussanally.]

on the North-Western Railway and he gave me an assurance that they would be done away with. Well, Sir, I now find that on some trains the intermediate compartments have been done away with. But on others the reservation is still there. These compartments are to be kept up on the mail trains and fast passenger trains. Now on certain lines, and even on the main lines, on the North-Western Railway especially, we have hardly any slow train so that practically these reserved compartments are still kept up on the trains that are used mostly by Indian passengers. My friend Colonel Gidney said that these compartments were meant for only 6 or 8 individuals and I beg to assure him that this is not so. These compartments are so big as to contain more than 20 to 25 persons, and as there is congestion on every railway, surely the Indian passengers are entitled to accommodation as much as any European or Anglo-Indian or anybody else, and I do not see why these compartments should be reserved for any particular community. The Honourable Sir Charles Innes in his speech to-day says that it is a "privilege", and as I said just now, my Honourable friend Colonel Gidney called it a "necessity". I do not see any necessity at all, and recently, only about 6 or 8 months ago, there was a case in Karachi. A respectable Parsi gentleman of Karachi wanted to travel in a third class compartment reserved for Europeans. He was kicked out and very roughly handled. He reported the matter. The Europeans occupying the compartment were soldiers and eventually the matter went up before a court martial. But the case failed on account of bad identification. These are the circumstances in which this matter which is called "petty" and which is still maintained to be a "privilege" comes up a third time. I wrote to the Honourable Sir Charles Innes some time ago that I would be compelled to bring in a Bill to remove this reservation, but my Honourable friend Mr. Neogy has anticipated me and I am glad that this Bill has come up to-day so that once for all this vexed question may be settled. I do not see any reason at all why any particular community should have any reservation for itself in these days. The Honourable Sir Charles Innes has referred to a conference at Lucknow. He referred to it also in his speech on the last occasion about 18 months ago. But that conference took place about 25 years ago, and circumstances have since then considerably changed. I hope the House will vote with me and do away with this distinction. There have been several cases which were taken to the courts of law and even to the High Courts and different Judges have given different views. While some Judges have been of the opinion that under the Indian Railways Act there is no power reserved to Government or the railways to reserve any particular compartment for any particular community, other Judges have expressed a contrary view. Some of these cases I quoted in my speech when my Resolution came up and I need not go into them again, and those persons were eventually convicted. One of these cases went before a third Judge also in the Appellate Court and the man was convicted. Such cases crop up now and then and the Indian public is excited over this question petty though it may be. I think it is high time now that the power of reservation under the Act was removed, and I hope the House will support the motion.

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadan): I am afraid the Honourable the Commerce Member's speech has been self-contradictory. He first told us that the reservation in its inception and conception was only intended for the benefit of the Hindus and Muhammadans and then he wound up his speech by saying that the reservation

is a privilege which the Anglo-Indian community would not like to be taken away. I do not know whether it was intended as a privilege for the Hindus and Muhammadans or as a privilege for the Anglo-Indians. Evidently, I take it that at the end of the Commerce Member's speech, though unconsciously, the truth came out and the fact is that the reservation is intended not for the convenience of the Hindus and Muhammadans but as a privilege for the Anglo-Indian community. If it is so, no railway company ought to have any right to confer any privilege on any community whatsoever. The Honourable the Commerce Member said that reservation is abolished on State railways and that reservation at present is being curtailed to a minimum on the company owned railways. If that is so, I cannot see why he should stand up and oppose this Bill. If he does not want reservation and if he tells us that the time would not be long before reservation would be absolutely abolished he ought to support this Bill rather than oppose it. Even though the Honourable the Commerce Member may say that in company owned railways they reserve or they are asked to reserve only small compartments on fast passenger and mail trains the fact is that there are no small compartments on these mail and fast passenger trains; there are only big compartments on these trains and particularly so during the last two or three years, and therefore whenever a compartment is reserved it is really a big compartment and only 10 or 15 passengers are found travelling in that compartment though it has got accommodation for 40, while other passengers are cramped, jammed and packed like sardines in other compartments where there is not even standing room. And then, Sir, if the primary and the sole object of this reservation is to protect the sentiments of Hindus and Muhammadans, that a Christian may not eat his beef or his bacon in the third class compartment, is there any condition on these railways that the Anglo-Indians will not travel in other compartments not reserved for them? What is the use then of this reservation. If over and above this reservation the Europeans and Anglo-Indians are allowed to travel in any compartment they choose, the sentiment of the Hindus and Muhammadans that is tried to be left undisturbed cannot remain so. Then the one thing that the Honourable the Commerce Member laid stress upon was that it was silly for Hindus and Muhammadans to try to get into this reserved compartment and create trouble. I should ask him what would be his feeling if he were to travel with a third class ticket and not find room in the train for himself and his people while Europeans and Eurasians are having reserved and comfortable accommodation without paying for it at the cost of other passengers. I think this Bill really ought to be passed by this House.

Maulvi Abul Kasem (Bengal: Nominated Non-Official). Sir, my friend from Karachi mentioned that, when he moved his Resolution on this subject, I had the misfortune to oppose it and to-day I stand up again to oppose the motion of my friend from Karachi. Legislation is intended to provide certain conveniences for the citizens. I would have wholeheartedly supported this Resolution if it provided some convenience or comfort to the third class passengers or any other class of passengers. My friend says that it is necessary because other third class compartments are cramped and the passengers are filled up like sardines while a compartment is reserved for Europeans and they travel comfortably. May I put the simple question, if this one compartment is thrown open to Indian passengers, how much will it add to their comfort and convenience? If that is so, the only thing you have to ask for is not to

[Maulvi Abul Kasem.]

abolish the reservation but to add another third class compartment for Indian passengers by that train, because that will be equally good. It certainly appeals to our sentiment and if without causing any loss of convenience to me some convenience is given to others I see no reason why I should grudge it. And there is another aspect to which reference has been made by my friend from the Central Provinces to the effect that there is no truth in the statement that the Indian passengers would also prefer the Anglo-Indians to travel in a separate compartment. He remarked that the Honourable the Commerce Member was contradicting himself when in the first place he said that it was for the convenience of the Indians and then concluded by saying that it is a privilege enjoyed by Anglo-Indians. It may look like a contradiction in terms but in fact I think the Commerce Member is quite correct in his statements; because in the first place I as an Indian would prefer to travel with Indian passengers rather than with any European passengers, because I would feel uncomfortable travelling with European passengers. I know there are countrymen of mine who would like to travel in the same compartment and who would feel quite comfortable and perhaps even prefer to travel with Europeans rather than with Indians; but for myself I would prefer to travel with an Indian and preferably with a Bengali rather than anybody else. And let us look at the facts. Who are the third class passengers? They are poor illiterate people and if you just thrust one Anglo-Indian into their midst he will cause a good deal of mischief. (Laughter.) And it is ten to one that at every station he will afford some trouble to the Indian passengers. (Inaudible interruptions.) Yes, there will be trouble. Why create trouble and then set out to remedy it. Then it has been said by my friend from Karachi that he has seen Indian ladies and children all crowded in a compartment while another was going with only 5 or 6 passengers in it. What I say is that the real remedy lies in providing for more rolling stock and thus enabling the railway companies to run their trains more often and with greater accommodation for these passengers, rather than to abolish the one third class compartment reserved for Anglo-Indians. It will save trouble and save inconvenience to your own people, because I am sure that if these Anglo-Indians are allowed to travel in the same compartment as Indians the Indians will be very much inconvenienced and uncomfortable. Whatever you may say they will create difficulties and trouble. Lastly, it has been remarked that under the present arrangement with this reservation Anglo-Indians are yet allowed to travel in other compartments. That is a fact. They are allowed to, but in practice they do not for their own sake, and the railway companies also ask them to travel in the reserved accommodation provided. I think the proper course would be to reserve these compartments for Anglo-Indians and not to allow them to travel in any other compartment. And I repeat again, Sir, in spite of the remarks of my friend from Karachi, that this is a very small matter and in these days we ought not to encourage differences racial or otherwise on small matters like this when there are greater things that we have to do and discuss. With these words, Sir, I oppose the motion of my friend.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, when I read this Bill I was conscious of a familiar fragrance. I was under the impression that something very like it, though in a slightly different form,

had come before this House the year last; and I find on looking up the Legislative Assembly Debates that on the 10th of March 1923 there was a Resolution by my friend Mr. Hussanally in these terms:

"This Assembly recommends to the Governor General in Council that he will do away with reserved compartments for particular communities on all Indian Railways by all passenger trains unless fully paid for."

A rose by any other name will smell as sweet. What was a Resolution on the 10th March, 1923, appears to-day as a Bill of the Central Legislature. Nothing is worse to my mind than unnecessary legislation. We have heard, and we all know, that there is now no reservation of compartments in the way objected to in first, second or intermediate class railway carriages. Therefore, this House is now being asked to expend all its power and dignity in placing an enactment on the Statute-book to interfere with the railway management of third class passengers. I was permitted in 1923 to waste the time of the House in making some remarks on this point. I do not suppose any one of the Members remember what I said then, and, as "history repeats itself", I do not see why a humble individual like myself should not do so. I therefore venture to impose on the House a few extracts from what I then said. It saves me from having to think on the point again, and my opinion on the whole subject remains entirely unchanged. I said:

"British India is full of social difficulties and social anomalies. Education and a spirit of compromise are at work and are steadily overcoming a good many of these difficulties and anomalies. In education and in the spirit of compromise to which I have referred is to be found the real remedy for them. The hard and fast cleavage and distinction between class and class, and race and race, is being steadily and gradually eliminated. The question is whether this Central Legislature is going to allow itself to be used as a social reform club, and to exercise its great powers and responsibility for the purpose of wasting time over pinpricks of this kind. Distinctions do exist. Call them racial if you like. I myself think that many which are so called are not really racial distinctions in the proper sense of the term. But they do exist, and for a long time to come they must continue to exist, and we must try, working together, to make the best of them."

Sir, I see railway stations with refreshment rooms reserved for Hindus and with refreshment rooms reserved for Muhammadans. I do not see at any station a refreshment room reserved for Europeans; and I am very glad not to see it. I am glad, however, to see that there are reservations of that kind made for Hindus and Muhammadans, because I have the highest respect for the conservative feelings which those communities entertain with regard to their food, their habits and so forth."

Now, Sir, coming to this motion itself, it boils down to this, that, a central, imperial enactment is to be passed to prevent a particular class of passengers, whose habits and manners are quite different or are very largely different from those of Indians and—I say it without hesitation though I am a European myself—whose habits in many respects may be offensive to our Indian friends, from being segregated by the railway administration when they journey by train. Now, to speak of this arrangement, which has rightly been described by the Honourable Sir Charles Innes as a travelling convenience, as an undue preference is, to my mind, an unjustifiable straining of language. Surely, education has gone so far, even in India, that no one can say, because I am put there and you are put here on account of the differences in our habits and to promote mutual convenience, that there is undue preference of the one over the other. If it had been the rule that every third class European passenger should

[Sir Henry Stanyon.]

have an intermediate compartment reserved for him, while third class Indian passengers must go in third class carriages, that certainly would have been preference. But, in fact, all pay the same amount of fare and all travel in the same kind of carriage. They are only separated in that carriage for the convenience not of one but of both parties. Are we by legislation going to take away this power of administering to the convenience of the travelling public from the railway administration? I do not want to specify cases. I have no wish to raise feelings about subjects on which there is much controversy. But I do say this that, if you take away this power from the railway administration to-day and to-morrow there should be a party of Brahmins going on a pilgrimage who may naturally wish to keep "untouchables" out of their compartment, no railway officer, to whom an appeal could be made to make suitable arrangements, will be in a position, in the face of this legislation, to put matters right for the comfort of those Brahmins? These are little, petty, matters of railway administration. My Indian friends pay a very poor compliment to themselves if they think that this distinction and discrimination mean racial or any other kind of preference. The European passenger is not raised any higher and the Anglo-Indian is not made any bigger by being put into his own particular place. It is as much a convenience to one party as it is to the other. As I said in my remarks in 1923, out of a hundred compartments, 99 could be reserved for Indians and one for the Anglo-Indians with whom Indians do not like to travel. But what is the simpler course? The simpler course is to reserve the one compartment for the small party. I urge the House to rise to a sense of its dignity and not lend itself to this petty legislation. Is this really the voice of the third class passengers? Scores of people will say that the illiterate third class passenger has nothing to do with it—that it is merely a political sentiment. I do not say that; but I think that the House will lend itself to it being said that, in order merely to give effect to political sentiment over a supposed racial preference given to the Europeans, an Imperial enactment has been passed. I say to my friend Mr. Neogy, who is one of the most learned and sensible men in this House, that this enactment, if passed, will not stand to the credit of this House. In the first place, as I have pointed out to describe the separation of different classes of passengers as an undue preference is a misuse of language. And, secondly, the legislation will constitute undue interference in a matter which should be left to the railway administration. We must trust the railway administration to carry out the wishes of the people in petty details of this kind. They have already proved their good faith in the matter, if any proof was necessary. The discrimination has been done away with in all classes of carriages except the third class by which large hordes of people travel and where there must be some sort of checking and arrangement to prevent quarrels, difficulties and trouble on the trains. It is a very very small matter and I hope that the body of Members generally will rise not only to that dignity but also to that generosity and regard which is typical of the best Indian character.

Mr. A. Rangaswami Iyengar: I move, Sir, that the question be put.

The motion was adopted.

Mr. K. C. Neogy: Sir, I was not at all surprised at the speech which my Honourable friend Sir Charles Innes has thought fit to make in reply to mine. In fact I have had the opportunity of studying his mentality for the last four years, and the mentality of the department over which he presides. It is no wonder therefore to me that he has thought it fit to characterize my attitude as silly, and this piece of legislation as being *infra dig* for this House. I can at once tell my Honourable friend that I am not going to take any lessons from him in regard to matters relating to the dignity of this House. Sir, though my Honourable friend considers this to be a very petty matter, I can remind him that this matter had to engross the attention of at least four High Courts in India on more than one occasion in each case, and I suppose that the time and the prestige of the High Court is quite as valuable as the time and prestige of this House. (*An Honourable Member:* "Question?") Now, Sir, my Honourable friend made an apology at the very beginning that he was not a lawyer, but I find he has got into the trick of clever lawyers, in so far as he read out from a particular ruling the particular portion that helped his case and omitted to read out those portions that went against it. I will point out to my Honourable friend that one of the learned Judges in the particular judgment to which he has made reference observed as follows:—

"I cannot but feel that it is desirable that public bodies which exist for public convenience,"—I do not know whether my Honourable friend admits that description as a correct description of his department—"public bodies, which exist for public convenience," (I repeat), "for public convenience, derive their revenue from the general public and enjoy a monopoly in their trade under the law of the land, should take good care to remove all vestige of suspicion of preferential treatment of any particular class or community."

And then later on the learned Judge says:

"I am unable to conceive that such an apparently invidious distinction is not to be considered preference in favour of one community to the prejudice or disadvantage of another."

It is no doubt true that the Judges in that case had to decide upon the Railway Act as they found it, and upon an interpretation of section 42, clause (2), they said that it would have been a violation of the terms of section 42, clause (2) if the particular passenger who was accused in that case could prove that he could not get into other compartments because they were choke-full, and he was turned away from this particular compartment also. And that is what the learned Judges meant by saying it is a question of fact whether any such reservation would, in any particular case, amount to undue preference. And what does this Bill seek to do? It seeks to put it beyond doubt, beyond controversy, that such reservations shall be deemed to be undue preference. My Honourable friend said there is absolutely no obscurity about the law. But I would refer him to the Allahabad case in which the judgment of the High Court differs very materially from the judgments of the Calcutta, Bombay and Madras High Courts. The learned Judges of the Allahabad High Court thought that section 42 could possibly have absolutely no application to a case of this nature; so I think my Honourable friend will have the fairness to admit that there is some obscurity when we come to consider the conflicting rulings of the different High Courts. I was surprised to hear my Honourable and respected and learned friend Sir Henry Stanyon say that such a reservation could certainly not be construed as undue preference. I suppose he has

[Mr. K. C. Neogy.]

been very long away from his judicial labours, otherwise I should have expected him to have some kind of acquaintance with the case law of the four Indian High Courts on this point. Now, Sir, my Honourable friend, Sir Charles Innes has pointed out that as matters stand at present these compartments are available for the use not only or exclusively of Europeans or Anglo-Indians; but Indians in European dress are also equally admitted. I fully admit the truth of the statement.

Pandit Shamlal Nehru: Except on the East Indian Railway.

Mr. K. C. Neogy: Well so far as I know, even the East Indian Railway has issued certain instructions to its officers to admit Indians who are in European dress to these compartments. Sir, I do not know whether a privilege which was a racial privilege so long has improved itself by being turned into a sartorial licence; and if it was not supportable as a racial privilege it is certainly less supportable as a sartorial privilege.

Now, Sir, what is European dress? Is the kilt of the Scotch Highlander to be classed as European dress for this purpose? If that be so, I think my Honourable friend Mr. Fleming might complain that the more picturesque and certainly more decent dress worn by the Burmans should not be tabooed. Again I ask my Honourable friend—is bifurcation of the nether garments to be the test of the European character of one's dress? If that be so, I do not understand why the more ample garments worn by my friend Nawab Sir Sahibzada Abdul Qaiyum should be ruled out. (*Mr. K. Ahmed:* "What about the use of the latrine?") I will leave my Honourable friend to deal with that himself. (*Mr. K. Ahmed:* "I cannot change your habits.") So, my Honourable friend (Sir Charles Innes) will realize that once he admits Indians wearing European dress he will be landing himself in a very difficult position. Perhaps the only solution of his difficulty will be if he were to spare a pair of his own trousers and hang it out of the window of every such reserved compartment as the pattern of dress to which every Indian should conform in order to entitle him to use such compartments. Sir, I remember to have seen a cartoon in a recent issue of a Bengali journal which represented an incident well worth relating here. A Bengali in his much abused *dhoti* was occupying one of these compartments labelled as reserved for Europeans. There was nobody else in the compartment at the time, but as the train stopped at a particular station a European—quite as dark as myself—came up and peremptorily asked him to vacate the compartment. But the Bengali was rather a tough customer for him, so he had to call in the aid of the guard. By the time the guard arrived on the scene, this wily Bengali managed to encase one of his legs in a trouser; and when the guard came up he asked "What is the trouble about?" The answer came, "Wait just a minute; I am becoming a European!" Now, Sir, are we really to have an apotheosis of the European dress? That is the question that I put to this House. Are we to concede this privilege, if not to the Europeans and Anglo-Indians for whom my Honourable friend pleads, to any man wearing European dress because he happens to wear European dress? (*Diwan Bahadur T. Rangachariar:* What about the Salvation Army men?) It was only the other day that my Honourable friend was holding forth very vehemently on the impropriety of letting politics interfere with the railway policy. I know what my Honourable friend considers to

be politics. It is not politics so long as the Railway Department recognises a special privilege in favour of the European or the Anglo-Indian; it becomes politics when Indian opinion demands that no such special privilege should be allowed. Well, my Honourable friend said the other day that if politics were allowed to interfere with the railway management, then, the railways might spoil this Assembly, and this Assembly might spoil the railways. I find that the Railway Department has spoiled my Honourable friend. He has thoroughly identified himself with the narrow outlook of that department which stands for racial discrimination wherever it possibly can. Sir, my Honourable friend said that those Indians who travel in these compartments by virtue of their wearing European costume like this arrangement and so do the Anglo-Indians. Quite right; but we do not like it; that is exactly what this Bill intends to say to the Honourable Member. Indian opinion does not like such an arrangement to be continued. I believe we have lately had a good deal of sympathy shown in this House for the poor Anglo-Indians. My Honourable friend, Sir Campbell Rhodes pleaded their cause in moving terms the other day in this House, and my Honourable friend Sir Charles Innes has followed suit. I make it quite clear here that I am not in favour of taking away any of the privileges enjoyed by the Anglo-Indians so long as those privileges can be enjoyed by the Indians alike; I am not in favour of discrimination against the Anglo-Indians, but I am absolutely opposed to any discrimination against the Indians. (*Mr. W. S. J. Willson*: "Reserve carriages for Indians, then.") My Honourable friend, Mr. Willson says, why not reserve carriages for Indians? If we are to accept the principle which has been laid down by my Honourable friend, Sir Charles Innes, we will have to reserve compartments not merely for Indians as a class; we will have to reserve compartments for people coming from the North-West Frontier Province, because a timid Bengali like myself ought not to be allowed to travel in a compartment where there is a single north-west frontier man. Then we will have to reserve compartments for Jains, for Sikhs, for Hindus and for Muhammadans; we do not know where this will end.

My Honourable friend, Sir Henry Stanyon, very innocently asked "Why should this Central Legislature be bothered about this?" For the very good reason that the Indian Railways Act happens to be a central subject; and for the very good reason that my Honourable friend, Sir Charles Innes and the department over which he presides cannot be depended upon to do the right thing in this matter. That is why we need legislation on this point; otherwise we could have perfectly rightly left it to be regulated by the Honourable Member and his department. He has thoroughly disappointed us. We put forward demands asking for the abolition of this distinction once or twice in 1923 and before; and what has he done? He says "We have got the reservation only for the third class". If it is good enough for the third class why not extend it to the first and second classes? He says "Well, the fittings have to be altered and made of a different kind." But are you sure that Hindus and Muhammadans who travel in the upper classes appreciate the sort of fittings that you have in mind, or are you going to have a regular class for them so as to give them lessons in certain things?

Sir, My Honourable friend Sir Henry Stanyon further asked, is it really the voice of the third class passengers? I am very much afraid that he does not read newspapers, because if he were reading the Indian papers he would have found that this Bill of mine has been supported by public opinion, especially at several meetings of passengers held in different parts

[Mr. K. C. Neogy.]

of India. I do not think, Sir, the House is going to accept the advice so very kindly tendered to it by S.r Henry Stanyon, nor do I believe that it will be influenced against this Bill by the sermon which my friend the Honourable Sir Charles Innes has thought fit to deliver. I hope that this motion will be carried by this House.

The Honourable Sir Charles Innes: Sir, Mr. Neogy accused me of having quoted from a judgment in 51, Calcutta,—I believe that is the correct way of putting it,—(*A Voice*: “No, Report”)—I have consulted the Honourable the Law Member—Mr. Neogy accused me of having quoted from this judgment such passages as suited me and not quoting those which did not suit me. Sir, Mr. Neogy is entirely wrong. What I read out to the House was the head note. I have been told by the Honourable the Law Member that I was entirely wrong in doing so, but at any rate, it gave the substance of the judgment. Now, Sir, Mr. Neogy has been doing the very thing which I expressly refrained from doing. He has quoted from the judgment the passage which suited him and he has not quoted the other passages which did not accord with his case. Allow me, Sir, to follow the example of Mr. Neogy and read one or two passages which suit my side of the case. This is from one of the distinguished Judges who wrote the judgment.

“The setting apart of a compartment for Europeans is not apparently to accord invidious distinction to a particular class of passengers. The object is to secure the convenience of the travelling public with due regard to the diversity of their habits, customs and prejudices. An European especially of the class which ordinarily travels in such third class compartments may be more disagreeable to his Indian fellow passengers particularly of the orthodox type and peaceful disposition.”

Sir, time is getting late, and I must confess that I think that we have spent more time over this little Bill than it really needed, and therefore I will not repeat at any length what I have already said. I wish to sum up my case, and I will say, Sir, that I do not believe that this Bill is necessary to clear up the obscurity of the law. I will say, Sir, that it certainly is not necessary from a railway point of view.

It has been said by my Honourable friend Mr. Wali Muhammed Husanally that the reservation of these third class compartments increases our difficulty in carrying ordinary third class passengers. Sir, that is not so. The compartments which we reserve on mail and fast passenger trains are compartments which hold 10 passengers only. The mere fact that we reserve a compartment holding ten passengers for Anglo-Indians or Europeans makes no difference at all to our carrying capacity for carrying third class passengers. (*A Voice*: “Question?”) Therefore, I again ask the House what is the object which is going to be secured by carrying this Bill. Let me again follow Mr. Neogy's example, and read one more passage from this judgment.

“An attempt has been made to convert what is clearly only a question of railway administration into a racial question. So far as I can see no racial question whatever is involved in this case and it is to be regretted that attempts should have been made to make it one.”

Mr. President: The question is:

“That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration.”

The Assembly divided:

AYES—50.

Abdul Karim, Chwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Akram Hussain, Prince A. M. M.
 Alimuzzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Chaman Lall, Mr.
 Chetty, Mr. R. K. Shanmukham.
 Dalal, Sardar B. A.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hussanally, Khan Bahadur W. M.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Lohokare, Dr. K. G.

Makan, Mr. M. E.
 Mehta, Mr. Jamnadas M.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi Sayad.
 Mutalik, Sardar V. N.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangaohariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain, Khan, Khan Bahadur.
 Shams-uz-Zoha, Khan Bahadur M. Singh, Mr. Gaya Prasad.
 Sinha, Kumar Ganganand.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

NOES—36.

Abdul Mumin, Khan Bahadur Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ajab Khan, Captain.
 Ashworth, Mr. E. H.
 Bhoré Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Clarke, Sir Geoffrey.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Duval, Mr. H. P.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra Nath.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Rai Narain, Rai Bahadur.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V. Visvanatha.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

Clauses 1, and 2, and the Title and Preamble were added to the Bill.

Mr. K. C. Neogy: Sir, I move that the Bill be now passed.

Mr. President: The question is:

“That the Bill further to amend the Indian Railways Act, 1890, be passed.”

The motion was adopted.

THE MATERNITY BENEFIT BILL.

Mr. N. M. Joshi: (Nominated: Labour Interests): Sir, I beg to move:

“That the Bill to regulate the employment of women in factories and mines and on those estates, to which the Assam Labour and Emigration Act, 1901, applies, some time before and some time after confinement, and to make provision for the payment of maternity benefit, be referred to a Select Committee consisting of Mr. L. Graham, Mr. A. G. Clow, Sir Purshotamdas Thakurdas, Seth Kasturbhai Lalbhai, Sir Campbell Rhodes, Mr. Darcy Lindsay, Dr. S. K. Datta, Mr. M. A. Jinnah, Khan Bahadur Sarfaraz Hussain Khan, Mr. Jamnadas M. Mehta, Dr. K. G. Lohokare, Mr. K. C. Neogy, Diwan Chaman Lall, Mr. B. Das, Sardar Gulab Singh, and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.”

I would like to add to these names the names of the Honourable Sir Bhupendra Nath Mitra which I omitted by mistake, of Mr. Devaki Prasad Sinha, and of Khan Bahadur Mukhdum Syed Rajan Baksh Shah.

Mr. President: The Honourable Sir Bhupendra Nath Mitra is in charge of the Department under which this Bill comes?

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Yes.

Mr. President: His name will appear automatically in the list. It is not necessary to put his name in the motion.

Mr. N. M. Joshi: My Bill is intended to protect the life and health of women employed in industries. It is a matter of great pity that married women of child-bearing age should be compelled by their economic condition to take employment in factories, mines and other undertakings where they have to work long hours in a very unhealthy atmosphere. Although it may not be possible for us to improve their economic condition to such an extent as to remove this necessity of their having to take work in industrial undertakings, I feel it is the duty of this Legislature to regulate their working conditions in such a manner as to remove the danger to their health, to their lives and to the health and lives of their babies. I think, Sir, there will be no one here in this House who will question the soundness of the proposition that work in factories, mines and other industrial undertakings for long hours at present allowed by law is detrimental to the health of women, especially during the critical stage of their confinement on account of child birth. My Bill therefore provides that the employment of women six weeks after confinement should be prohibited by law. It provides that if an employer knowing that a woman has given birth to a child employs her within six weeks of her confinement he will be considered to be guilty of a

The Honourable Sir Bhupendra Nath Mitra: May I ask that the debate be now adjourned as I have got to attend an important meeting of the Executive Council?

Mr. President: The request obviously is not unreasonable, and as the Honourable Member will have his chance, now that he has begun to move his motion, on the next day set apart for non-official Bills. I propose now to adjourn the House.

The Assembly then adjourned till Eleven of the Clock on Monday, the 2nd February, 1925.

LEGISLATIVE ASSEMBLY.

Monday, 2nd February, 1925.

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

QUESTIONS AND ANSWERS.

WEIGHT LIMIT OF POSTAL ARTICLES CARRIED BY POSTMEN.

532. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that the weight limit to be carried by postmen is 800 tolas?

(b) If so, are Government prepared to consider the desirability of reducing the weight limit from 800 to 600 tolas?

Sir Geoffrey Clarke: (a) There is no fixed limit of weight of postal articles to be carried by postmen. The weight must vary according to circumstances, *e.g.*, length of beat, nature of place of delivery, etc. Hired labour is employed whenever the articles for delivery are too heavy for a single postman to carry.

(b) The question does not arise.

DEBIT OF LOSS ON INSURED ARTICLES TO THE POST OFFICE GUARANTEE FUND.

533. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that loss sustained on account of insured articles is debited to the Post Office Guarantee Fund?

(b) If so, will Government please state the grounds on which this decision is based?

Sir Geoffrey Clarke: (a) No.

(b) Does not arise.

PAYMENT OF PENSIONS BY POST OFFICES.

534. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that pensions to retired Post Office and R. M. S. Officers are paid by Government treasuries?

(b) If so, are Government prepared to consider the desirability of paying them by post offices instead of by Government treasuries?

Sir Geoffrey Clarke: (a) Yes.

(b) The question of paying all Government pensioners drawing Rs. 20 per mensem and below by post offices was considered before and had to be given up as the Director General of Posts and Telegraphs was of opinion that it would be very difficult for post offices all over the country to do the work. Government do not desire to reconsider the question specially for the pensioners of the Postal Department. In some parts of India pensions are being paid by postal money orders.

**ECONOMIES IN THE PERMANENT SUPERIOR ESTABLISHMENT OF THE
NORTH WESTERN RAILWAY.**

535. ***Mr. Chaman Lall:** (a) Is it a fact that the total saving over the reorganisation scheme on the North Western Railway, relating to the permanent superior establishment amounts to only Rs. 7,439 according to a reply given in another place by the Honourable Mr. G. L. Corbett?

(b) Is it a fact that in the volume entitled "Report outlining a scheme for the reorganisation of the general working system of the North Western Railway" the cost of existing establishment was stated to be Rs. 2,88,025 whereas that of the then proposed scheme was Rs. 2,90,000, i.e., Rs. 1,975 in excess?

(c) Will Government give the House the correct figures and the reasons why no substantial economies in the permanent superior establishment have been effected?

Mr. G. G. Sim: (a) Yes. The saving expected is Rs. 7,539 a month.

(b) The Honourable Member is apparently referring to a preliminary and unpublished report the proposals in which were considerably altered in the final scheme.

(c) The correct figures are those given above, namely, Rs. 7,539 per mensem, but against this must be set the cost of additional audit staff of approximately Rs. 6,000 a month. The object of the scheme is to secure increased efficiency and the chief economy expected from the reorganisation will be a reduction in working expenses to which at present no exact figure can be attached.

SPECIAL CARRIAGES FOR OFFICERS ON THE NORTH WESTERN RAILWAY.

536. ***Mr. Chaman Lall:** Is it correct that lakhs are being spent on the use and maintenance of special carriages for the use of officers on the North Western Railway?

CARRIAGES FOR OFFICERS ON THE NORTH WESTERN RAILWAY.

555. ***Mr. Chaman Lall:** Will Government state what kind of carriages on the North Western Railway are set apart for the exclusive use of the railway officers? Further, will Government give a statement giving full particulars such as description of the carriage, cost, approximate annual maintenance charges of each carriage and the list of officers using such carriages?

Mr. G. G. Sim: I will reply to this and the Honourable Member's question No. 555 together.

Carriages specially set apart for the exclusive use of railway officers on the North Western Railway are of two kinds, namely, railway service carriages and reserved carriages of the 'A' class. Railway service carriages are 4-wheelers and consist of a combined living and office compartment, a lavatory and a kitchen. Reserved carriages of the 'A' class are usually short bogie carriages which contain similar accommodation to the railway service carriages except that a few have a small observation compartment at the end for inspection purposes, and also a servant's compartment.

The cost of railway service carriages varies from Rs. 3,600 to Rs. 9,000 and that of reserved 'A' class carriages from Rs. 3,300 to Rs. 33,000.

It is not possible to give the approximate maintenance charges for each individual carriage, but the approximate average annual cost of maintenance is Rs. 150 for a railway service carriage and Rs. 300 for a reserved 'A' class carriage.

There are 41 railway service carriages which are used by 58 Assistant Engineers and there are 23 reserved 'A' class carriages, which are used by the officers named in the list, which is being placed on the table.

List of officers using reserved 'A' class carriages on the North Western Railway.

1. Agent.
2. Deputy Agent.
3. Chief Operating Superintendent.
4. Deputy Chief Operating Superintendents (2 officers).
5. Chief Commercial Manager.
6. Chief Mechanical Engineer.
7. Deputy Chief Mechanical Engineer.
8. Chief Engineer.
9. Deputy Chief Engineer.
10. Controller of Stores.
11. Signal Engineer.
12. Inspection Car.
- 13—19. Divisional Superintendents (7).

20—30. These 4 carriages are shared by Deputy Agent personnel, Deputy on special duty on reorganisation, Deputy on special duty, marshalling yard design, Deputy Commercial Manager, Deputy Chief Engineer (Designs and Projects) and Deputy Chief Engineer (Construction).

Mr. Chaman Lall: May I ask Government whether they would consider the advisability of doing away with these special carriages?

Mr. G. G. Sim: They are required for officers for their work.

Mr. Chaman Lall: Is it not possible for them to travel in first class compartments in ordinary trains?

Mr. G. G. Sim: The carriages have to be detached from the trains and kept in sidings to enable the officers to do their work.

Mr. Chaman Lall: In every case, for example let us say in travelling from Lahore to Rawalpindi, do not these officers want special saloons or special carriages?

Mr. G. G. Sim: The officers usually live in their carriages while they are engaged on their duties.

Khan Bahadur W. M. Hussanally: What is the total annual cost of running these special carriages?

Mr. G. G. Sim: I have given the figures.

Mr. Chaman Lall: Also the figures of actual running charges of these carriages?

Mr. G. G. Sim: Yes. If the Honourable Member means the haulage cost, I have not got that figure.

Mr. Chaman Lall: May I ask the Honourable Member to give us the haulage cost of these carriages as well as the cost of maintenance?

Mr. G. G. Sim: I must ask for notice of that question.

APPOINTMENT OF MR. F. WEBB, AS SUPERINTENDENT, CENTRAL REGISTRY
OFFICE IN THE OFFICE OF THE AGENT, NORTH WESTERN
RAILWAY.

537. ***Mr. Chaman Lall:** (a) Will Government kindly state whether one Mr. F. Webb has been appointed as Superintendent, Central Registry Office, in the office of the Agent, North Western Railway, on a salary of Rs. 350 rising to Rs. 400 per mensem; if so, what are his duties and responsibilities?

(b) Is it a fact that Mr. Webb was a chargeman in the North Western Railway Carriage Shops getting Rs. 210 per mensem prior to his new appointment?

(c) Is it a fact that Mr. Webb had no office experience and that he never even held charge of any branch in any office?

If so, what led to his new appointment?

(d) Will the Government kindly state how many clerks in class V in the Rs. 275 grade, who officiated as Superintendents in North Western Railway offices, have been superseded by this appointment and for what reasons?

Mr. G. G. Sim: I would refer the Honourable Member to the reply given to a similar question by the Honourable Rai Bahadur Lala Ram Saran Das on the 22nd September 1924 in the Council of State.

OFFICE SUPERINTENDENT OF THE OFFICE OF THE AGENT, NORTH-
WESTERN RAILWAY.

538. ***Mr. Chaman Lall:** (a) Is it a fact that the post of Office Superintendent in the North Western Railway Agents' office was held by several senior Indians?

(b) Is it a fact that on the death of Pandit Shiv Charan Lal, Mr. Sahair, head establishment clerk, Agent's office, being seniormost should have been appointed as Office Superintendent, Agent's office?

(c) Is it a fact that Mr. Holmes, who was appointed on 5th December 1914 (whereas Mr. Sahair was appointed on 1st February 1899) as an assistant record clerk in Loco. Superintendent's office superseded him?

(d) Is it a fact that Mr. Sahair on another occasion was again superseded by one Mr. Coates?

(e) On what grounds was he superseded?

OFFICE SUPERINTENDENT OF THE OFFICE OF THE CHIEF ENGINEER,
NORTH WESTERN RAILWAY.

539. ***Mr. Chaman Lall:** (a) Is it a fact that L. Chuni Lal, head establishment clerk of the Chief Engineer's office, North Western Railway (salary Rs. 400 per mensem), had been officiating off and on as Office Superintendent of that office?

(b) Is it a fact that when a vacancy occurred it was not given to L. Chuni Lal or to another Indian equally qualified who happened also to be available, but to one Mr. Cullen of the Loco. Superintendent's office (salary Rs. 275 per mensem)?

(c) On what grounds was this appointment made?

Mr. G. G. Sim: I propose to answer questions Nos. 538 and 539 together. They both inquire why certain individual clerks were passed over for promotion to particular subordinate appointments. Government do not know and are not prepared to inquire. The railway administration is in the best position to judge between the relative claims of candidates for appointments of this kind.

Mr. Chaman Lal: May I ask whether the Honourable Member is aware that every time we ask these questions we have been put off with the reply that the railway administration is the best judge of these matters?

Mr. G. G. Sim: Yes, Sir.

Mr. Chaman Lal: Is the Honourable Member aware that there is a great deal of discontent among Members of this House that no information is given on questions relating to racial matters?

The Honourable Sir Charles Innes: I may say that the Railway Department consider that these questions should be left to the railway administrations and that the Legislative Assembly should not interfere in details of this kind.

Mr. T. C. Goswami: We think otherwise.

Mr. Chaman Lal: What are we here for if we cannot get information on these matters?

The Honourable Sir Charles Innes: The Railway Department think that the Legislative Assembly should criticise the administration and criticise the Railway Board and they are entitled to influence policy, but nothing can be more fatal to the efficient management of railways than that the Legislative Assembly should try to interfere in details of railway administration.

Mr. Gaya Prasad Singh: But is the railway efficiently managed under the present administration?

The Honourable Sir Charles Innes: The Honourable Member will find it out when he sees the budget statement.

Mr. A. Rangaswami Iyengar: May I ask whether there are any rules provided in the Legislative Rules for the guidance of Members on these questions?

The Honourable Sir Charles Innes: It is left to the good sense of the Members themselves.

Mr. Chaman Lal: May I ask for a ruling whether we, as Members of this Honourable House, are not entitled to obtain the information that we ask for on these matters, especially when they raise racial issues?

Mr. President: Questions are admitted when they satisfy the Rules and Standing Orders. Whether Honourable Members are able to extract replies from Government is a totally different matter in regard to which I have no responsibility.

Mr. Chaman Lall: Sir, is the process equivalent to that of endeavouring to extract blood from stone?

RETIREMENT WITHOUT FORFEITURE OF GRATUITY OF RETRENCHED
STAFF OF THE NORTH WESTERN RAILWAY.

540. ***Mr. Chaman Lall:** (a) Is it a fact that officers belonging to the Indian Civil Service were allowed certain privileges of retirement on proportionate pension for a certain period after the inauguration of the Reforms Scheme?

(b) Is it a fact on the other hand that railway employees, who under retrenchment, were offered lower posts, were told that a refusal will result in the forfeiture of their gratuity "whether they had rendered more or less than 15 years' service"?

(c) Will Government explain the distinction applied in the case of officers of the Indian Civil Service and the staff of the North Western Railway?

(d) Will Government state the number of cases in which such gratuity has been forfeited?

(e) Are Government prepared to withdraw the orders issued in this connection and permit retirement without forfeiture of gratuity?

Mr. G. G. Sim: (a) Yes.

(b) Yes—since such men would under the rules not be entitled to a gratuity. It was, however, stipulated that exceptional cases would receive special consideration.

(c) The two cases are not comparable.

(d) Government are not aware of any case in which such gratuity has been forfeited.

(e) In the circumstances stated above, Government see no reason for modification of the orders already passed.

INDIANS IN CERTAIN SPECIFIED APPOINTMENTS ON THE NORTH WESTERN
RAILWAY.

541. ***Mr. Chaman Lall:** Will Government state the proportionate number of Indians in the North Western Railway in the following posts:

- (1) Special Station Superintendents.
- (2) Commercial Superintendents (Senior and Junior).
- (3) Traffic Inspectors (Special, Senior and Junior).
- (4) Chief Controllers, Deputy Controllers, and Assistant Controllers.
- (5) Senior scale of Station Masters, Assistant Station Masters, Yard Masters and Goods Supervisors.
- (6) Platform and Luggage Inspectors (Senior Special, Junior Special).
- (7) Ticket Collectors (Senior Special Class, Junior Special Class, Class D)?

Mr. G. G. Sim: A statement is placed on the table containing the information asked for by the Honourable Member.

Serial No.	Designation of post.	Total No. of posts.	No. held by Europeans and Anglo-Indians.	No. held by Indians.
1	Special Superintendents	3	3	...
2	Commercial Superintendents:			
	Senior	3	3	...
	Junior	4	2	2
3	Traffic Inspectors:			
	Special	2	2	...
	Senior	19	19	...
	Junior	17	15	2
4	Chief Controllers	4	4	...
	Deputy Controllers	6	6	...
	Assistant Controllers	30	29	1
5	Senior Scale Station Masters and Assistant Station Masters, Yard Masters, Goods Supervisors:			
	Class F (i)	10	9	1
	" F (ii)	14	13	1
	" E (i)	20	19	1
	" E (ii)	77	57	20
6	Platform and Lug. Inspectors:			
	Senior spl.	2	2	...
	Junior spl.	7	7	...
7	Ticket Collectors:			
	Senior spl.	1	1	...
	Junior spl.	7	7	...
	'D' class	8	4	4

EUROPEAN, ANGLO-INDIAN AND INDIAN APPRENTICES ON THE NORTH WESTERN RAILWAY.

542. ***Mr. Chaman Lall:** (a) Will Government state as to how many Indian apprentices have been taken in the last four years in the Loco., Carriage, Signal, Engineering, Electric (North Western Railway) Department and the number of Anglo-Indians and Europeans with their rates of pay?

(b) Will Government explain the differentiation in the rates of pay?

Mr. G. G. Sim: (a) A statement showing the number of Indian, Anglo-Indian and European apprentices during 1923 and 1924 in the Loco., Carriage and Wagon and Engineering Departments of the North Western Railway with their rates of pay is laid on the table. The figures for the previous two years are not available but will be procured and furnished to the Honourable Member if desired.

(b) It will be observed from the statement that the remuneration for work done is the same for all classes of apprentices. The subsistence and hostel charges are however granted according to the standard of living.

Statement showing number of Indian, Anglo-Indian and European apprentices during 1923 and 1924 in the Locomotive, Carriage and Wagon and Engineering Departments of the North Western Railway with their rates of pay.

534

LOCOMOTIVE DEPARTMENT.					CARRIAGE AND WAGON DEPARTMENT.					ENGINEERING DEPARTMENT.					ELECTRICAL AND SIGNAL DEPARTMENT.					RATES OF PAY.				
1923.		1924.			1923.		1924.			1923.		1924.			1923.		1924.			SUBSISTENCE AND HOSTEL CHARGES.		REMUNERATION FOR WORK DONE.		
Indians.	Anglo-Indians.	Europeans.	Indians.	Anglo-Indians.	Europeans.	Indians.	Anglo-Indians.	Europeans.	Indians.	Anglo-Indians.	Europeans.	Indians.	Anglo-Indians.	Europeans.	Indians.	Anglo-Indians.	Europeans.	Indians.	Anglo-Indians.	Europeans.	Europeans and Anglo-Indians.	Indians.	For all.	
																					Rs.	Rs.	Rs.	
43	67	38	45	34	32	32	24	12	35	24	13	14	8	1	19	8	1	...	...	...	...	...	...	...
																					1st year	. 33	12	17
																					2nd year	. 40	14	20
																					3rd year	. 48	16	27
																					4th year	. 46	18	34
																					5th year	. 50	20	50

Mr. Chaman Lall: Will the Honourable Member see to it that this distinction is done away with?

Mr. G. G. Sim: I must ask for notice, Sir.

Mr. Chaman Lall: Is this again a question of racial discrimination, Sir?

Mr. G. G. Sim: No, Sir.

Mr. Chaman Lall: On what other basis does the Honourable Member explain the differentiation?

Mr. G. G. Sim: I have already explained that it is due to the difference in the standard of living.

Mr. Chaman Lall: That depends upon race, Sir, does it not?

ORDERS SENT TO GERMANY FOR ROLLING STOCK.

543. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 4th January, 1925, page 7, under the heading "Indian Rolling Stock" "Reported order for Germany"?

(b) If so, will Government please state if the statement made is correct?

(c) If correct, will they please state the number of goods and passenger-coaches ordered for Indian railways?

Mr. G. G. Sim: (a) Yes.

(b) and (c) Government have no information on the subject.

Khan Bahadur Sarfaraz Hussain Khan: Will they try to get the information, Sir?

Mr. G. G. Sim: Sir, the reply which I just gave that Government have no information on the subject refers to a newspaper report, and I do not quite see how we can get the information.

REPORT OF THE INDIAN TERRITORIAL FORCE COMMITTEE.

544. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 4th January, 1925, page 8, under the heading "Territorial Committee"?

(b) If so, will they please state if the statement made is correct and if the report of the Territorial Force Committee will be circulated to the Members of the Assembly during the forthcoming session at Delhi?

Mr. E. Burdon: (a) Government have seen the paragraph referred to.

(b) The Committee have signed their report which is at present in the process of publication. It is hoped that the report will be available to Honourable Members during this session.

545. ***Mr. K. C. Neogy:** Sir, this question† formed part of a more comprehensive question. As the other parts of the question have been disallowed, I do not propose to put it.

† "Will Government be pleased to state how much iron has been estimated to exist in British India according to geological survey?"

Mr. President: The other parts of the question were disallowed because they related to matters which were the primary responsibility of Local Governments, and this part was allowed because it concerned the responsibility of the Central Government.

UGANDA TOWNSHIP RULES.

546. ***Sir Purshotamdas Thakurdas:** (a) Has the attention of Government been drawn to the following which appeared in the *Amrita Bazar Patrika* of the 30th October last?

" INDIANS IN EAST AFRICA.

Restriction in respect of residence and trade.

Mombasa, Oct. 3.

Recently the Uganda Official Gazette published the new 'Township rules' wherein is found the following:

The Governor may, by notice in the Gazette, prescribe areas within which no piece or parcel of land may be occupied by any person not of European origin or extraction for the purposes of trade, residence or otherwise except with the consent or prior permission of the Governor in writing. This does not apply to domestic servants."

(b) If the reply to (a) above be in the affirmative, will Government be pleased to state what steps the Government of India have taken to remove the abovesaid addition to the Township Rules?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) The attention of the Honourable Member is invited to the reply given by me on the 23rd January 1925, to Mr. Kamini Kumar Chanda's question 115.

REFUSAL OF A WIRELESS LICENSE TO MR. S. D. NADKARNI OF KARWAR.

547. ***Mr. D. V. Belvi:** (a) With regard to the Wireless License Rules issued by the Director General of Wireless, laying down the qualifications necessary for the grant of a wireless license for amateur purposes, will Government be pleased to say which of those qualifications Mr. S. D. Nadkarni of Karwar was held not to possess when his application for a wireless license was refused by the Director General of Wireless, as stated in answer to my question No. 1820, published at page 3207, Legislative Assembly Debates, 11th September 1924?

(b) If it was not for absence of any of those qualifications that Mr. Nadkarni's application was refused, will Government be pleased to say why it was refused?

The Honourable Sir Bhupendra Nath Mitra: Mr. Nadkarni stated at the time of making his application that he had no experience in working Wireless Telegraph Transmitting apparatus and that he had no certificates of competency for working such apparatus.

LIST OF PRIVATE PERSONS HOLDING WIRELESS LICENSES.

548. ***Mr. D. V. Belvi:** Will Government be pleased to supply a list of private persons in India and Burma who hold wireless licenses, with details against each case as to whether the license is in respect of a "receiving set" only or for a "transmitting set" only or for both receiving and transmitting sets, and also mention the community, whether Indian or Anglo-Indian or European, to which the licensee belongs; or at least a tabulated analysis of these statistics?

The Honourable Sir Bhupendra Nath Mitra: I shall be glad to show the Honourable Member in my office a list giving the information asked for so far as this is available. The list contains nearly 800 names, and Government do not consider that it will serve any useful purpose to lay it on the table.

WITHDRAWAL OF ORDERS PROHIBITING THE TEACHING OF WIRELESS SCIENCE IN COLLEGES.

549. ***Mr. D. V. Belvi:** (a) Will Government be pleased to state whether the Government of India Circular prohibiting the teaching of Wireless Science in the colleges to which Dr. S. K. Datta drew attention in this House on 11th September 1924 (*vide* page 3209, Assembly Debates, Volume IV, No. 50), is still in force?

(b) If it is withdrawn, when was it withdrawn, and why? If not, why does it continue even nominally in force?

Mr. J. W. Bhore: (a) and (b). The question of the withdrawal of the circular is now engaging the attention of the Government of India; and it is hoped that it will be possible to withdraw the orders in question at a very early date.

REDUCTION OF CLERICAL ESTABLISHMENT ON THE NORTH WESTERN RAILWAY.

550. ***Mr. Chaman Lall:** (a) Will Government be pleased to state whether there will be reduction in the North Western Railway clerical establishment in connection with the Reorganization Scheme? If so, in what percentage?

(b) Will Government be pleased to state whether this reduction will also affect the numbers of superior and subordinate officers and if so, to what extent?

(c) Will Government be pleased to lay on the table a list of Anglo-Indians and Europeans (Lower, Upper Subordinate and Superior Staff separately) who were brought under reduction or were increased during the last 4 years; also a list of Indians (Clerical Staff, Outdoor Staff and Artisans to be given separately)?

Mr. G. G. Sim: (a) Yes eventually. It is not possible to state the percentage at present.

(b) Yes, but it is too early to estimate the full effect to the introduction of the Divisional System.

(c) The preparation of the detailed lists asked for would entail an amount of labour and expense which the Government do not consider would be justified.

QUALIFICATIONS OF OFFICERS IN THE NORTH WESTERN RAILWAY
WORKSHOPS.

551. *Mr. Chaman Lall: (a) Will Government be pleased to state whether all the officers who are appointed in the North Western Railway Workshops, especially Loco., Carriage and Signal, obtain their qualifications in any special technical and mechanical colleges before they are engaged and what standard of mechanical education is considered necessary and essential for their qualification?

(b) Will the Government give a statement showing the number of such officers as have achieved the higher standard qualification of Mechanical and Civil Engineering Colleges with the degree or degrees possessed by each of them, also the total number of those who have not received such education?

(c) Will the Government be pleased to lay on the table a statement showing the number of officers (Indians, Europeans and Anglo-Indians) on the North Western Railway, who hold the following diplomas?

Member of the Institute of Mechanical Engineers.

Member of the Institute of Electrical Engineers.

Member of the Institute of Civil Engineers.

Associate Member of the Institute of Mechanical Engineers.

Associate Member of the Institute of Electrical Engineers.

Associate Member of the Institute of Civil Engineers.

Associate Member of the Institute of Signal Engineers.

(d) Will Government be pleased to state the basis on which the technical allowance is given to these officers?

Mr. G. G. Sim: (a) So far as the Locomotive and Carriage Departments are concerned the officers recruited do not obtain their qualifications from any special technical or mechanical colleges.

Appointments are made by the Secretary of State on the advice of a Selection Committee subject to certain general conditions, the principal of which are that the candidates shall have had a good general and technical education followed by at least three years' training in the shops and six months in running and firing.

All candidates must in addition have a thorough understanding of applied mechanics. Signal engineers have been recruited from different sources, in some cases by transfer from the Engineering Service and in a few instances by direct appointment from Home of men possessing previous knowledge and experience in the duties required.

(b) It is not understood what the Honourable Member means by the expression "the higher standard qualifications of Mechanical and Civil Engineering Colleges".

(c) The Honourable Member will find the information he requires in the Railway Classified List, a copy of which is in the Library.

(d) Technical pay was granted in consideration of the additional value to the railway of an officer who has undergone the expense of a training in Europe. It has now been abolished as a separate allowance.

QUALIFICATIONS OF FOREMEN, LOCO. INSPECTORS, ETC., ON THE NORTH WESTERN RAILWAY.

552. **Mr. Chaman Lall:** Will Government be pleased to state the standard of education requisite for qualification on the North Western Railway as a Foreman, Loco. Inspector, District Electrician, Chargeman and Carriage and Wagon Inspector? Further, will Government explain the reason why this class is specially recruited from outside India?

Mr. G. G. Sim: The requisite qualification for the posts indicated is the possession of technical ability and practical experience which will enable the holder to do the work. There is no definite standard of education. The major portion of the men required for the purpose have hitherto been procured from England because there were no adequate facilities for training in this country. Arrangements have, however, been now made by the Local Government in collaboration with the North Western Railway to give training to fit men for duties of this nature and it is hoped that an increasing number will in future be obtained from this source.

Mr. Chaman Lall: Do I understand the Honourable Member to say that no particular educational qualification was necessary?

Mr. G. G. Sim: No, Sir. I said that there was no definite standard of education prescribed.

Mr. Chaman Lall: And yet did I understand the Honourable Member to say that he could not recruit men in India because men with the necessary qualifications could not be found here?

Mr. G. G. Sim: I said there were no facilities for training men in India but that they are now being provided by the Local Government in collaboration with the North Western Railway Administration.

Mr. Chaman Lall: Will the Government see that in future recruitment in England is stopped?

Mr. G. G. Sim: Sir, not unless people are available in this country. When they are available, the number recruited from England will be reduced.

Mr. Chaman Lall: I asked whether recruitment in England would be stopped? I did not ask whether it would be reduced.

Mr. G. G. Sim: No, Sir, not until we are able to recruit a sufficient number of men in this country.

RECRUITMENT OF INDIANS FOR CERTAIN SPECIFIED APPOINTMENTS ON THE NORTH WESTERN RAILWAY.

553. **Mr. Chaman Lall:** Will Government be pleased to state the reasons why Indians are not recruited as Signal and Bridge Engineers, Mining Engineers, Coal Superintendents, District Locomotive Superintendents and District Carriage Superintendents on the North Western Railway? Is it a fact that they are considered as qualified to be appointed as Executive Engineers, District Traffic Superintendents and Accounts Officers?

Mr. G. G. Sim: There are no posts of Coal Superintendents on the North Western Railway. As regards other appointments it has not hitherto been possible to get qualified Indian candidates possessing the necessary technical qualifications to fill them. Arrangements are, however, being made to improve the facilities for technical training for railway

officers in India which it is hoped will enable an advance in this matter to be made.

It has been found possible to secure Indians possessing the necessary qualifications for the posts of Executive Engineers, District Traffic Superintendents and Accounts Officers.

REDUCTION OF CLERICAL ESTABLISHMENT IN THE NORTH WESTERN RAILWAY.

554. ***Mr. Chaman Lall:** Will Government be pleased to state if it is a fact, that owing to reduction (Reorganization Scheme) in the clerical establishment in the North Western Railway the clerks have to work overtime, i.e. (10 to 6 P.M.), while the time for attendance is 10 to 4 P.M., and also that the clerical establishment is sometimes disallowed casual and privilege leave?

Mr. G. G. Sim: The only reductions that have in fact taken place in the clerical staff are in respect of temporary clerks. Possibly on some occasions both officers and staff have had to work longer hours than are ordinarily prescribed and this may occur in any office. Leave cannot be claimed as of right, but there is no reason for the assertion that it has been unduly restricted owing to the cause alleged.

UTILISATION OF THE NORTH WESTERN RAILWAY FINE FUND, ETC.

556. ***Mr. Chaman Lall:** (a) Will Government state whether the North Western Railway Fine Fund and the Unpaid Wages Fund is mainly utilized for the following purposes?

1. For maintenance of European and Anglo-Indian Railway School.
2. For maintenance of European Railway Band.
3. For maintenance of Railway Institute.
4. For maintenance of Recreation Club.
5. For maintenance of Volunteer Corps.
6. For maintenance of school buses for conveyance of the children of Anglo-Indians and Europeans from and to school.
7. For building the Institute.

(b) Will Government state whether nearly 95 per cent. of the expenditure out of the North Western Railway Fine Fund, and unpaid wages fund is spent on Anglo-Indians and Europeans and 5 per cent. on the Indian staff?

(c) Are Government prepared in future to utilize these funds for the provision of free education for the children of Indian railway employees allocating proportionate funds for the education of the children of Europeans and Anglo-Indians?

(d) Will Government be pleased to give a statement showing the amount of fines and unpaid wages realized from Indians, Anglo-Indians and Europeans, separately?

Mr. G. G. Sim: (a) and (b). Unpaid wages as a general rule form part of the sundry earnings of the railway and not utilised for the purposes mentioned by the Honourable Member. A statement showing the disbursements from the Fine Fund of the North Western Railway during the years 1922-23 and 1923-24 is placed on the table.

(c) The Government do not as a rule interfere in matters of this kind. The utilisation of the Fine Fund for the benefit of the employes is purely a matter of grace and Agents have been left to distribute it as they think

best. But the Government have ascertained that the Agent will welcome and encourage the growth of institutes for Indian employes, which could suitably receive assistance from this Fund.

(d) In view of the answer to questions (a) and (b) the necessity for the information relative to the unpaid wages does not arise. The information, as regards the fines realised from the employes belonging to the different communities is not easily available and Government do not propose to collect it.

Statement showing the disbursement from the Fines Fund of the North Western Railway for the years 1922-23 and 1923-24.

Particulars.	1922-23.				1923-24.			
	European and Anglo-Indian.	Indian.	Joint.	TOTAL.	European and Anglo-Indian.	Indian.	Joint.	TOTAL.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Institutes	9,029	2,160	...	11,189	10,845	2,160	420	13,425
2. Reading Rooms	420	240	810	1,470	420	240	800	1,460
3. Sports, Clubs and Tournaments.	1,634	2,672	1,224	5,530	1,039	2,813	2,492	6,344
4. Education, viz., Capitation and monthly grants to Schools.	...	...	...	...	...	390	...	390
5. Compassionate education of children of staff killed on duty.	2,969	1,043	...	4,012	3,191	1,380	...	4,571
6. Apprentices' Home	2,268	...	...	2,268	2,220	...	...	2,220
7. Holiday Home	2,500	...	...	2,500	1,250	...	...	1,250
8. Protestant Cemetery	120	...	...	120	110	...	...	110
9. Chaplain	3,500	...	...	3,500	3,600	...	...	3,600
10. North Western Railway Band.	...	...	6,300	6,300	...	...	4,800	4,800
11. Cost of War Memorial	...	...	...	...	2,175	...	...	2,175
12. Compassionate gratuity.	...	...	...	...	550	...	...	550
13. Grant to Red Cross, Karachi.	...	...	...	...	...	...	500	500
Total	22,450	6,115	8,334	36,889	25,400	6,983	8,012	41,395
Add—								
Loan and advances to Co-operative stores and to Railway employees.	...	...	...	45,320	...	...	...	27,147
GRAND TOTAL	22,450	6,115	8,334	82,209	25,400	6,983	9,012	68,542

Mr. N. M. Joshi: May I ask, Sir, whether the Agents are free to utilise the Fine Fund and whether they are using it justly and fairly at the present moment?

Mr. G. G. Sim: Sir, I do not admit that the Agents are using the Fund unjustly or unfairly.

Mr. Chaman Lall: Will the Honourable Member find out from the Agents whether the reply to question (b) is correct or not? May I also add that I want to know whether 95 per cent. of the expenditure is incurred for the benefit of Europeans and Anglo-Indians?

Mr. G. G. Sim: I am placing on the table a complete statement of expenditure.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

557. ***Pandit Nilakantha Das:** (a) Do the Government propose to put all the Oriya-speaking tracts under one Government?

(b) If so, has any action been taken in the matter?

(c) Which of the provincial Governments have already given their opinion in the matter?

(d) Are the Government prepared to put all the Oriya-speaking tracts into a separate Oriya province?

(e) Will the Government please make a statement in the matter?

Mr. H. Tonkinson: The Honourable Member is referred to the replies given by the Honourable Sir Malcolm Hailey on the subject to questions Nos. 196 and 197 on the 20th January 1923 and the 5th February 1924. The question is under the consideration of Government in connection with the report of Messrs. Philip and Duff regarding the attitude of the Oriya-speaking population of the Madras Presidency towards amalgamation with other Oriya-speaking tracts and they are not prepared to make a statement at the present time.

ALLEGED DISORDERLY CONDUCT OF SOLDIERS AT THE DELHI EXHIBITION OF ARTS AND CRAFTS ON THE 24TH DECEMBER 1924.

558. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the Delhi letter, published in the *Amrita Bazar Patrika*, dated the 4th January, 1925, in which the following passage occurs:

“Riotous scenes were enacted on the Christmas night in the local exhibition of Arts and Crafts, when a few drunken Tommies made an attack on the innocent crowd of visitors. They began by bombarding the stalls with brick bats, and robbing a few stalls of odd things. This led to an affray in which a few civilians sustained injuries. “A city of gaiety” was in a few moments transformed into “a city of riots” by the drunkards. Panicky people began to run for their lives, shop-keepers at once closed down their stalls. The soldiers went on merrily with their mischief till the Police came, and drove them out of the pandal”

(b) Is it a fact that liquor was freely allowed to be sold at the premises?

(c) Do the Government propose to make an inquiry into this affair, and lay the result before the House?

And if not, why not?

Mr. H. Tonkinson: (a) I have seen the article in question.

(b) Ordinary bar licenses were issued for the exhibition premises but there is reason to believe that the soldiers who caused the disturbance were under the influence of liquor before they reached the exhibition.

(c) The usual police and military inquiries are being held.

DISMISSAL OF MAHANAND LAL, A RECRUITING AGENT.

559. ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 1373 of the 9th June, 1924, and the statement laid on the table in that connection on the 8th September, 1924, will the Government be pleased to state the nature of misconduct for which the recruiting agent Mahanand Lal was dismissed?

Mr. J. W. Bhore: The Government of India have no information.

Mr. Gaya Prasad Singh: But why have they no information? Will the Government of India be pleased to find out the information on the subject?

Mr. J. W. Bhore: No, Sir.

Mr. Gaya Prasad Singh: Why not, Sir?

Mr. J. W. Bhore: Because, Sir, the individual concerned was not one of their officers. He was appointed by the Emigration Commissioner who is also not an officer of the Government of India. Hence the Government of India have no control over him, or his actions.

AGENT OF THE GOVERNMENT OF INDIA IN MAURITIUS.

560. ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 1376 of 9th June, 1924, will the Government be pleased to state the names, pay and antecedents of the Agents appointed in Mauritius under section 7 of the Emigration Act (Act VII of 1922)?

Mr. J. W. Bhore: No such Agent has been appointed.

Mr. Gaya Prasad Singh: Under section 7 of the Emigration Act, was it not compulsory for the Government of India to appoint an Agent? Why is it that such an Agent has not yet been appointed?

Mr. J. W. Bhore: It is not compulsory, Sir, and the Government of India do not consider that circumstances at the present moment demand the appointment of such an Agent. I have already explained in reply to a previous question that the Government of India have sent an officer to make inquiries into the conditions in Mauritius and that their future line of action will be decided by the nature of the report that they get from their officer.

Mr. Gaya Prasad Singh: In the meantime, do I understand that no further recruitment will take place in India?

Mr. J. W. Bhore: No further recruitment is taking place.

Mr. Gaya Prasad Singh: And will not take place till the result of that inquiry?

Mr. J. W. Bhore: Certainly not, Sir.

RECRUITMENT OF EMIGRANTS AT BENARES.

561. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1371 of the 9th June, 1924, regarding recruiting of emigrants at Benares and the reply of the Government that "the depôt is used for the accommodation of emigrants and its location at Benares is in no way inconsistent with the provisions of the rules" published under Government Notification No. 212, dated the 10th March, 1923, will the Government be pleased to state if recruitment did not actually take place in Benares, and if so, how many recruits were obtained in Benares proper?

(b) Will the Government kindly state if recruitment was stopped in Benares "during time of pilgrimage", and if so, will Government state the periods during which such recruitment was held in abeyance since its existence in Benares?

Mr. J. W. Bhore: (a) and (b). The Government of India have no information but will make inquiries, if the Honourable Member so desires.

Mr. Gaya Prasad Singh: I do desire that information, Sir, if you please.

RECRUITMENT OF SWEEPERS FOR MAURITIUS.

562. ***Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1373 of the 9th June, 1924, are the Government aware that in the statement which was laid on the table on the 8th September, 1924, it is mentioned that "122 sweepers were recruited under special orders"?

(b) Will the Government be pleased to lay on the table a copy of the "Special orders" referred to above; and also state under what rule or notification this special class of people were recruited?

(c) Is it not a fact that the notice entitled "*Jazira Mauritius meo Kashtkaron ki Zarurat*" referred only to the recruitment of agriculturists (Kashtkars), belonging to respectable families (*Moaziz Khandan*)?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) These sweepers were recruited by the Emigration Commissioner in accordance with instructions received by him from the Government of Mauritius. The Government of India do not possess a copy of these orders and are therefore unable to lay them on the table of the House. As these sweepers come in the category of "unskilled labourers" their emigration was regulated by the Government of India Notification No. 232-Emi., dated the 22nd March 1923.

(c) Yes; that particular notice referred only to the recruitment of agriculturists.

RETURN OF INDIAN EMIGRANTS FROM MAURITIUS.

563. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to a message published in the *Amrita Bazar Patrika*, dated the 3rd January, 1925, to the effect that 513 Indian emigrants are returning to this country from Mauritius in the first week of January?

(b) Will the Government be pleased to state if in this batch there are any, who were recruited by the Benares depôt, under Notification No. 282-Emi., dated Delhi, the 22nd March, 1923? If the reply is in the affirmative will the Government state the reasons of their return?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) The Government of India have no information on the subject.

Mr. Gaya Prasad Singh: I want to know why the Government of India do not possess information on this important subject?

Mr. J. W. Bhore: I think the Honourable Member does not realise the nature of the question that he has put. Here are a number of emigrants who are returning from Mauritius. Does the Honourable Member suggest that the Government of India should go round to every returning emigrant and ask him what was the reason for his return to this country? If so, I most respectfully beg to differ from him.

Mr. Gaya Prasad Singh: That is not my meaning. Have not the Government of India received any information from their officers in Mauritius in regard to the emigrants who have returned to this country?

Mr. J. W. Bhore: The Government of India have none of their officers stationed in Mauritius.

Mr. Gaya Prasad Singh: Have the Government of India received no further intimation as to why these emigrants have returned?

Mr. J. W. Bhore: No, Sir.

RETURN OF INDIAN EMIGRANTS FROM MAURITIUS.

564. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state whether any report or return in respect of the emigrants have been received by the Government of India from Mauritius in accordance with section 12 of the Notification No. 282-Emi., dated Delhi, the 22nd March, 1923?

(b) If the answer be in affirmative, will the Government be pleased to publish the same?

Mr. J. W. Bhore: (a) No report has so far been called for from the Government of Mauritius.

(b) Does not arise.

PROTECTOR OF IMMIGRANTS IN MAURITIUS.

565. ***Mr. Gaya Prasad Singh:** (a) Is there any Protector of Immigrants in Mauritius?

(b) If so, what is his name, pay and antecedents?

Mr. J. W. Bhore: (a) Yes.

(b) Mr. B. A. Francis, whose annual pay is Rs. 12,000 with a personal allowance of Rs. 1,000. For his antecedents, the attention of the Honourable Member is invited to page 625 of the Colonial Office List, 1924.

RESUMPTION OF EMIGRATION TO MAURITIUS.

566. ***Mr. Gaya Prasad Singh:** (a) Will the Government be pleased to state if they have received any representation from the Government in Mauritius, for the resumption of emigration to Mauritius after the closure of the Benares dépôt?

(b) If so, will the Government be pleased to lay on the table a copy of the communications on the subject?

Mr. J. W. Bhore: (a) The reply is in the negative.

(b) Does not arise.

ALLEGED MALPRACTICES OF LABOUR RECRUITERS.

567. ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 1378 of the 9th June, 1924, regarding an article in the *Servant* of 10th April 1924, in which an account has appeared regarding the way in which a number of poor people were booked and brought to Calcutta for being sent to Mauritius, will the Government be pleased to state whether the statements made therein were substantially correct; if so, what steps were taken to bring the alleged offenders to book, and to prevent a recurrence of such incidents?

Mr. J. W. Bhore: The inquiry made into the allegations referred to in the article published in the *Servant* of the 10th April, 1924, showed that they were incorrect. The second part of the question does not therefore arise.

Mr. Gaya Prasad Singh: What is the correct version of the incident that is referred to in the paper?

Mr. J. W. Bhore: The inquiry was made by the Government of Bengal and their report to us was that the facts as stated were not correct.

Mr. Gaya Prasad Singh: I want to know the correct version?

Mr. J. W. Bhore: As far as I remember, the correct version was that these people came to Calcutta fully cognisant of the condition of recruitment and were dissuaded by their friends from going to Mauritius.

Mr. Gaya Prasad Singh: Is there any evidence in the possession of Government to show that these people were dissuaded by their friends from going to Mauritius?

Mr. J. W. Bhore: That, Sir, is the report of the Government of Bengal.

Mr. Gaya Prasad Singh: Will the Government be pleased to lay on the table a copy of this report on which they have based their conclusion?

Mr. J. W. Bhore: No, Sir.

Mr. Gaya Prasad Singh: Why not, Sir?

TANGANYIKA ORDINANCE PROHIBITING THE USE OF GUJRATI FOR KEEPING TRADE ACCOUNTS.

568. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to the new Ordinance in the mandated territory of Tanganyika, prohibiting the use of the Gujrati language for keeping trade accounts?

(b) Do the Government know that 90 per cent. of the trade of Tanganyika is in the hands of the Indians?

(c) Do the Government further know that the majority of the Indian traders of Tanganyika have their central offices in Bombay where all their accounts are kept in Gujrati?

(d) What steps if any have been taken by the Government in this connection?

(e) Is it a fact that when the territory was in the hands of the German Government no bans of such kind existed against the Indians?

(f) Is it a fact that French traders have been allowed to keep their account in French?

Mr. J. W. Bhore: The attention of the Honourable Member is invited to the reply given by me to 'Sir Purshotamdas Thakurdas' question No. 430 on the same subject.

LEGISLATION IN TRINIDAD REGARDING INDIAN MARRIAGES AND DIVORCES.

569. **Mr. Gaya Prasad Singh:** Is it a fact that an Act called the "Indian Marriages and Divorces Act" has been or is about to be passed in Trinidad, and will the Government be pleased to lay a copy of it on the table?

Mr. J. W. Bhore: The Government of India are making inquiries.

POSITION OF INDIANS IN OTHER PARTS OF THE EMPIRE.

570. **Mr. Gaya Prasad Singh:** Will the Government be pleased to state what steps have been taken in the various Colonies to give effect to the following resolution passed at the Imperial Conference 1921:—

"This conference reaffirms that each community of the British Commonwealth should enjoy complete control over the composition of its own population by restricting immigration from any of the other communities, but recognises that there is incongruity between the position of India as an equal member of the Empire and the existence of the disabilities upon British Indians lawfully domiciled in some parts of the Empire and this Conference, therefore, is of opinion that in the interest of the solidarity of the Commonwealth, it is desirable that the rights of such Indians to citizenship should be recognised"?

Mr. J. W. Bhore: The attention of the Honourable Member is invited to a booklet entitled the Proceedings of the Imperial Conference 1923 regarding the position of Indians in other parts of the Empire, a copy of which has been placed in the Library of the House.

RECRUITING AGENTS EMPLOYED BY THE EMIGRATION DEPÔT, BENARES.

571. **Mr. Gaya Prasad Singh:** (a) With reference to my starred question No. 1373 of the 9th June 1924, regarding Emigration Agents, is it a fact that the Emigration Rule 7 (2) says "that the agents whenever possible, be men who have actually worked in the country for which they are employed?"

(b) Is it a fact that none of the recruiting agents employed by the Emigration Depôt, Benares, were Mauritius returned men?

(c) Was any attempt made to get such men? If not, why not?

Mr. J. W. Bhore: (a) and (b). The reply is in the affirmative.

(c) Under the rules the Emigration Commissioner had full power to appoint the Agents. Government are therefore unable to answer this part of the question.

ACTION TAKEN AGAINST AGENTS FOR FAILURE TO ENLIST THE PRESCRIBED
NUMBER OF EMIGRANTS.

572. ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 1373 of the 9th June 1924, will the Government be pleased to state what steps, if any, were taken by the Emigration Commissioner if an emigration agent failed to enlist the prescribed number of emigrants?

Mr. J. W. Bhore: The Government of India have no information on the subject.

FEES RECOVERED UNDER THE EMIGRATION ACT.

573. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state the total amount of fees recovered from the Emigration Agent or Emigration Commissioner, under Rule 50 of the Emigration Act (Act VII of 1922) and how the money is utilised?

Mr. J. W. Bhore: The attention of the Honourable Member is invited to my reply given to Mr. N. M. Joshi's question No. 510 on the same subject.

GRIEVANCES OF INDIANS IN BRITISH GUIANA.

574. ***Mr. Gaya Prasad Singh:** Will the Government be pleased to state what steps have been taken by the Government of India to have the grievances of the Indians of British Guiana as brought to light in the report of the British Guiana deputation, removed?

Mr. J. W. Bhore: The Honourable Member is referred to the reply given by me to Mr. C. Duraiswami Aiyangar's question No. 305 on the same subject.

CREMATION OF THE DEAD BODIES OF HINDUS IN BRITISH GUIANA.

575. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the Hindus constitute 32 per cent. of the total population of British Guiana.

(b) Is it a fact that they are not allowed to cremate their dead bodies?

(c) Do not the Government know that Dr. Wharton is an influential Indian Christian of the Colony?

(d) Is it a fact that he applied for permission to cremate the dead body of his father who was a Hindu, and was not allowed to do so?

(e) Have any steps been taken by the Government to arrange for the cremation of the dead bodies of the Hindus? If not, why not?

(f) Has the attention of the Government been drawn to the remarks made in the majority report of the deputation in this connection that the immigration department was lacking in sympathetic understanding of the Indian sentiment and feeling?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) and (e). The Government of India understand that there is no legislative prohibition against cremation and the British Guiana deputation gave an assurance last year that wherever Hindus had any difficulty in the matter, the position would be satisfactorily adjusted. An inquiry will be made as to whether effect has been given to this assurance.

(c), (d) and (f). Yes

REFUSAL OF A PASSPORT TO DR. SUDHINDRA BOSE, A PROFESSOR IN THE STATE UNIVERSITY OF IOWA.

576. *Mr. Gaya Prasad Singh: (a) Is it a fact that Dr. Sudhindra Bose, a professor in the State University of Iowa (America) has not been allowed to come to India?

(b) Is it a fact that he was denied a passport in 1920 by the India Office, on the ground that he was naturalised in America?

(c) Is it a fact that a man naturalised in America cannot be allowed to come to India?

(d) Is there any proof of suspicion against Dr. Sudhindra Bose?

(e) If so, what?

(f) Have the Government of India been consulted in the matter?

(g) If so, will the Government be pleased to lay on the table a copy of the communications which passed between the India Office and the Government of India on the subject?

Mr. H. Tonkinson: I invite attention to the reply which the Home Member recently gave to a similar question asked by Mr. Kamini Kumar Chanda.

Mr. Gaya Prasad Singh: Part (f) of my question has not been answered, which runs as follows: "Have the Government of India been consulted in the matter?"

This question I think was not answered previously?

Mr. H. Tonkinson: I am afraid I must ask for notice.

Mr. Gaya Prasad Singh: This question is already down on the paper. What further notice can I give?

COLONIAL PAPERS SUBSCRIBED FOR BY THE GOVERNMENT OF INDIA.

577. *Mr. Gaya Prasad Singh: Will the Government be pleased to state the names of the Colonial papers subscribed for by the Government of India?

Is the *Hindi of Jacobs*, South Africa, subscribed by the Government?

Mr. H. Tonkinson: I lay on the table a statement showing the Colonial papers taken by the Government of India.

Statement of Colonial papers taken by the Government of India.

1. The Cape Argus, Cape Town.
2. The Sunday Times, Johannesburg, Transvaal.
3. The East Africa Standard, Nairobi.
4. The Indian Opinion, Natal.
5. The Democrat, Nairobi.
6. The Ceylon Daily News, Colombo.
7. The Straits Times, Singapore.
8. The Malay Mail, Kuala Lumpur.
9. The Mauritius Indian Times, Port Louis.
10. The Cape Indian, Cape Town.
11. The Fiji Times and Herald, Suva, Fiji.
12. The Pacific Age, Suva, Fiji.
13. The South African Irrigation Department Magazine.

The *Hindi of Jacobs*, South Africa, is not taken by the Government of India, but complimentary copy is received in the Department of Education, Health and Lands.

PROSCRIPTION OF CERTAIN BOOKS.

578. ***Mr. Kumar Sankar Ray**: Will the Government be pleased to state whether and why any of the following books have been proscribed, viz:

Hyndman's "British rule in India."

Hyndman's "Civil Service."

Hyndman's "Awakening of the East."

Bryan's "British rule in India."

Lala Lajpat Rai's "Britain's debt to India."

Manabendra Ray's "Evolution of Economic Organisations of India"

Sudhindra Bose's "British Rule in India."

Labour Monthly Magazine edited by R. Palme Dutt?

Mr. H. Tonkinson: Of the publications mentioned the following have been prohibited entry into India under the Sea Customs Act as their circulation is not in the public interest:

1. Hyndman's "The Awakening of Asia".

2. Bryan's "British Rule in India".

3. M. N. Roy's "Evolution of Economic Organisations of India."

4. Lala Lajpat Rai's "England's debt to India".

5. Labour Monthly Magazine edited by R. Palme Dutt.

The forfeiture of books, etc., under section 99-A of the Criminal Procedure Code is a matter dealt with by the Local Governments.

Mr. Chaman Lal: May I ask whether those responsible for prohibiting these books have ever read any one of them?

Mr. N. M. Joshi: Do Government compensate the subscribers of these magazines for the copies which are prohibited?

Mr. H. Tonkinson: No, Sir.

TRANSFER OF THE OUDH AND ROHILKHAND RAILWAY OFFICES TO CALCUTTA.

579. ***Pandit Harkaran Nath Misra**: Will the Government be pleased to state:

(a) if the various head or other offices of the O. and R. Railway are shortly going to be transferred to Calcutta and other places outside the U. P. as a result of the proposed amalgamation of the O. and R. Railway with the E. I. Railway?

(b) Are the Government aware of the unrest and anxiety caused to the subordinate staff employed in the above offices of the O. and R. Railway by the proposed transfer of offices referred to in (a) above?

(c) If the reply to (a) is in the affirmative, will the Government kindly state if they have considered the advisability of leaving such of the offices as could easily be run from Lucknow; and if they are prepared to consider the advisability of absorbing such of the employees who belong to Northern India in the new Divisions to be formed and located in the U. P.?

Mr. G. G. Sim: (a) As the result of the proposed amalgamation certain of the administrative offices of the present Oudh and Rohilkhand Railway will be closed down.

(b) Government have received no representation regarding this.

(c) It is not proposed to transfer from Lucknow such of the offices as under the reorganisation could suitably be retained there, and in any changes which have to be made in the public interest Government will see that the fullest possible consideration is given to the convenience of the staff.

LOCATION OF THE TRAFFIC AUDIT BRANCH OF THE AMALGAMATED OUDH AND ROHILKHAND AND EAST INDIAN RAILWAYS AT LUCKNOW.

580. ***Pandit Harkaran Nath Misra:** Will the Government be pleased to state:

(a) If it is a fact that the B. B. and C. I. Railway whose head offices are located at Bombay runs its traffic audit branch from Ajmere and is it also a fact that some years back the E. I. Railway with its head office at Calcutta used to do so at Jamalpur?

(b) If the reply to (a) be in the affirmative, are the Government prepared to locate the entire traffic audit branch of the two amalgamated railways (*viz.*, O. and R. Railway and E. I. Railway) at Lucknow and if not to state any objections they have?

Mr. G. G. Sim: (a) Yes.

(b) The question is under consideration by the Auditor-General.

TOTAL SANCTIONED STRENGTH OF OFFICERS OF THE LOCO., CARRIAGE AND WAGON DEPARTMENTS ON STATE RAILWAYS.

581. ***Pandit Harkaran Nath Misra:** Will the Government be pleased to state:

The total sanctioned strength of officers of the Loco., Carriage and Wagon Departments on the State Railways and how many of such officers are statutory natives of India (i) drawing pay at Rs. 800 per month or over, and (ii) drawing pay at less than Rs. 800 per month?

Mr. G. G. Sim: Government have not the information but will make inquiries.

THE CIVIL LINES POST OFFICE, AGRA.

582. ***Pandit Harkaran Nath Misra:** Are the Government aware that the Civil Lines Post Office which was situated on the Drummond Road, in Bagh Muzaffar Khan, has been removed from January, 1923?

Sir Geoffrey Clarke: Yes.

THE CIVIL LINES POST OFFICE, AGRA.

583. *Pandit Harkaran Nath Misra: Will the Government be pleased to state if it is a fact:

- (a) That the previous locality of the Civil Lines Post Office was in the vicinity of Agra and St. John's Colleges and their hostels?
- (b) That the residents of Bagh Muzaffar Khan number about 3,000 consisting mostly of the educated classes such as doctors, professors, students and other public servants?
- (c) That Bagh Muzaffar Khan has got a publishing house and publishing company?
- (d) That the present locality of the Post Office is in an out of the way place far away from the inhabited area?

Sir Geoffrey Clarke: (a), (b) and (c). Yes.

(d) It is reported to be centrally situated in respect of the area served by it.

THE CIVIL LINES POST OFFICE, AGRA.

584. *Pandit Harkaran Nath Misra: Will the Government be pleased to state if it is a fact:

- (a) That the Secretary of the Agra Trade Association pointed out to the Postmaster General of the U. P. that the old house was far better and more spacious than the one now occupied?
- (b) That the portion of the old house occupied by the Postmaster for his personal use was not shown to him on the occasion of his last visit?
- (c) That a joint petition signed by a large number of the residents as well as by the Principals of the Agra and St. John's Colleges protesting against the removal of the Civil Lines Post Office was sent to the Postmaster General of the U. P. with no effect?

Sir Geoffrey Clarke: (a) and (b). Government have no information.

(c) A joint petition dated the 1st August 1922 was received by the Postmaster-General, who then looked into the matter personally and decided that the office should be removed to the present building on the 1st January 1923.

THE CIVIL LINES POST OFFICE, AGRA.

585. *Pandit Harkaran Nath Misra: (1) Will the Government be pleased to state if it is a fact:

- (a) That the Secretary of the Agra Trade Association has pointed out to the Postmaster General, the U. P., that the residents of the Wazirpura have nothing to do with the Civil Lines Post Office and that they transact their business at the Civil Courts Post Office, which is nearer and more convenient to them?
- (b) That the Secretary of the Agra Trade Association pointed out to the Postmaster General of the U. P. that the proprietor of the old building was willing to provide a shade to remove the objection of the Postmaster?

(c) That the Postmaster's statement that the Principals of the Colleges have no further complaint has been contradicted by the Principals themselves and this fact has been brought to the notice of the Postmaster-General?

(2) Are Government prepared to consider the advisability of shifting the Civil Lines Post Office to the old building or to some other building in Bagh Muzaffar Khan convenient to the residents of that locality and to the staff and students of the two Colleges?

Sir Geoffrey Glarke: (1) (a) and (b). Yes.

(c) No.

(2) It is not considered advisable to move the Agra Civil Lines Post Office to Bag Muzaffar Khan. The question of opening a separate post office in this locality is, however, under consideration. I may add, Sir, for the information of the Honourable Pandit that I have looked into the matter personally and decided that his complaint is well justified and a post office will be opened in the place he desires.

CONSTRUCTION OF WAITING ROOMS OR SHEDS AT CHATNA AND
JHANTIPAHARI STATIONS ON THE BENGAL NAGPUR
RAILWAY.

586. ***Mr. Amar Nath Dutt:** Is it a fact that there are no waiting rooms or waiting sheds for passengers at Chatna and Jhantipahari stations on the Bengal Nagpur Railway? If so, do the Government propose to take steps to have waiting rooms or sheds for passengers constructed at these stations?

SHEDS FOR FEMALE PASSENGERS AT CHATNA AND JHANTIPAHARI
STATIONS ON THE BENGAL NAGPUR RAILWAY.

587. ***Mr. Amar Nath Dutt:** Is it a fact that there are no resting places for female passengers at Jhantipahari and Chatna stations on the Bengal Nagpur Railway? If so, do the Government propose to take steps to have sheds for female passengers constructed at these stations?

CONSTRUCTION OF GOODS SHEDS AT CHATNA AND JHANTIPAHARI
STATIONS ON THE BENGAL NAGPUR RAILWAY.

588. ***Mr. Amar Nath Dutt:** Is it a fact that there are no goods sheds at Chatna and Jhantipahari stations on the Bengal Nagpur Railway and goods are left on the platform without even any tarpaulin cover to protect the goods from sun and rain for several days, causing heavy damage to the owners of goods. If so, do the Government propose to take steps to build goods sheds or godowns at these stations?

ENLARGEMENT OF THE GOODS GODOWN AT BANKURA STATION ON
THE BENGAL NAGPUR RAILWAY.

593. ***Mr. Amar Nath Dutt:** Is it a fact that the goods godown at Bankura station on the Bengal Nagpur Railway is too small for the goods and very often goods are kept outside the goods godown for want of accommodation? If so, do the Government propose to take steps for extending the godown?

Mr. G. G. Sim: I propose to answer questions 586, 587, 588 and 593 together as the reply is the same to all four questions.

The Government have no information. They will forward copy of the questions and of their answers to the Agent for such action as he thinks necessary.

NUMBER OF PASSENGERS TRAVELLING TO AND FROM CHATNA AND
JHANTIPAHARI STATIONS ON THE BENGAL NAGPUR RAILWAY.

589. ***Mr. Amar Nath Dutt:** What is the number of passengers daily coming to and going from Jhantipahari and Chatna stations on the Bengal Nagpur Railway?

Mr. G. G. Sim: The average number of passengers coming to and going from Chatna and Jhantipahari stations on the Bengal Nagpur Railway daily during the year 1923-24 was approximately 106 and 65 and 100 and 69, respectively.

QUANTITY OF GOODS EXPORTED FROM CHATNA AND JHANTIPAHARI
STATIONS ON THE BENGAL NAGPUR RAILWAY.

590. ***Mr. Amar Nath Dutt:** What is the quantity of goods exported from Chatna and Jhantipahari stations on the Bengal Nagpur Railway?

Mr. G. G. Sim: The total quantity of goods booked from Chatna and Jhantipahari stations on the Bengal Nagpur Railway during the year 1923-24, was 2,654 and 6,769 tons, respectively.

SHORTAGE OF WAGONS AT CHATNA AND JHANTIPAHARI STATIONS
ON THE BENGAL NAGPUR RAILWAY.

591. ***Mr. Amar Nath Dutt:** Is it a fact that goods are often left on the platforms for want of wagons at Chatna and Jhantipahari stations on the Bengal Nagpur Railway?

It is a fact that there is no regularity in the supply of wagons for carriage of goods from these stations? If so, do the Government propose to take steps to ensure a regular supply of wagons for carriage of goods from these stations?

Mr. G. G. Sim: Government have no information, but copies of the question and answer will be forwarded to the Agent, Bengal Nagpur Railway, who is competent to deal with the matter.

DISTANCE BETWEEN THE WAITING SHED BOOKING OFFICE AT BANKURA
STATION ON THE BENGAL NAGPUR RAILWAY.

592. ***Mr. Amar Nath Dutt:** Is it a fact that the waiting sheds for the third and intermediate class passengers at Bankura is situated at a distance from the booking office for the third and intermediate class passengers and they have to cross and recross the overbridge for purchase of tickets, which is generally done 10 or 15 minutes before train time, causing great inconvenience? If so, do the Government propose to take steps to have either the booking office removed near the waiting sheds or the waiting shed removed near the booking office?

SITUATION OF THE PARCEL OFFICE AT BANKURA STATION ON THE
BENGAL NAGPUR RAILWAY.

594. ***Mr. Amar Nath Dutt:** Are the Government aware that Bankura exports a large quantity of Bellmetal ware and the situation of the parcel booking office being on the other side of the overbridge, great inconvenience is experienced by the merchants for carriage of these Bellmetal wares over the overbridge?

If so, do the Government propose to take steps for shifting the parcel Looking office near the third class booking office for the convenience of the merchants?

Mr. G. G. Sim: I propose to reply to questions Nos. 592 and 594 together. Government have no information, but the matter will be brought to the notice of the Agent, Bengal Nagpur Railway.

LIGHTING OF THE PLATFORMS AT CHATNA AND JHANTIPAHARI STATIONS
ON THE BENGAL NAGPUR RAILWAY.

595. ***Mr. Amar Nath Dutt:** Is it a fact that the station platforms at Chatna and Jhantipahari on the Bengal Nagpur Railway are not lighted at train times at night although two trains stop at these stations at night? If so, do the Government propose to take steps to have the platforms of these stations lighted at train time?

Mr. G. G. Sim: This is essentially a matter to be dealt with by the Agent of the railway and copies of the question and answer will be sent to him.

THE LEPER PROBLEM IN INDIA.

596. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state whether the leper problem is a provincial or an Imperial subject? If the former, will the Government be pleased to take charge of it as an Imperial subject?

Mr. J. W. Bhore: The leper problem, as part of public health, is a provincial transferred subject. Government do not propose to take charge of it as an Imperial subject.

THE POST OFFICE GUARANTEE FUND.

597. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to place on the table a copy of the rules of the Post Office Guarantee Fund which were framed at its start, and the present rules and to state the object of the fund at the start, and its object at the present time and the amount contributed respectively by the class of postal officials, the amount, if any, contributed by the employees of the Telegraph Department and by the Government to the Fund?

(b) Will the Government be pleased to furnish a statement showing (i) the balance at credit in each year since the amalgamation of the Telegraph Department, (ii) the amount paid to the postal employees, (iii) to the telegraph employees for purposes other than for the interests of the subscribers demanded and travelling expenses paid for medical examination for postal life insurance?

(c) Is it a fact that the fund has been spent for any objects other than that for which the subscribers as a body were not interested? If so, will the Government be pleased to state the reasons for so doing. Is it a fact that telegraph employees have been allowed to benefit by the fund although they did not subscribe to it? If so, will the Government be pleased to state reasons for the same?

(d) Is the Post Office Insurance Fund working at a loss? If not, will the Government be pleased to state the reasons for paying the travelling allowances for medical examination for Post Office Insurance from the Guarantee Fund instead of the Post Office Insurance Fund?

(e) Will the Government be pleased to state whether they intend to convert the balance shown at hand in 1922-23 and held in the 3½, 4, 5, and 5½ per cent. securities into 6 per cent. so as to give the Guarantee Fund an enhanced rate of interest? If not, the reasons for not doing so?

Sir Geoffrey Clarke: The information required by the Honourable Member has been called for and will be supplied to him as soon as it is received.

INCOME CREDITED TO THE POST OFFICE FROM THE POST OFFICE INSURANCE FUND, ETC.

598. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state the amount of income credited to the post office account from the non-postal branches of the Post Office Insurance Fund, receipt of salt revenue, sale of quinine, payment of Indian military pensions and Post Office Cash Certificates?

Sir Geoffrey Clarke: The note on page 3 of the Budget Estimate for the year 1924-25 gives the required information as regards Saving Bank, Cash Certificates, Postal Life Insurance, Army Mobilisation Stores and Customs duty collected through the Post Office.

For salt transactions the Post Office charges a commission of 2 annas per cent. subject to a minimum of 10 annas per indent. This amount is paid by traders and not by any Government Department.

For payment of military pensions, the Post Office charges the Military Department 12 annas for every Rs. 100.

The Department does not get any credit on account of quinine sales. Postmasters get a small commission from Local Governments.

UPPER AND LOWER DIVISIONS OF THE CLERICAL ESTABLISHMENT EMPLOYED UNDER THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

599. ***Mr. Amar Nath Dutt:** (a) Is it a fact that before 1913, there was no classification as upper and lower in the clerical establishment under the Accountant-General, Posts and Telegraphs, Calcutta?

(b) Is it a fact that the entire lower division work as defined to-day was strongly recommended by the several Deputy Accountants-General to be classed as upper in their letter Nos. Calcutta—1279-A. G.-G., dated 21st January 1920, Delhi—F.-84, dated 24th January 1920, Nagpur—G.-1377, dated 17th January 1920, and Madras—G. M.-3708, dated 17th February 1920? If so, why should the lower division not be abolished?

(c) Is it a fact that some of the clerks in the lower division are still performing the work classed for upper division while drawing lower division pay? If so, where is the line of demarcation between the upper and the lower division?

REFERENCE CLERKS IN OFFICES UNDER THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

600. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the reference clerks in the offices under the A. G. P. and T. are placed in the lower division with a pay of Rs. 40 to 80 while the reference clerks of other account offices are placed in the time-scale of pay Rs. 60 to Rs. 230? If so, what is the reason for this differential treatment?

(b) Is it a fact that there are no upper and lower divisions in account offices other than the offices for the audit of P. and T. accounts? If so, why this distinction?

(c) Is it a fact that many men with University qualifications including some graduates have been placed in the lower grade, while there are lots of unpassed hands in the upper division? If so, why should the former be not classed in the upper grade?

The Honourable Sir Basil Blackett: I propose to answer question No. 599 and question No. 600 together. Government are inquiring into the matter, and a reply will be given to the Honourable Member as soon as possible.

Khan Bahadur W. M. Hussanally: May I know what is the objection to answering the questions here in the House after the information is received? Many Honourable Members would like to know what the answers are. If the answers are communicated to the Honourable Member privately, other Members do not know what the answers are.

The Honourable Sir Basil Blackett: I do not think the House would be greatly enlightened by hearing the answer to this question when it is received.

COLLECTION BY THE RAILWAYS OF TERMINAL TAX ON PASSENGER FARES.

601. ***Dr. K. G. Lohokare:** Will Government be pleased to say:

- (1) if any of the Railways in India have been collecting terminal tax on passenger fares at any of the stations?
- (2) what percentage of collections do the Railways take as cost of the work?
- (3) if the Nasik Municipality had asked the Railway Administration or the Government either direct or through the Local Government for collection of the passenger terminal tax at the Nasik railway station about 3 years before?
- (4) if so, what considerations led the Railway or the Government to refuse the collection on their behalf?
- (5) will Government be pleased to consider such cases and arrange to give the facilities desired to such local bodies as apply for them?

Mr. G. G. Sim: Railway Administrations are being asked to supply the information required and when it is received it will be sent to the Honourable Member.

LIFE SAVING APPLIANCES RULES.

602. ***Mr. S. C. Ghose:** (a) Has the attention of the Government been drawn to the new rules relating to the life-saving appliances to be carried on board ships which have been made by the Board of Trade in England and which are expected to come into force on the 1st July 1925?

(b) Do the Government propose to take into consideration the question of making similar rules applicable to ships registered in British India?

The Honourable Sir Charles Innes: (a) Yes.

(b) The Board of Trade life-saving appliances rules are applied to ships registered in British India except in regard to Native Passenger and Pilgrim Ships for which special rules issued by the Government of India are in force. The question of revising those rules is under consideration.

EXPENDITURE ON THE BRITISH LEGATION AT KABUL.

603. ***Mr. S. C. Ghose:** Will the Government state if any burden is imposed on the finances of India for the cost of maintaining the British Legation at Kabul?

Mr. Denys Bray: For the present Indian revenues contribute the whole of the expenses.

ILL-TREATMENT OF BRITISH INDIAN SUBJECTS IN CEYLON.

604. ***Mr. S. C. Ghose:** (a) Has the attention of the Government been drawn to the letter addressed to the Editor of the *Englishman* by Mr. D. N. Bonnerjee and published on the 8th December last about the ill-treatment accorded to British Indian subjects who may happen to land in Ceylon?

(b) Have the Government of India taken any action to prevent such harsh treatment of British Indian subjects who go to Ceylon and to protect British Indian subjects of His Majesty?

Mr. H. Tonkinson: The Government of India have seen the letter. They have received no representation from Mr. Banerjee but the matter is engaging attention.

RELIEF GRANTED TO THE GOVERNMENT OF MADRAS ON ACCOUNT OF THE RECENT FLOODS.

605. ***Mr. S. C. Ghose:** (a) Was any relief asked for by the Government of Madras in consideration of the great floods in Madras?

(b) If so, has any relief been granted?

Mr. J. W. Bhore: (a) Yes. The Government of Madras applied for:

- (1) a grant of Rs. 15 lakhs from Central Revenues;
- (2) a loan of Rs. 20 lakhs to finance the Provincial Loans Account, and
- (3) a grant of Rs. 1½ lakhs from the Indian People's Famine Trust.

(b) The request for a grant from Central Revenues has been rejected while that for a loan has been granted. A grant of Rs. 1½ lakhs has also been made from the Indian People's Famine Trust.

CONNECTION OF INDIA AND CEYLON BY RAILWAY.

606. ***Mr. S. C. Ghose:** (a) Is there any scheme before the Government of India for connecting India and Ceylon by railways?

(b) Is the scheme likely to be carried into effect in the near future?

Mr. G. G. Sim: There is no such scheme under the consideration of Government at present.

BRITISH TRADE AGENTS AT GYANTSE AND YATUNG.

607. ***Mr. S. C. Ghose:** (a) What are the duties of the British Trade Agents at Gyantse and Yatung?

(b) What are the qualifications of Mr. D. MacDonald, the British Trade Agent at Yatung for being appointed the Trade Agent at Yatung?

(c) Has the attention of the Government been drawn to the news published in the *Englishman* of the 9th October 1924 that Mr. D. MacDonald has been endeavouring to convert to Christianity Tibetan travellers passing through Gyantse? Is this true?

(d) What is the pay of the Trade Agents at Gyantse and Yatung and the cost of the establishments there?

(e) Is any contribution made by the British Government towards the cost of maintaining British Trade Agents at Yatung and Gyantse?

Mr. Denys Bray: (a) The duties of the British Trade Agents at Gyantse and Yatung are to further Indian trade in Tibet and generally to protect the interests of British subjects.

(d) Mr. MacDonald has an intimate knowledge of the Tibetan people and language, qualifications, which at the time of his appointment were very rare.

(c) Government's attention was called to the article. The allegation is untrue.

(d) The pay varies with the substantive pay of the incumbents. The pay of the present British Trade Agent at Gyantse who happens to be an Indian Civilian is Rs. 1,750 per mensem. The annual cost of the establishment is approximately Rs. 24,060.

The pay of the present British Trade Agent at Yatung is Rs. 750 per mensem. The annual cost of the establishment is approximately Rs. 19,350.

(e) No.

EMPLOYMENT OF INDIAN TROOPS IN CHINA.

608. ***Mr. S. C. Ghose:** (a) Will the Government state the number of Indian soldiers including followers in Independent China and British China and to which regiments they belong?

(b) Is every pice of the cost of maintenance of those Indian soldiers paid by the British Exchequer?

(c) Is any portion of the expense borne by the Indian Exchequer?

(d) Did any casualty occur among the Indian troops during the last insurrection in Independent China?

Mr. E. Burdon: (a) There are no Indian troops employed in what my friend means when he refers to Independent China. One Indian Infantry battalion which is relieved periodically by another battalion from the Indian Army is employed in Hong Kong and the numbers are as follows:

Indian ranks	...	...	...	745
Followers	...	...	...	56
Medical personnel	...	...	...	8

(b) Yes.

(c) Does not arise.

(d) There were no Indian troops there.

EXPORT OF MONKEYS.

609. ***Mr. S. C. Ghose:** (a) Has the attention of the Government been drawn to the news published in the *Englishman* of the 5th January about the shipment of monkeys from India to foreign countries?

(b) If the news is true, are the Government prepared to take steps to put a stop to such shipment?

(c) Are the Government aware that this news has caused great indignation among the Hindu community?

Mr. H. Tonkinson: The Government of India have already instituted inquiries in the matter from Local Governments from whom complete replies have not yet been received.

INDIAN HISTORICAL RECORDS COMMISSION.

610. ***Mr. S. C. Ghose:** (a) Is any contribution made by the Government of India towards the Indian Historical Records Commission which meets yearly?

(b) Is the conference attended by Government officials?

(c) If so, do they draw pay during their absence from headquarters?

Mr. J. W. Bhore: (a), (b) and (c). The reply is in the affirmative.

Mr. K. Venkataramana Reddi: May I know, Sir, what exactly are the duties of this Historical Records Commission?

Mr. J. W. Bhore: The Commission visits various parts of India and makes an examination into the historical material in the way of records, etc., available in different parts of India. At the meetings of the Commission papers are read by scholars and *savants* on matters pertaining to historical research which are of the greatest interest and value.

Mr. K. Venkataramana Reddi: May I know the names of the members of the Commission?

Mr. J. W. Bhore: I must ask for notice of that question; I cannot give the names offhand.

TRAINING OF INDIANS IN NAVAL ENGINEERING.

611. ***Baboo Runglal Jajodia:** Will the Government please state what arrangements if any exist at present for the proper training of Indians in all branches of Naval Engineering?

The Honourable Sir Charles Innes: I would refer the Honourable Member to paragraph 27 of the Report of the Mercantile Marine Committee in which the facilities at present available in India for training in marine engineering are described.

ATTITUDE OF THE REPRESENTATIVES OF THE GOVERNMENT OF INDIA AT
THE OPIUM CONFERENCE AT GENEVA.

612. ***Baboo Runglal Jajodia:** (a) Is it a fact that the representatives of the Government of India, opposed in the Opium Conference at Geneva the American proposition of restricting the uses of opium to the medicinal and scientific requirements?

(b) If the answer be in the affirmative, will the Government be pleased to state what authority the Agents of the Government had and are Government prepared to contradict by cable to the League at Geneva the opinion expressed by the Agents?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to my reply to clause (b) of question No. 340 by Dr. S. K. Datta.

The reply to the last part is in the negative.

Kumar Ganganand Sinha: Will the Government indicate the subsequent development of the opium question in the League?

The Honourable Sir Basil Blackett: We had a somewhat long debate on this question during question time a day or two ago, and I think for any further questions I must ask for notice to be given.

TRAINING OF INDIANS AS RAILWAY TRAFFIC OFFICERS.

613. ***Baboo Runglal Jajodia:** (a) With reference to answer to question No. 2181 will the Government be pleased to inform this House if the scheme for the training of traffic officers required for Indian railways has been prepared?

(b) If the answer be in the negative do the Government propose to expedite the formulation of a definite scheme?

(c) If the answer to (a) be in the affirmative will the Government be pleased to state the extent to which advantage has been taken of this scheme, by prospective candidates?

Mr. G. G. Sim: (a), (b) and (c). A scheme for training Indian officers for the larger Departments of Indian railways is nearing completion, and Government hope soon to be able to make a statement on the subject.

EUROPEAN AND INDIAN FOREMEN ON THE BOMBAY, BARODA AND
CENTRAL INDIA RAILWAY.

614. ***Baboo Runglal Jajodia:** With reference to answer to Mr. N. M. Joshi's question No. 2190 will the Government be pleased to state:

(a) the total number of European foremen in the B. B. & C. I. Railway workshops and officers?

(b) what is the average pay drawn by each (of the three) Indian foremen and the European foremen?

(c) what steps, if any have been taken for the recruitment of officers from among the Indians?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to question No. 486 asked by Mr. Joshi.

INDIAN FOREMEN ON THE EASTERN BENGAL RAILWAY.

615. ***Baboo Runglal Jajodia**: Will the Government please state whether it is a fact that all the foremen and assistant foremen in the E. B. Railway workshops are Europeans and Anglo-Indians? If so, will they state whether any attempts were ever made to appoint Indians to those posts? If the answer is in the negative will the Government please state reasons for the same?

Mr. G. G. Sim: With the exception of one foreman the rest are non-Indian. Endeavours have been and are being made to promote and train Indians for these posts. Two of the Indians under training are said to be promising well.

CLOSING OF RAILWAY GOODS OFFICES ON INDIAN HOLIDAYS.

616. ***Baboo Runglal Jajodia**: (a) Will the Government be pleased to inform the House what further action has been taken in continuation of their answer to question No. 2169 of 18th September?

(b) What reply has been received from the Indian Railway Conference Association regarding the closing of railway goods offices on Indian holidays?

(c) If the reply referred to in (b) be in the negative, are the Government prepared to recommend that the railway goods offices be henceforth kept closed on Indian holidays?

Mr. G. G. Sim: (a) As promised in the reply given in this Assembly on the 18th September, 1924, to question No. 2169, copies of that question and answer were sent to the Indian Railway Conference Association.

(b) and (c). The views of the Association have not yet been received by Government.

EUROPEAN, PARSİ AND INDIAN SUBORDINATES IN THE LOCO. RUNNING STAFF OF THE NORTH-WESTERN RAILWAY.

617. ***Baboo Runglal Jajodia**: With reference to the answer given to Mr. Harchandrai Vishindas' question No. 2167, will the Government be pleased to inform this House:

- (i) the number of European, Parsi and Indian subordinates on the roll of the Loco. running staff of the North Western Railway in the various grades?
- (ii) What percentage do the foremen, drivers and shunters of each class hold to the total number of employees in the grade?
- (iii) What is the number serving in the special grade and how many of them are Europeans, Parsis and Indians?

Mr. G. G. Sim: Inquiry will be made and the result will be communicated to the Honourable Member in due course.

VALUE OF RAILWAY MATERIALS AND ROLLING STOCK SENT TO MESOPOTAMIA.

618. ***Baboo Runglal Jajodia**: With reference to the reply to Khan Bahadur Ghulam Bari's question No. 2158 will the Government be pleased to inform this House:

- (i) the face value of railway materials and rolling stock sent to Mesopotamia and a list of the materials of all classes?
- (ii) the amount of compensation for such materials as have not been returned?

Mr. G. G. Sim: (i) The information is not available nor, as stated in the reply to Khan Bahadur Ghulam Bari referred to by the Honourable Member, have we complete lists of materials sent to Mesopotamia. Lists of the rolling stock sent to Mesopotamia have, however, been furnished in reply to Khan Bahadur Sarfaraz Hussain Khan's question No. 154 on the 23rd of January.

(ii) Information as regards materials is not available. As regards rolling stock, the amount of compensation is Rs. 1,95,59,544.

APPOINTMENT OF INDIANS IN THE SUPERIOR STORES ESTABLISHMENT OF
THE EASTERN BENGAL RAILWAY.

619. ***Baboo Runglal Jajodia:** Will the Government be pleased to state whether it is a fact:

- (1) that appointments in the officers' grade of the Stores Department, E. B. Railway, are primarily reserved for Anglo-Indians and Europeans;
- (2) that no Indian outsiders are recruited for appointment as Depôt or Sub-Store-keepers;
- (3) that while only a limited number of Indian clerks are promoted to the rank of Sub-Store-keepers or Depôt Store-keepers after they have put in long years of service no Indian has ever been appointed to the rank of Assistant Controller or District Controller of Stores?

Mr. G. G. Sim: (1) No.

(2) These appointments are usually made from the ranks of experienced subordinates, but there is certainly no ground for the statement that Indians are in any way barred from appointment.

(3) The statement made is incorrect. There are 4 Indian Assistant Controllers of Stores on the State Railway Establishment.

INDIANS IN THE SUPERIOR STORES ESTABLISHMENT OF THE EASTERN
BENGAL RAILWAY.

620. ***Baboo Runglal Jajodia:** Will the Government be pleased to state:

- (1) the total strength of the various officers in the Stores Department of the E. B. Railway;
- (2) the number of appointments held by Indians, Anglo-Indians, and Europeans respectively and their percentage to total;
- (3) the average pay drawn by the Indian members of the staff and that drawn by Anglo-Indian and European members of the service?

Mr. G. G. Sim: (1) There are at present seven officers in the Superior Stores Establishment of the Eastern Bengal Railway.

(2) Three appointments are held by Europeans, three by Anglo-Indians and one by an Indian, *i.e.*, there are 43 per cent. Europeans, 43 per cent. Anglo-Indians and 14 per cent. Indians.

(3) The pay drawn is regulated by the same scale irrespective of nationality and is dependent on length of service. The Indian draws Rs. 550 and the average of the rest is Rs. 636.

EUROPEAN, ANGLO-INDIAN AND INDIAN FIREMEN, DRIVERS, SHUNTERS
AND GUARDS.

621. ***Baboo Runglal Jajodia:** (a) Will the Government please state whether it is a fact that there are distinctions between equally qualified Indian railway firemen, drivers, shunters and guards on the one hand and the Anglo-Indians and Europeans on the other in matters of pay, leave rules and gratuities?

(b) If so, will the Government please state what steps they propose to take for the removal of such distinctions at an early date?

(c) Will the Government please state the number of Indians and Anglo-Indian employees in the various ranks and grades and the percentage of Indians holding appointments in the superior grade to the total strength of grade?

Mr. G. G. Sim: (a) and (b). The Honourable Member does not state to which railway he refers, but he is referred to the reply already given to a somewhat similar question, No. 204, asked by Khan Bahadur Sarfaraz Hussain Khan.

(c) The Honourable Member will find full information in regard to the Indians, Anglo-Indians and Europeans in the service of each railway in the Budget Memorandum and in Volumes I and II of the Railway Board's Report on Indian Railways. Government have not got information in any greater detail and cannot undertake to collect it.

APPRENTICE DEPÔT STORE-KEEPERS ON THE EASTERN BENGAL RAILWAY.

622. ***Baboo Runglal Jajodia:** Will the Government be pleased to state:

- (1) the number of probationers recruited during the last three years for appointment as Sub-Store-keepers, Depôt Store-keepers and Assistant Controllers in the E. B. Railway?
- (2) How many of the recruits are Indians and how many Anglo-Indians and Europeans?

Mr. G. G. Sim: Two Anglo-Indian Apprentice Depôt Store-keepers only were recruited during the last three years on the Eastern Bengal Railway.

EUROPEAN, ANGLO-INDIAN AND INDIAN FOREMEN AND ASSISTANT FOREMEN
IN THE EASTERN BENGAL RAILWAY WORKSHOPS.

623. ***Baboo Runglal Jajodia:** (a) Will the Government please state the total number of European, Anglo-Indian and Indian foremen and assistant foremen in the E. B. Railway workshops?

(b) What is the average pay drawn by each class of employees of the respective grade and the percentage of the Indian employees to the total strength?

Mr. G. G. Sim: (a) There are 17 European, 8 Anglo-Indian and one Indian foremen and one European and three Anglo-Indian assistant foremen in the Eastern Bengal Railway workshops.

(b) The same scales of pay apply to Europeans, Anglo-Indians and Indians. The percentage of Indian foremen and assistant foremen to the total strength is 3.3.

GRANT OF INCREASED PENSIONS TO SUB-ASSISTANT SURGEONS AWARDED
HONORARY KING'S COMMISSIONS.

624. *Dr. K. G. Lohokare: Will Government be pleased to say:

- (a) If it is a fact that in notification for promotions in the Army Department in the Gazette of India of 27th February 1920, Order No. 360, grants Honorary King's Commission Rank to five senior retired Sub-Assistant Surgeons holding First Class Order of British India?
- (b) How many of these are given the increase in pension as per Army Instructions (India) No. II of 1922, and why it is withheld from others?
- (c) If they had received any representations from retired Sub Assistant Surgeon Lt. Sardar Bahadur Bhuraya Jalaya praying for enhanced pension, and what is the decision given in his case?
- (d) If they have under consideration, correction of the technical difficulties creating an anomaly in the case of these Indian officers, which gives the recipient the rank but not the benefits of the Commission?

Mr. E. Burdon: (a), (b) and (d). In recognition of long and faithful service, some senior Sub-Assistant Surgeons are granted the honorary rank of Lieutenant or Captain; others whose services are regarded as even more meritorious are granted Honorary King's Commissions as Lieutenants or Captains under Army Instruction (India) No. 2 of 1922. The former class are not entitled to enhanced rates of pay or pension, whereas the latter are. The five senior retired Sub-Assistant Surgeons referred to by the Honourable Member were granted the honorary rank of Lieutenant or Captain and were, therefore, not entitled to enhanced pension.

(c) Government have received an application from the officer, and orders have been issued to the effect that as an Honorary King's Commission was not granted to him under the terms of Army Instruction (India) No. 2 of 1922, he is not entitled to the double rate of pension or the outfit allowance provided for therein.

Dr. K. G. Lohokare: Is there any difference in the pensions given to the rank and to King's Commissions?

Mr. E. Burdon: In both cases the reward is granted *honoris causa*. It is really a question of a graduated scale of reward—some receive the lower scale, some the higher.

PENSION OF DHONDI MODAK OF THE 103RD MAHRATTA LIGHT
INFANTRY.

625. *Dr. K. G. Lohokare: Will Government be pleased to say:

- (i) If it is a fact that Dhondi Modak, No. 1688, of the 103rd Mahratta Light Infantry, was discharged after about 23 years' service and that his pension roll was completed before the Magistrate, Haveli, Poona, in March 1921?
- (ii) If they know that in spite of the frequent applications by the sepoy to the Officer Commanding of the Infantry, no reply is yet given to him as regards his pension? If not, will they be pleased to inquire?

Mr. E. Burdon: Government are making inquiries. The Honourable Member will be informed of the result as soon as possible.

TRADING IN SLAVES IN INDIA.

626. *Khan Bahadur Sarfaraz Hussain Khan: (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 7th January, 1925, page 7, re trading in Slaves in Africa, India and Arabia, under the heading "Trading in slaves"?

(b) If so, will they please state if trading in slaves is practised in any part of India?

(c) If so, in which part?

Mr. Denys Bray: (a) Yes.

(b) and (c). Trading in slaves is now believed to be extinct even in the most inaccessible confines of India. In a few outlying areas either not administered at all like the Hukawng Valley between Assam and Burma or under very indirect administration practices still exist which approximate to slavery, but it is hoped that the steps which are being taken will eradicate the evil.

CIRCULATION OF THE REPORTS OF THE FRONTIER INQUIRY AND MERCANTILE MARINE COMMITTEES TO MEMBERS OF THE ASSEMBLY.

627. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state when the Reports of the Frontier Inquiry Committee and the Mercantile Marine Committee will be circulated to the Members of the Assembly?

Mr. H. Tonkinson: The report of the North-Western Frontier Committee was published in March last and copies are in the Library of this House. Copies of the report of the Mercantile Marine were sent to Members including the Honourable Member by registered post in July last.

INQUIRY INTO THE QUESTION OF EXCHANGE AND CURRENCY.

628. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state if they are prepared to appoint a Committee of officials and non-officials to examine the whole question of exchange and currency in the light of experience gained since the date of the publication of the Babington-Smith Report?

The Honourable Sir Basil Blckett: I would invite the attention of the Honourable Member to the proceedings in this Assembly during the last ten days.

ADULTERATION OF COTTON.

629. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government please state:

(a) whether the adulteration of cotton takes place where it is grown or whether mainly in ginning and pressing factories?

(b) whether recognised weights are used in all ginning and pressing factories?

The Honourable Sir Charles Innes: (a) The Honourable Member's attention is directed to paragraph 214, etc., of the Report of the Indian Cotton Committee. In this paragraph the Committee definitely state as follows:

"The evidence which has been submitted to us shows, in our opinion, that the cultivator is only to a small extent responsible and that the bulk of the adulteration, mixing and damping which is practised is carried on in the ginneries and presses."

(b) The attention of the Honourable Member is directed to paragraph 212 of the Report of the Indian Cotton Committee. In this paragraph they say:

"Our attention was frequently called to the hampering effect on the cotton trade which results from the great variety in the weights used for transactions in cotton not only in different provinces, but also in different districts and parts of districts in the same province."

HALL-MARKING OF GOLD AND SILVER ARTICLES MANUFACTURED IN INDIA.

630. ***Mr. K. C. Neogy:** Has the attention of Government been drawn to a series of articles that appeared in the *Englishman*, dated Calcutta, November 3, 10 and 24 (1924), on the subject of hall-marking of gold and silver wares manufactured in India?

The Honourable Sir Charles Innes: Yes.

INTRODUCTION OF A SYSTEM OF HALL-MARKING IN INDIA.

631. ***Mr. K. C. Neogy:** (a) Is it a fact that the proposal for the introduction of a system of hall-marking in India, has been under the consideration of the Government of India for some time?

(b) Is it a fact that as early as 1890, a despatch from the Secretary of State for India suggested the establishment of such a system on a permissive basis?

(c) Is it also a fact that the Bombay Presidency Trades Association and various other public bodies advocated the adoption of the system in the year 1914?

The Honourable Sir Charles Innes: (a) The question of the introduction of a system of hall-marking in India has been examined several times in the past. The last occasion was in 1914—1916 on a representation from the Bombay Trades Association. On that occasion Local Governments were almost unanimously opposed to the compulsory introduction of any such system whilst a majority of local authorities and commercial public were opposed to its introduction even on a voluntary basis.

(b) and (c). Yes.

INTRODUCTION OF A SYSTEM OF HALL-MARKING IN INDIA.

632. ***Mr. K. C. Neogy:** (a) Are Government alive to the necessity of a system of hall-marking to safeguard the interests of the public; as also the advantages to be derived thereby in raising the standard of workmanship and ensuring a fair competition for the honest trader?

(b) Have Government ascertained the prospects of the manufacturers of gold and silver articles in India securing a better market in foreign countries, by the adoption of a system of hall-marking, particularly in the light of experience gained in the British Empire Exhibition at Wembley?

The Honourable Sir Charles Innes: (a) The Government have no reason to think that local opinion has changed since this question was last examined in 1914—1916.

(b) No.

ADOPTION OF A VOLUNTARY SYSTEM OF HALL-MARKING IN INDIA.

633. ***Mr. K. C. Neogy:** Are Government considering the advisability of adopting a voluntary system of hall-marking to be carried on, for the present, through the agency of the Mints in Calcutta and Bombay?

The Honourable Sir Charles Innes: No.

INCREASE IN THE PERMANENT CADRE OF THE RAILWAY BOARD'S OFFICE.

634. ***Mr. T. C. Goswami:** (a) How many new appointments in the Railway Board Office have been made since September last? How many of these have been given to Indians, how many to Eurasians, how many to Europeans?

(b) Will Government lay on the table a statement showing the names and salaries of those appointed?

Mr. G. G. Sim: (a) The permanent cadre of the Railway Board's office establishment has been increased by 59 posts since September last. This increase provided for the absorption of 44 temporary posts of which 19 were on account of leave vacancies, and for 6 posts to cover the employes transferred from the office of the Accountant General, Railways, as a result of the re-organisation of the Finance Branch of the Board's office. Actually therefore only 9 new posts have been created. The new cadre provides for a leave reserve and hence no appointments will be made in future in leave vacancies. The complete reorganisation, including the reorganisation of the Finance Branch, has been sanctioned on a basis which involves an increase in the financial cost of Rs. 1,369 per mensem.

55 persons have been brought on to the Board's permanent office establishment since September last. Of these 48 are Indians and 7 Anglo-Indians. Four posts are vacant.

(b) A statement giving the information required is being sent to the Honourable Member.

ABOLITION OF THE AMMUNITION FACTORY AT DUM DUM.

635. ***Mr. T. C. Goswami:** (a) Is it a fact that the Ammunition Factory at Dum Dum will be abolished?

(b) How do Government propose to provide for the clerks employed in the Factory?

(c) Is it a fact that sectional clerks have been served with notices of discharge to take effect from the 1st of April 1925?

Mr. E. Burdon: (a) Yes.

(b) and (c). Efforts are being made to absorb all clerks and section clerks of the Factory, on whom notices of discharge have been served, in other offices as far as possible, and it is hoped that every one of them will be so absorbed.

KOHAT DISTURBANCES.

636. ***Mr. Chaman Lall**: Will Government be pleased to lay on the table the first report relating to the Kohat disturbances by the sub-inspector in charge?

KOHAT DISTURBANCES.

637. ***Mr. Chaman Lall**: Will Government be pleased to lay on the table all the documents on which the Government resolution relating to the Kohat disturbances and the special magistrate's report, are based?

Mr. Denys Bray: With your permission, Sir, I shall answer questions Nos. 636 and 637 together. The Government consider that the publication of the document would not be in the public interest and might revive the communal differences which have now, I hope, been happily composed.

DISCOVERY OF ANTIQUITIES AT MOHENJO-DARO AND HARAPPA.

638. ***Kumar Ganganand Sinha**: Has the attention of the Government been drawn to the second leader entitled "A word to the Archæological Department" which has appeared in the *Amrita Bazar Patrika* of Tuesday December 30, 1924?

Mr. J. W. Bhore: Yes.

DISCOVERY OF ANTIQUITIES AT HARAPPA.

639. ***Kumar Ganganand Sinha**: Has the site of Harappa where the Sumerian antiquities are being found been declared protected according to the Ancient Monuments Preservation Act? If so, when?

Mr. J. W. Bhore: The site of Harappa was declared protected under the Ancient Monuments Preservation Act by Punjab Government Notification No. 1325, dated the 14th January 1920.

Kumar Ganganand Sinha: Why was it not protected before, Sir?

Mr. J. W. Bhore: I must ask for notice of that question, Sir.

REMOVAL OF BRICKS FROM THE MOUNDS AT HARAPPA.

640. ***Kumar Ganganand Sinha**: Is it a fact that "thousands of cart-loads of bricks" from the mounds of Harappa were allowed to be destroyed as is alleged by the writer of an article on this subject in the *Statesman* of the 23rd November 1924?

Mr. J. W. Bhore: It is understood that for a century or more before their protection under the Ancient Monuments Preservation Act, bricks had been removed from the mounds at Harappa. The modern town of Harappa is built almost entirely of such bricks, and it is said that 100 miles or more of the neighbouring railway were ballasted with them. No bricks are known to have been removed since the site was protected.

DISCOVERY OF ANTIQUITIES AT MOHENJO-DARO AND HARAPPA.

641. ***Kumar Ganganand Sinha**: (a) Will the Government be pleased to state as to why did the Archæological Department take such a long time to discover that the antiquities found at Mohenjo-daro and Harappa

pertain to the Sumerian Civilization when such were described and illustrated in "Mémiores de la Mission Archæologique de Perse", VI (1905) and other publications?

(b) Will the Government be pleased to state what arrangements have now been made for the systematic excavation of these sites by the Archæological Department and what is the estimated cost of the same?

(c) Will the Government be pleased to state why Mr. R. D. Banerjee was transferred from the Western to the Eastern Circle when he began and was carrying on important excavations at Mohenjo-daro?

Mr. J. W. Bhore: (a) A few specimens of the seals have been in the British Museum for some fifty years and illustrations were published in the Royal Asiatic Society's Journal as well as in General Cunningham's Reports. Although they must have been familiar to Summerian experts working in the British Museum they were never recognised as having any connexion with the Summerian culture until after the recent finds at Mohenjo-daro and Harappa.

(b) A special provision of Rs. 80,000 has been made in the budget estimates of the Archæological Department for 1925-26 for excavation. The greater portion of this amount will be utilised for excavations in the Punjab and Sind. Meanwhile excavations are being carried out as far as funds will permit.

(c) Mr. Banerjee had himself applied for transfer for medical reasons.

INSUFFICIENCY OF INCOME-TAX OFFICERS IN BIHAR AND ORISSA.

642. ***Kumar Ganganand Sinha:** (a) Are the Government aware that the Income-tax Officers in Bihar are over-worked and unable consequently to discharge their duties efficiently?

(b) Will the Government be pleased to state whether or not their attention has been drawn to the fact that the Income-tax Department of Bihar suffers for want of sufficient numbers of officers? If so, when and how?

(c) How many vacancies will be created in the Income-tax Department of Bihar this year?

The Honourable Sir Basil Blackett: (a) The information in the Government's possession does not support the view that the staff is insufficient.

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

(c) It is intended to fill up during 1925-26 six posts, which have already been sanctioned but are at present vacant.

LEVY OF POLICE DUTY ON THE INHABITANTS OF KOHAT AND THE ADJOINING VILLAGES.

643. ***Kumar Ganganand Sinha:** Will the Government be pleased to state in detail the nature of misconduct which has necessitated the Government to levy police duty on the inhabitants of Kohat City and the adjoining villages?

Mr. Denys Bray: The Honourable Member's attention is invited to Government's resolution No. 598-F., dated the 9th December 1924, dealing with the Kohat riots.

SPECIAL POWERS OF THE GOVERNOR OF MADRAS IN RESPECT OF
PATRONAGE AND APPOINTMENTS.

644. *Mr. A. Rangaswami Iyengar: With reference to the answer of the Honourable the Home Member to my question on the 8th September last relative to the special powers claimed on behalf of the Governor of Madras in respect of patronage and appointments, notwithstanding the enactment of the Government of India Act of 1919, will the Government be pleased to state:

- (a) Whether the examination and consideration of the question by the Government of India has been completed and whether Local Governments have already been addressed on the matter as was foreshadowed in the said answer?
- (b) Whether the attention of the Government has been drawn to the replies made by the Government of Madras in answer to questions in the Madras Legislative Council (No. 1160, by Mr. S. Satyamurti on the 13th November last) and to say whether the answers have been made in consequence of any communications made by the Government of India to Local Governments on the matter of appointments and patronage?
- (c) Whether the attention of the Government has been drawn to the reaffirmation therein by the Government of Madras (in November) of the statement made by them to a prior question in February last that "he, the Governor, must take the initiative in appointments; he must personally concur in every order to the prejudice of an officer in All-India or Provincial Services and, in cases of All-India Services even in postings". If so, whether the Government of India have taken any further action in the matter?
- (d) Are the Government of India aware that the powers claimed by the Governor of Madras that he should take the initiative in respect of all appointments, have been enforced not only in respect of every order as to appointments and transfers of members of the Services as also of nominations to honorary appointments in Local Boards, Municipalities and other statutory bodies whose control has been made over under the Constitution to Ministers in the Transferred Department?
- (e) Will the Government be pleased to state whether the position in other provinces in this matter is similar and whether this is consistent with the policy of the Reform Act and how far it carries out the instructions of the Government of India and the Secretary of State in giving effect to that policy?

Mr. H. Tonkinson: (a), (c), (d) and (e). The Local Governments were addressed in the matter in October last, but their replies are not complete and the Government of India are therefore not prepared to make a definite pronouncement at present.

(b) The Government of India have seen the questions and replies in the Madras Council referred to by the Honourable Member. They are not based on any communications made by the Government of India.

INDIAN MEMBERS OF THE EXECUTIVE COUNCILS IN THE PROVINCES.

645. *Mr. A. Rangaswami Iyengar: Will the Government be pleased to state:

- (a) Whether there is any proposal now under consideration to reduce the number of Members of the Executive Council in the Province of Madras or in other Provinces?
- (b) Whether there is any proposal under consideration to abandon the principle laid down by the Joint Committee of Parliament on the Government of India Bill in 1919, that at least half the number of Members of the Executive Council should be Indians; if not, will the Government be pleased to state the reasons; if not, will the Government be pleased to state whether their attention has been called to the violation of the principle laid down by the Joint Committee as to the proportion of Indians in the Executive Councils, made in the constitution of the Executive Council in Madras by the appointment, though temporary, of an European Member of the Indian Civil Service in the vacancy caused by the elevation of the Honourable Sir M. Habibulla to the Viceroy's Council; whether this violation has been made with the consent of the Government of India or the Secretary of State, or both, and whether in the permanent arrangements to be made in respect of the appointment this violation is going to be perpetuated?

Mr. H. Tonkinson: (a) and (b). There is no proposal now under consideration to reduce the number of Members or the proportion of Indian Members to European Members in any of the provincial Executive Councils.

This Government are not concerned with the recent temporary appointment to the Madras Executive Council, and I am unable to give the Honourable Member any information on the matter.

RELIEF OF DISTRESS CAUSED BY FLOODS IN THE MADRAS PRESIDENCY.

646. *Mr. A. Rangaswami Iyengar: Will the Government be pleased to state the nature and measure of relief granted by the Central to the Provincial Government of Madras:

- (1) in respect of relief of distress, (2) reconstruction and repair due to damage, destruction and loss of buildings, bridges, roads, houses and huts and the reclamation of cultivable lands silted up in consequence of the same, (3) in respect of the financial deficiency in the revenues of the Province and of the heavy additional demands upon them for the above reconstructive purposes, as well as for the needs of educational, medical and sanitary programmes long held up owing to the inequity of the Meston Award?

Mr. J. W. Bhore: With the exception of a loan of Rs. 20 lakhs to finance the Madras Government's Provincial Loan Account the Government of India have not made any grant from Central Revenues for any of the objects mentioned in items (1), (2) and (3) of the question. A grant of Rs. 1½ lakhs has however been made from the Indian People's Famine Trust to relieve the distress caused by floods in the Madras Presidency.

- (1) PURCHASE OF COAL FOR THE SUKKUR BARRAGE.
 (2) LEVY OF A DUTY ON SOUTH AFRICAN COAL.

647. *Mr. B. Venkatapatiraju: Will the Government be pleased to state:

- (a) whether the Government of India were consulted in the matter of the purchase of coal for the Sukkur Barrage?
 (b) whether the Great Indian Peninsula Railway reduced the railway freight for C. P. coal and why the same facilities were not offered by East Indian Railway and Bengal Nagpur Railway to carry Bengal coal and whether the Government have no voice in the matter?
 (c) what was the quantity of African coal imported into India during the years 1923 and 1924 as far as figures are available?
 (d) whether the Government have imposed any and what amount of import duty on African Coal?

The Honourable Sir Charles Innes: (a) The Government of India were not consulted, but the Chief Engineer, Lloyd Barrage and Canals Construction, sought the advice of the Chief Controller, Indian Stores Department.

(b) The Great Indian Peninsula Railway did make certain reduction in railway freight for coal from the Central Provinces coal fields. The East Indian and Bengal Nagpur Railways could not make similar reductions for coal from the Bengal coal fields for the reason explained in the reply given in this Assembly on the 25th February 1924, to question No. 499 asked by Mr. Kasturbhai Lalbhai. I may mention that in spite of the reductions made by the Great Indian Peninsula Railway the rate per wagon per mile from Parasias to Ahmedabad, that is, on the Great Indian Peninsula Railway is 44 pies; the rate from Jherria to Ahmedabad is 39 pies.

(c) 1923 3,85,719 tons;
 1924 3,14,010 tons.

(d) Yes, a duty of 8 annas per ton is levied on all imported coal including South African coal.

Mr. R. K. Shanmukham Chetty: Is it a fact that the tender for these 60,000 tons of Natal coal was accepted by the Chief Controller of Stores in India?

The Honourable Sir Bhupendra Nath Mitra: The answer is in the negative. As has been explained by Sir Charles Innes, the advice of the Chief Controller of Stores was obtained by the Chief Engineer, Sukkur Barrage Scheme.

Mr. R. K. Shanmukham Chetty: Here is a statement made in the *Times Trade Supplement* which says that the tender for Natal coal was accepted by the Chief Controller of Stores in India. Sir, I draw the attention of the Honourable Member to this statement; am I to understand that it is not true?

Mr. President: The Honourable Member has just had his answer to that question.

Mr. R. K. Shanmukham Chetty: If the Chief Controller was consulted by the Engineer of the Sukkur Barrage, did the Chief Controller bring to the notice of the Engineer the desirability of purchasing Indian coal in preference to Natal coal in response to the wishes of this Assembly expressed in a Resolution of this House before?

The Honourable Sir Bhupendra Nath Mitra: The Chief Controller's advice was not asked on any question of policy. He was simply asked to advise on certain tenders.

Mr. R. K. Shanmukham Chetty: Is it a fact, Sir, that the tenders given by some of the Indian collieries were lower than the tender from Natal?

Mr. President: As the Honourable Member is referring to a question for which an officer of the Local Government is responsible, he must get somebody in the Bombay Legislative Council to ask that question.

Mr. R. K. Shanmukham Chetty: We were told just now that the Chief Controller of Stores was consulted and his advice was taken in this matter; and since the Chief Controller of Stores is an officer of the Government of India I want to know if we are not entitled to ask what advice he gave in the matter.

Mr. President: The Honourable Member must ask a question on that point.

ALLEGATIONS IN THE *WEEKLY MAZDOOR* OF LUCKNOW AGAINST CERTAIN OFFICIALS OF THE OUDH AND ROHILKHAND RAILWAY.

648. ***Mr. Gaya Prasad Singh:** (a) Has the attention of the Government been drawn to an editorial article headed the "Satanic Railway", published in the *Weekly Mazdoor* of Lucknow, dated the 17th December 1924 in which serious allegations have been made against certain officials of the Oudh and Rohilkhand Railway?

(b) Are the allegations made therein substantially true? And do the Government propose to have an inquiry made into them? If not, why not?

Mr. G. G. Sim: The reply to part (a) of the question is in the affirmative and to part (b) of the question in the negative.

649. **Mr. President:** The reply to this question is not yet ready, and I would ask the Honourable Member to postpone it for a day or two.

ADMISSION OF INDIAN STUDENTS TO THE UNIVERSITY OFFICERS' TRAINING CORPS.

650. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government please state:

(a) if there exists a bar upon the admission of Indian students to the University Officers' Training Corps?

(b) If so, will they please consider the desirability of taking steps to remove the existing bar?

Mr. E. Burdon: (a) Yes.

(b) The Government of India have already addressed the Secretary of State on the subject, and will do so again on the next favourable opportunity.

CONSTITUTION OF AN ALL-INDIA BOARD TO EXERCISE CONTROL OVER CINEMAS.

651. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government please state:

- (a) if there exists an All-India Board for exercising control over Cinemas?
- (b) If not, will they please consider the desirability of constituting an All-India Board for the purpose?

Mr. H. Tonkinson: (a) No.

(b) A proposal to this effect has recently been considered, but the Government of India were not satisfied that the practical difficulties in the way of such a proposal could be surmounted. I would refer the Honourable Member to the discussion in another place on the 22nd January.

TOTAL EARNINGS OF INDIAN RAILWAYS.

652. *Khan Bahadur Sarfaraz Hussain Khan: (a) Will Government please state if the total earnings of all-Indian railways, 1st April to 13th December, 1924, was Rs. 75,63,39,800?

(b) If this figure is not correct, will Government please give the correct figure?

Mr. G. G. Sim: (a) and (b). The figures quoted by the Honourable Member represent the approximate gross earnings of all Indian railways for the period mentioned with the exception of some 23 narrow gauge lines, from which weekly returns of approximate earnings are not called for as their weekly earnings are small.

ANNUAL CONFERENCE OF PRESIDENTS OF LEGISLATIVE BODIES.

653. *Mr. S. C. Ghose: (a) Will the Government state what is the purpose of holding a conference of Presidents of Legislative Councils annually?

(b) Will the Government state whether the expenses of this Conference are borne by the Government of India?

(c) Are the travelling expenses of the Presidents borne by the Local Governments or the Government of India?

Mr. President: Part (a) of this question does not concern the Government of India; but, as personally I had some part in the Conference of Presidents, I propose to give the Honourable Member some information about it.

After His Excellency the Viceroy (then Lord Chelmsford) appointed me to be President of the Legislative Assembly, the then Secretary of State (Mr. Montagu) discussed informally with me the scope of my work as President. In the course of our conversation he said that he thought it would be advisable for the President of the Legislative Assembly to establish friendly relations with his brother Presidents in the Provinces. A few months after assuming charge of my present office I went on tour, visiting three Provinces in July and August 1921. I am glad to be able to inform the Assembly that I met with a most cordial reception; and partly as the result of conversations which I then had with my Colleagues in those three Provinces and partly as the result of correspondence with the Presidents in the other Provinces, I was encouraged to issue an invitation to all Presidents to assemble in conference in Simla in September 1921.

The purpose of the Conference was and is to enable the Presidents to exchange, in full and free confidence, their experiences and the general results of their work in their respective Chairs. The first Conference in Simla in September 1921 was so successful that the Presidents decided unanimously to make it, if possible, an annual event. By these annual meetings the Presidents have endeavoured to co-ordinate the procedure of all the Indian Legislatures, and I am glad to have this opportunity of declaring that I have derived the greatest profit from them.

The proceedings of each Conference are confidential. Neither the Government of India, nor any Local Government, has any part in them; and no officer of the Government has ever attempted to influence our deliberations. I am personally indebted to the Secretary in the Legislative Department of the Government of India, and particularly to Mr. G. H. Spence, for assistance in preparing the Agenda and the Reports of each Conference; but, for the character of the proceedings and for the results of the Conference, I and my Colleagues in the Chairs of the different Provinces are solely responsible.

Mr. L. Graham: (b) and (c). No expenses are incurred by the Government of India in connection with the Conference.

Mr. W. S. J. Willson: Am I to understand, Sir, that the Presidents bear their own travelling expenses?

Mr. L. Graham: I have no information, but as I have said, no expenses are incurred by the Government of India in connection with the Conference.

UNSTARRED QUESTIONS AND ANSWERS.

EXPLANATION BY THE HONOURABLE SIR HUGH STEPHENSON OF THE CIRCUMSTANCES WHICH LED TO THE DETENTION OF ASWINI KUMAR DUTT AND KRISHNA KUMAR MITRA UNDER BENGAL REGULATION III OF 1818.

60. **Mr. K. C. Neogy:** (a) Has the attention of Government been drawn to the statement made, in a speech in the Bengal Legislative Council, on the 7th January, 1925, by the Honourable Sir Hugh Stephenson in explanation of the circumstances that led to the detention of Aswini Kumar Dutt and Krishna Kumar Mitra under Bengal Regulation III of 1818?

(b) If so, do Government accept the said statement as correct?

(c) Is it a fact that Government have made use of the said Regulation against other persons as well in Bengal in circumstances and for reasons similar to those relating to the cases of Aswini Kumar Dutt and Krishna Kumar Mitra?

The Honourable Sir Alexander Muddiman: I have so far only seen a press report of the statement attributed to the Honourable Sir Hugh Stephenson on which I am not prepared to express any opinion, though it appears clear to me that it did not purport to be a complete statement of the case. I presume, however, that the Honourable Member is referring to recent arrests under the Regulation. I can inform him that in no case was such action taken in respect only of the making or abetting of seditious speeches.

COLLECTION OF EXCESS FARE BY TRAVELLING TICKET INSPECTORS
ON THE SOUTH INDIAN RAILWAY.

61. **Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state whether it is a fact that the South Indian Railway Co. has recently appointed 40 travelling ticket inspectors and it is persistently insisted that every one of them should collect not less than Rs. 300 per month by way of excess fare or freight charges, from passengers?

(b) If so, are the Government aware of the hardships and annoyance that the illiterate passengers are put to by unscrupulous ticket inspectors? Whether it is a fact that ticket collectors at the different railway stations on the South Indian Railway have been insisted upon to collect a sum not less than their monthly salary on pain of their services being dispensed with?

(c) Whether it is a fact that a large number of second class tickets have been issued to passengers by the South Indian Railway Co., travelling from and to stations between Madras Beach and Pallavaram without providing adequate second class accommodation in the trains for the passengers concerned and consequently such passengers are obliged to travel in the third class?

The Honourable Sir Charles Innes: (a) and (b). I would refer the Honourable Member to the reply already given by me to a somewhat similar question by Mr. Acharya.

(c) Government have no information.

ADVISORY COMMITTEES ON THE MADRAS AND SOUTHERN MAHRATTA
AND SOUTH INDIAN RAILWAYS.

62. **Haji S. A. K. Jeelani:** Will the Government be pleased to state:

(a) The object underlying the formation of Railway Advisory Committees, the extent of their jurisdiction, and the nature of their composition, and the functions they are expected to discharge?

(b) Since the formation of the Advisory Committee for the Madras and Southern Mahratta Railway and the South Indian Railway Companies, what substantial improvement, calculated to benefit the public have been effected, or are under contemplation?

The Honourable Sir Charles Innes: (a) The Honourable Member is referred to the reply given in this Assembly on 19th September 1924 to Mr. N. M. Joshi's Question No. 2276.

(b) A list giving a few examples of matters of interest to the public, which have been discussed by the Committees, is laid on the table. Action, as approved by the Committees, has been or is being taken thereon. Many other matters have also been dealt with by the Committees, and the Honourable Member is referred to the reports of meetings appearing in the Press.

Madras and Southern Mahratta Railway.

Introduction of Indian refreshment cars on Madras-Bombay trains.
 Warning bells and clocks for Indian refreshment rooms.
 New facilities for passengers and pilgrims at Tirupati East station.
 Late train arrival boards at stations.
 Provision of upper adjustable berths in III class carriages.
 Benches for III class waiting rooms.
 Identification of female compartments

South Indian Railway.

Improvements in upper class carriages.
 Classes of accommodation in suburban services.
 Rates on tiles and timber.
 Provision of additional oil tank wagons.
 Employment of Brahmin watermen.
 High-power lights for Mambalam and Park stations.

MANAGEMENT OF REFRESHMENT ROOMS ON THE SOUTH INDIAN
 RAILWAY.

63. **Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state whether any proposals have been mooted or any decision arrived at to take over the management of refreshment rooms by the South Indian Railway Company at important stations on their railway?

(b) If so, what is the relative advantage that is expected to result by effecting a change of system, *i.e.*, from Contractors to Company?

(c) Before these proposals were mooted was public opinion consulted in any manner and if so what and which are the public bodies consulted and with what results?

(d) Is it a fact that the Advisory Committee of the Madras and Southern Mahratta Railway is dissatisfied with the Company management of refreshment rooms owing to numerous complaints and favour a resort to the former system of leasing to contractors?

(e) Is it a fact that the existing system of leasing fruit stalls and refreshment rooms to contractors on the South Indian Railway Company provides no safeguards to encourage competition in order to give its benefit to the travelling public?

The Honourable Sir Charles Innes: Inquiry is being made and the result will be communicated to the Honourable Member in due course.

ALLEGATION AGAINST DISTRICT TRAFFIC SUPERINTENDENT ON THE
 NORTH WESTERN RAILWAY.

64. **Sardar Gulab Singh:** 1. Is it a fact that on the instructions of a European District Traffic Superintendent on the N. W. R. a European C. I. D. officer carried on investigations against two Indian assistant officers of the former alleged for taking of bribes?

2. (a) Is it a fact that the investigations proved the allegations of the District Traffic Superintendent to be altogether false?

(b) Was the matter reported by these officers to their superior officers?

(c) If so, what action, if any, has been taken against the District Traffic Superintendent, who ordered the investigation to be made, and the C. I. D. Officer?

The Honourable Sir Charles Innes: Government have not the necessary information but if the Honourable Member will state names of officers and date of occurrence they will inquire.

APPOINTMENT OF INDIANS AS TRAFFIC INSPECTORS ON THE NORTH WESTERN RAILWAY.

65. **Sardar Gulab Singh:** (a) Has the attention of the Government been drawn to the accepted Resolution of the Honourable Rai Bahadur Ram-Saran Dass regarding the appointment of Indians to the Traffic Inspectors' Cadre of the Transportation Branch, which appeared in the Council of State Debates, Vol. 3, No. 29, dated 28th February, 1923?

(b) If the reply is in the affirmative, will the Government please state what practical steps have so far been taken to give effect to this reform in the N.-W. Railway?

(c) In this connection, will the Government please lay on the table the specific instances in which Indians have been either recruited or promoted to this cadre permanently?

The Honourable Sir Charles Innes: (a) Yes.

(b) As explained by the Honourable Mr. Chadwick in the debate on the Resolution referred to, appointments of Traffic Inspectors cannot be made direct since previous practical knowledge and experience is essential. An attempt has, however, been made to provide special facilities for educated Indians which will fit them for this branch of the service and for this purpose 12 men have been taken on in the Traffic Manager's Office as clerks in the first instance with a view to training and eventual qualification for promotion to higher subordinate ranks.

(c) As explained above, appointments of Traffic Inspectors are not made by direct recruitment. No permanent appointment has, however, been made (even by promotion) to the class of Traffic Inspector since February 1923 as no permanent vacancy has occurred, the cadre having been reduced by 4 posts. This applies to both Indians and Anglo-Indians. I might add that out of 7 temporary vacancies, 5 have been given to Indians.

INDIANS ON THE NORTH WESTERN RAILWAY.

66. **Sardar Gulab Singh:** (a) Has the attention of the Government been drawn to the editorial "Indians in the Railway Department" which has appeared in the columns of the *Tribune*, dated 22nd August, 1924?

(b) If the reply is in the affirmative, will the Government please state what has so far been done to allay the deep discontent existing among the graduates working in the N.-W. Railway mainly on the commercial side in spite of the fact that some of them have passed in all the requisite duties of a station master and in train working?

Mr. G. G. Sim: (a) Government have seen the editorial referred to.

(b) As stated in reply to the Honourable Member's previous question measures have already been taken to give special assistance to Indians in qualifying for some of these posts and Government see no reason for any further action in the matter.

INDIAN TRAFFIC INSPECTORS ON THE NORTH WESTERN RAILWAY.

67. **Sardar Gulab Singh:** (a) Are the Government aware of the fact that only one Indian, Mr. R. K. Kaul is permanently working as Traffic Inspector in Transportation?

(b) Are the Government aware of the fact that Messrs. Rahim Bux, Ramdass, Giyanchand, Bansilal, Melaram, Jaggan Nath, Mirza Rahim Beg, Mehta Shunkerlass, Ghulam Hossain, Data Ram are in fact not working as Traffic Inspectors but are holding posts in the head office, some as Commercial Superintendents, some as Head Clerks and others as Train Inspectors and Superintendents, Lost Property Office, and are at any rate not Traffic Inspectors but are only shown as such in the Classified List of State Railway Establishment of 1921 and subsequent years?

The Honourable Sir Charles Innes: (a) If the Honourable Member refers to the North Western Railway there are two Indian Traffic Inspectors (Transportation) holding permanent appointment on that line.

PROMOTION OF INDIANS IN SUBORDINATE SERVICE ON THE RAILWAYS.

68. **Sardar Gulab Singh:** (a) Has the attention of the Government been drawn to the reply given by the Honourable Sir Muhammad Shafi in the Council of State that future rise in the subordinate service in the railway depends on the capacity one shows in railway work and the same reply was reiterated in the Assembly to the question of K. S. M. Ikramulla Khan?

(b) If so, what criterion has been established to test the ability of the young graduates, or is their rise dependent on the discretionary power of their officers?

The Honourable Sir Charles Innes: (a) and (b). Government have been unable to trace the exact references to the speech and (in absence of date), to the question referred to. Promotion, however, is generally in railway, as in every other service, dependent as stated, on capacity shown in performance of the work which the subordinate is called upon to do.

PROMOTION OF SUBORDINATES IN THE TRAFFIC DEPARTMENT OF THE NORTH WESTERN RAILWAY.

69. **Sardar Gulab Singh:** (a) Will the Government please lay on the table the names of all Indian graduates working as subordinates in the Traffic Department of the N. W. Railway and cite instances in which rise or promotion has been given them?

(b) Will the Government please lay on the table a statement showing their names, dates of their appointments, salaries on which appointed, present pay, training enabling them to rise to the higher ranks, and future prospects in store for them?

The Honourable Sir Charles Innes: (a) and (b). Government have no information and are not prepared to call for it.

EDUCATIONAL QUALIFICATIONS OF COMMERCIAL SUPERINTENDENTS ON
THE NORTH WESTERN RAILWAY.

70. **Sardar Gulab Singh:** (a) Will the Government please state the exact meaning or interpretation of the words "the educational qualifications of Commercial Superintendents are not on record" used in reply to question No. 383 asked by Sardar Kartar Singh, M.L.A., in the last session of the Assembly?

(b) Regarding the above, cannot the service sheets explicitly show the educational qualifications and could not the N. W. Railway authorities have taken the trouble to make personal inquiries from the individuals mentioned therein to satisfy the House?

The Honourable Sir Charles Innes: (a) The meaning of the words referred to, is that no record is maintained.

(b) The form of service sheet does not show educational qualifications and for practical purposes it is not considered necessary that they should. Nor was it considered necessary to put the Agent to the trouble of making the personal inquiries suggested by the Honourable Member.

ANNUAL INCOME AND EXPENDITURE OF THE MANSIARI POST OFFICE.

71. **Mr. C. S. Ranga Iyer:** (a) Will the Government be pleased to state the annual income and expenditure of the Mansiari P. O. (District Almora) for the years 1892, 1902, 1912, 1922 and 1923, respectively?

(b) Is it a fact, that the income of this Mansiari P. O. is almost wholly derived from the people of Patti Malla Johar? If the answer is in the negative will the Government be pleased to give the particulars about the sources of income of the said post office?

Sir Geoffrey Clarke: (a) Information for the years 1892 and 1902 is not available. The monthly cost and the average monthly income of the office during the years 1912, 1922 and 1923 were:

	Cost.	Income.
1912	29 5 4	59 4 8
1922	67 8 0	41 1 11
1923	67 8 0	31 2 0

(b) Only about one-third of the income of the Mansiari post office is derived from the residents of Patti Malla Johar and the balance from the residents of Mansiari and other Patties and villages served by it.

OPENING OF THE SEASON POST OFFICE AT MILAM.

72. **Mr. C. S. Ranga Iyer:** (a) Was there a season post office at Milam? If so, for how long?

(b) Has the season post office at Milam been closed? If so, why?

(c) What was the income and expenditure of the Milam P. O. during the period of its existence?

(d) Is it a fact, that there are a vernacular middle school, 6 primary schools, about 20 income-tax assesseees, business men, a patwari and a population of about 8,000 in Patti Malla Johar?

(e) Are the Government aware that there have been continuous complaints from the people of Patti Malla Johar about the hardships caused by the absence of a season post office at Milam?

(f) Do the Government propose to re-open the season post office at Milam? If so, when?

Sir Geoffrey Clarke: (a) Yes, as an experimental measure for the period from the 24th July, 1924, to the 30th September, 1924.

(b) Yes. Being a season post office, it was closed when the season ended.

(c) The average monthly income was Rs. 22-6-6. The monthly cost was Rs. 97.

(d) People come in for the summer, but even then the population never, it appears, becomes as large as 8,000. Information on the other point is not available.

(e) There were a few complaints received on the subject.

(f) The season post office will be tried again for one more season this year.

REMOVAL OF THE DUNAGHAT POST OFFICE TO KHETI KHAN.

73. **Mr. C. S. Ranga Iyer:** Is it not a fact that most of the letters delivered by Dunaghat P. O. are addressed to people in the villages near Kheti Khan? If so, will Government consider the question of removing the P. O. to Kheti Khan?

Sir Geoffrey Clarke: The reply is in the negative. There is very little work at Kheti Khan. In the year 1921 an experimental post office was opened there at a cost of Rs. 6 p.m., but the income derived was not enough even to cover that small amount. The office had therefore to be closed.

The Dunaghat post office has been in its present position, which is central, ever since it was opened in the year 1908. It is therefore not proposed to remove it to Kheti Khan.

EXPENDITURE ON UNIVERSITY TRAINING CORPS.

74. **Pandit Shamlal Nehru:** Will the Government be pleased to state:

(a) the amount of expenditure on the University Training Corps at each centre in each year since the organization of the Corps?

(b) the number of students receiving training at each centre and the nature of military training given?

(c) the number of officers engaged in the work?

Mr. E. Burdon: (a) and (b). Members of the University Training Corps are given training in the following subjects:

Section, Platoon, Company and Battalion Drill and Musketry.

A statement is placed on the table giving the remaining information desired by the Honourable Member. It has not been found possible to give figures for the training year 1924-25 as several units have not yet completed their training.

(c) The number of regular military officers engaged in training is one per unit.

Statement showing the expenditure on and the number of students receiving training in the University Training Corps.

1	2	3
Name of Unit.	Expenditure incurred in the year 1923-24.	Number of students who received training during the year 1923-24.
1st (Bombay) Battalion, University Training Corps.	Figures not available. They were included in the figures for the Provincial Battalion, Indian Territorial Force.	653
2nd (Calcutta) Battalion, University Training Corps.	Rs. 52,100 approximately	662
3rd (United Provinces) Battalion, University Training Corps.	Rs. 27,260	569
4th (Lahore) Battalion, University Training Corps.	Rs. 45,210	791
5th (Madras) Battalion, University Training Corps.	Rs. 68,360	671
6th (Burma) Battalion, University Training Corps.	Rs. 37,280	438
7th (Patna) Company, University Training Corps	Included in the figure given for the Calcutta Battalion.	89
9th (Delhi) Company, University Training Corps.	.....	Constituted in 1924 only.

EXPENDITURE ON THE PROVINCIAL BATTALIONS OF THE INDIAN TERRITORIAL FORCE.

75. **Pandit Shamlal Nehru:** Will the Government be pleased to state:

- (a) the amount of expenditure on the provincial battalions of the Indian Territorial Force?
- (b) the number of men receiving training at each centre and in each year since the organization of the Force?
- (c) the nature of military training given and the number of officers engaged in the work?

Mr. E. Burdon:

(a) 1920-21	...	...	Figures not available.
1921-22	...	...	Rs. 1,15,674.
1922-23	...	...	Rs. 15,07,339.
1923-24	...	...	Rs. 15,69,860.

(b) Figures for the years 1920-21 and 1921-22 are not available. A statement is laid on the table giving the information desired by the Honourable Member in respect of the years 1922-23 and 1923-24.

(c) Section, Platoon, Company and Battalion Drill and Musketry. Extra training is given to officers.

The number of regular military officers engaged in training is five per unit.

Statement showing the number of men receiving training at each Centre of the Indian Territorial Force.

Name of Unit.	1922-23.	1923-24.
11-2nd Bombay Pioneers	732	732
12-2nd " "	741	481
11-1st Punjab Regiment	708	723
11-3rd Madras Regiment	637	716
12-3rd " "	727	685
13-3rd " "	693	658
14-3rd " "	...	593
11-4th Bombay Grenadiers	104	245
11-5th Mahratta Light Infantry	150	283
11-7th Rajput Regiment	678	663
12-7th " "	652	689
11-9th Jat Regiment	647	676
11-12th F. F. Rifles	61	732
11-13th " "	760	658
11-14th Punjab Regiment	591	739
11-15th " "	690	706
11-17th Dogra Regiment	271	691
11-18th Royal Garhwal Rifles	299	431
11-19th Hyderabad Regiment	512	615
11-20th Burma Rifles	879	665

EXPENDITURE ON THE AUXILIARY FORCE.

76. **Pandit Shamlal Nehru:** Will the Government be pleased to state:

- (a) the amount of expenditure on the Auxiliary Force in each year since its organization?
- (b) the number of men receiving military training at each centre and in each year since its organization?
- (c) the nature of military training given and the number of officers engaged in the work?

Mr. E. Burdon:

(a) 1921-22	...	...	Rs. 68,25,267
1922-23	...	...	71,94,771
1923-24	...	...	73,53,692

(b) A statement is laid on the table giving the information desired by the Honourable Member.

(c) Section; Platoon, Company and Battalion Drill, Musketry and Field Training.

The number of regular military officers engaged in training is one per unit.

Statement showing the number of men receiving training at each centre of the Auxiliary Force (India).

Name of Unit.	1920-21.	1921-22.	1922-23.	1923-24.	Number of regular officers engaged in the work.
<i>Royal Garrison Artillery.</i>					
No. 1 Brigade (Calcutta Port Defence).	53	309	298	294	
No. II (Madras) Brigade, "The Duke's Own".	250	229	193	165	
No. 3 Rangoon Brigade	212	279	221	229	
No. 4 Cossipore Brigade	497	610	285	297	
No. 5 Bombay Brigade	57	161	153	141	
No. 14 Battery, Bangalore	...	166	94	88	
No. 15 Battery, Kirkee	23	7	8	42	
<i>Royal Engineers.</i>					
No. 1 Calcutta Company	14	67	59	60	
No. 2 Rangoon Field Company	64	144	154	143	
No. 3 Bombay " "	84	95	95	105	
No. 5 Madras " "	14	39	38	71	

Statement showing the number of men receiving training at each centre of the Auxiliary Force (India)—contd.

Name of Unit.	1920-21.	1921-22.	1922-23.	1923-24.	Number of regular officers engaged in the work.
<i>Cavalry.</i>					
The Bihar Light Horse . . .	267	408	423	390	
The Calcutta Light Horse . .	141	311	281	280	
The Surma Valley Light Horse.	310	378	378	391	
The Assam Valley Light Horse.	536	740	724	713	
The Bombay Light Horse . . .	24	126	104	80	
The Northern Bengal Mounted Rifles.	376	763	798	769	
The Punjab Light Horse. . .	132	186	238	225	
The Southern Provinces Mounted Rifles.	113	463	500	545	
The Chota Nagpur Regiment . .	704	859	771	724	
<i>Machine Gun Corps.</i>					
No. 1 Coorg and Mysore Company.	...	69	99	106	
No. 8 Bombay Company . . .	...	...	...	144	
No. 9 Cossipore Company . . .	...	...	181	165	
No. 10 " " . . .	...	...	134	163	
<i>Royal Army Service Corps.</i>					
No. 3 Bombay Company . . .	...	...	26	32	
<i>Railway Corps.</i>					
1st Battalion, the East India Railway Regiment.	1,118	2,119	845	912	
2nd Battalion, the East India Railway Regiment.	...	...	836	857	
3rd Battalion, the East India Railway Regiment.	...	...	704	721	

Statement showing the number of men receiving training at each centre of the Auxiliary Force (India)—contd.

Name of Unit.	1920-21.	1921-22.	1922-23.	1923-24.	Number of regular officers engaged in the work.
<i>Railway Corps— contd.</i>					
The Eastern Bengal Railway Battalion.	682	688	764	779	
1st Battalion, the Great Indian Peninsula Railway Regiment.	393	1,859	1,315	1,254	
2nd Battalion, the Great Indian Peninsula Railway Regiment.	...	...	669	617	
1st Battalion, the Bombay, Baroda and Central India Railway Regiment.	754	1,271	473	539	
2nd Battalion, the Bombay, Baroda and Central India Railway Regiment.	...	...	845	881	
The Burma Railways Battalion	326	869	979	1,063	
The Bengal and North-Western Railway Regiment.	263	249	296	312	
1st Battalion, the North-Western Railway Regiment.	525	1,188	805	857	
2nd Battalion, the North-Western Railway Regiment.	...	...	452	455	
The Oudh and Rohilkhand Railway Battalion.	195	487	456	481	
The South Indian Railway Regiment.	263	1,200	1,333	1,297	
1st Battalion, the Madras and Southern Mahratta Railway Regiment.	1,491	1,791	1,128	1,157	
2nd Battalion, the Madras and Southern Mahratta Railway Regiment.	...	...	766	737	
1st Battalion, the Bengal Nagpur Railway Regiment.	505	1,495	862	860	
2nd Battalion, the Bengal Nagpur Railway Regiment.	...	...	703	684	
The Assam Bengal Railway Battalion.	146	376	392	379	

Statement showing the number of men receiving training at each centre of the Auxiliary Force (India)—concl'd.

Name of Unit.	1920-21.	1921-22.	1922-23.	1923-24.	Number of regular officers engaged in the work.
<i>Infantry.</i>					
The Madras Guards	301	517	668	619	
The Nagpur Rifles	349	485	493	490	
The Punjab Rifles	271	537	633	597	
The Simla Rifles	142	299	376	376	
The Calcutta Battalion . . .	312	702	705	620	
The Bangalore Battalion . . .	396	487	652	479	
The Tenasserin Battalion . . .	235	407	413	434	
The Bombay Battalion	168	581	625	652	
The Rangoon Battalion	674	1,125	1,113	963	
The Nilgiri Malabar Battalion	475	603	649	683	
The Hyderabad Rifles	230	422	542	544	
The Baluchistan Company . . .	35	28	43	43	
The Upper Burma Battalion . . .	547	814	705	653	
The Poona Rifles	105	362	408	388	
The Calcutta Presidency Battalion.	201	838	795	788	
The East Coast Battalion . . .	87	351	422	377	
The Eastern Bengal Company . .	59	171	151	187	
The Kolar Gold Field Battalion.	479	692	773	690	
The Calcutta Scottish	113	606	606	615	
<i>Contingents.</i>					
Agra Auxiliary Force	85	235	275	245	
Allahabad Auxiliary Force . . .	149	367	397	360	
Bareilly " "	276	277	293	394	
Cawnpore " "	147	463	507	497	
Dehra Dun " "	227	278	419	425	
Delhi Contingent . . . .	...	252	319	317	
Karachi Auxiliary Force	604	470	522	507	
Lucknow " "	302	527	487	503	

ELECTION OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President: Non-official Members of the Assembly will now proceed to elect eight Members to serve on the Committee on Public Accounts. There are 18 candidates whose names are printed on the ballot papers which will now be supplied to Members in the order in which I call them.

(The ballot was then taken.)

Mr. President: If all non-official Members have now recorded their votes, we will proceed to the election of the Standing Finance Committee.

(Some more votes were handed in.)

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: Order, order. The Assembly will now proceed to elect 14 Members to serve on the Standing Finance Committee. There were actually 27 candidates nominated, but since then one, namely, Mr. Patel, has withdrawn his name. There are now 26 candidates' whose names are printed on the ballot paper which will be supplied to the Members in order.

(The ballot was than taken.)

Mr. President: Have all Honourable Members recorded their votes?'

(A few Members, who had not so far recorded their votes, did so.)

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE ON THE INDIAN SOLDIERS' LITIGATION (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to present the Report of the Select Committee on the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions.

THE INDIAN PAPER CURRENCY (AMENDMENT) BILL—*contd.*

Mr. President: The Assembly will now resume consideration of the motion moved by the Honourable the Finance Member on the 22nd January, 1925, namely:

"That the Bill further to amend the Indian Paper Currency Act, 1923, be taken into consideration."

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhamadan Rural): Sir, I beg to move the amendment which stands in my name, namely:

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

I think, Sir, the newspapers of the last few days could not have been very pleasant reading for the Honourable the Finance Member. There is now dollar sterling parity in the post office remittances between England

[Mr. Jammadas M. Mehta.]

and the United States. There is to be from June onwards a return to the gold standard in South Africa; but the cruelest blow comes from one who was at one time Chancellor of the Exchequer in England, the Right Honourable Mr. MacKenna, who insists on a gold standard there. I wonder why the Honourable Sir Basil Blackett is allowing his kith and kin to go to rack and ruin in this manner when he is fighting tooth and nail against the establishment of a gold standard in this country. But that is not a story very relevant to this matter. By a strange coincidence, Sir, we are meeting here to-day on the fifth anniversary of the acceptance of the report of the Babington-Smith Committee. This day five years ago the Secretary of State for India announced his acceptance of the recommendation of that Committee and also his decision to enforce the rate of 2s. gold ratio recommended by that body. I need not go into the history of that ill-fated recommendation, because we had only recently a full debate on that question. But I would like the House to realise that from the 2nd of February, 1920, onwards till to-day there was, as a result of the sale of Reverse Councils and as a result of a deliberate policy of deflation, a contraction of currency to the extent of Rs. 62 crores. Out of this I am willing to deduct Rs. 12 crores added last year so that there was a net contraction of Rs. 50 crores during the last five years, although the Honourable the Finance Member said the other day in Simla that it was Rs. 45 crores. The difference is only 5 crores. I am willing to admit his figure, namely, that the net contraction of currency during the last five years has been 45 crores. Add to that the fact that not a single rupee was added to the currency during the last five years. The establishment of the statutory rate of 2s. gold made it impossible for anybody to tender gold and receive currency against it. No one would be foolish enough, Sir, to give gold at the Currency Office and receive Rs. 10, when in the market he could receive for the same amount of gold Rs. 16 to Rs. 17. Therefore, by that simple process, Government stopped the expansion of currency since September, 1920. One result of that was that any steady normal expansion of currency that the Bengal Chamber of Commerce recommend for every healthy country—steady growth of currency year by year, says the Bengal Chamber of Commerce—that healthy addition of currency in this country was stopped five years ago and has never been renewed. Taking at the lowest that every year 5 to 6 crores will be added to the currency in the normal course, we have been deprived of something like Rs. 30 crores since the statutory rate was made 2s. gold to the rupee, so that the contraction of the Rs. 45 crores already mentioned plus the refusal to add the normal 30 crores in the ordinary course make the total contraction of currency in this country Rs. 75 crores during the last five years. The Honourable the Finance Member has called it healthy contraction—healthy deflation; healthy indeed for the importers from Manchester and Lancashire, healthy for their own remittance charges, healthy for those who draw salaries here and remit them to England, healthy in every respect to the foreigner, but absolutely unhealthy and ruinous to the producer of this country! That is the performance of the Government of India during the last five years in the matter of currency. Well, Sir, the result of this deliberate and determined policy of deflation could not be without its consequences on the money market and the producing classes in this country. Steady deflation followed, facilities for money decreased and the market has been literally choked and suffocated by the Honourable the Finance Member

sitting tight on what he calls the safety valve. He refuses to move, and practically assumes the role of an infallible Pope in currency matters of this country. The cry of distress came from the trading centres. The Indian Merchants' Chamber and Bureau re-echoed the cry but it fell on deaf ears. The cry of the poor producer, the tiller of the land, of course, is never heard in Delhi or Simla. But while Government can afford to ignore the Indian Merchants' Chamber and Bureau and the distressing cry of the poor peasant, the Bengal Chamber of Commerce cannot be ignored, and that body in their letter of the 16th July, 1924, made out a most cogent and convincing case for more currency; they told the Honourable the Finance Member that the needs of currency in this country were not being adequately looked after, that it was the right of every country to have a normally increasing currency, that Government were bound to supply the necessary currency, that they were not doing so, that they had adopted a policy which made it impossible to have an expansion of currency, and that therefore the only course that remained open was by the purchase of sterling and the transfer of it to the Paper Currency Reserve in England. They said to the Government: "Your seasonal increase is not sufficient. That retires automatically when the inland trade bills mature". Unless they said, some permanent or quasi-permanent method of addition to the currency was devised the position would be very serious and the commercial community would be filled with serious apprehensions about the coming season. That is the substance of the letter of the Bengal Chamber of Commerce to the Finance Department. That letter was not to be ignored, and before the last Simla Session commenced, a long letter from the Finance Department was issued in reply to the Chamber's communication. It contained a mild remonstrance, a soft answer, and stated that Government were doing their best, that they would continue to do their best, and that they were announcing certain facilities on the question of bank rate against Inland Trade Bills. And the further result of the Chamber's letter is that we are called upon to consider this Bill which seeks to add to our currency for the purposes mentioned in the Statement of Objects and Reasons. Sir, for this small mercy, thanks, but I am bound to say that Government here also are not proceeding in the proper manner.

The other day, my Honourable friend, the Finance Member made a statement which must have terrified many Honourable Members here. In fact, he adopted a policy of scaremongering. He announced that the policy of Government was influenced by consideration of stabilising price levels and that but for what he and his predecessors had done the rupee would have gone the way of the rouble. That is what he said. I call this scaremongering—to frighten away people by comparing the rupee with the rouble. Sir, we are all aware of the story of the fat boy in Dickens who made the flesh of every one creep by his blood-curdling stories, but a comparison of the rupee with the rouble is something worse and more dreadful. I should have thought that a Finance Member of Sir Basil Blackett's reputation and experience would make sure of his facts before making such frightful comparisons between the rupee and the rouble. He ought to have known that there is no analogy between the catastrophic inflation of the rouble and the mark and the very small inflation of the rupee during the war and after it. It seems the Honourable the Finance Member has either forgotten or has very skilfully and conveniently ignored the facts. I have got figures from a tract on Monetary Reform by Professor Keynes, a gentlemen who is

[Mr. Jamnadas M. Mehta.]

of the same persuasion in the matter of gold exchange standard as the Honourable the Finance Member. He was a member, I think, of the Chamberlain Commission. This is what we find in his book I referred to about inflation of currency in Germany and Russia. In Germany in 1920, there were 81 milliards of marks. In 1923 there were 116,000 milliards of marks, that is, the expansion of currency in Germany in the course of those three years was 1,500 times. For every mark in Germany in 1920, there were 1,500 marks in 1923. No wonder this terrible inflation depreciated the value of the mark. I will tell you how. In 1920 every gold mark was equal to 17 paper marks. In 1923 one gold mark was equal to 10 lakhs of paper marks, so that the purchasing power of the paper mark decreased by 50,000 times in the course of three years. The inflation was 1,500 times, the depreciation of the mark was 50,000 times. Take the case of the rouble to which the Honourable the Finance Member has referred. In 1919 there were 61 milliard roubles in Russia. In June, 1923, there were 80,50,000 milliard roubles, that is, the inflation was 132,000 times. Was it any wonder then, Sir, that the depreciation in the purchasing power of the rouble was nearly 10 lakhs times? Now, can any man who has taken care to ascertain facts compare the rupee with the rouble and the mark which depreciated 50,000 times and 10,00,000 (ten lakhs) times respectively; against this enormous inflation in Russia and Germany the so-called inflation in this country during the same period was 1/16th. Here are the figures from the report of the Controller of Currency issued this very year. I find that in 1919-20, there were 153 crores worth of notes in circulation, and in 1923-24 there were 169 crores of notes in circulation. So that, in the course of that period the inflation, if it is to be so-called at all—a normal addition is not an inflation but if you choose so to call it—was an addition of 10 crores, that is, one-sixteenth as against 50,000 times and 10 lakhs times. And what is the depreciation in the purchasing power of the rupee? Why! it has not depreciated but appreciated by 20 per cent. I will turn to statistics in the *Labour Gazette* of Bombay. The year 1919 was the year when the prices were topmost, and yet we are to-day in far better circumstances from the point of view of the purchasing power of money than we were in 1919. (*The Honourable Sir Basil Blackett*: "Hear, hear.") It does not show at all that the consumer is in any danger. On the contrary, it shows that to-day we are much nearer to 1914, and the increase now over 1914 in rice, wheat, jhowar, *bajra*, gram, *dal*, sugar—the ordinary stuff that the Indian masses eat—is very moderate; take 100 as the index figure in 1914, we find in 1923 the prices to be 135, 128, 135, 126, 115 and so on for the articles of consumption stated above. Only in cotton and tea there are increases which we have not been able to control. In this connection I have great pleasure in quoting the authority of one member of the Government against another. The other day Sir Charles Innes in making a most energetic attack on the motion of my Honourable friend Mr. M. K. Acharya stated that the salaries of railway employees had gone up by between 30 per cent. to 100 per cent.; the salaries of wage earners in factories and those in private service have gone up similarly in the year 1919-20 at the lowest 30 per cent. to the highest 100 per cent. These increments were given in 1919 when the prices were topmost and to-day, while those increments remain, the prices have fallen; while all these wage-earning classes are having their remuneration on the basis of the prices of 1919, the prices are to-day

30 per cent. lower than the prices of 1919, so that you cannot say that all this contraction of currency was necessary in the interests of the consumer, or was intended to save the rupee from going the way of the rouble as alleged by the Finance Member. But this was the only respectable excuse for a policy the real purpose of which was not the stability of prices but a higher exchange. Every one in India who has given a thought to the subject feels, and feels strongly, that the only purpose of the policy of the contraction of currency, is to have the exchange higher. But even this mighty Government with all their infinite powers of wasting the resources of this country and with all their irresponsibility could not conquer the forces of nature. The market remained loyal to this 1s. 4d. ratio and all their efforts to maintain the 2s. rate failed. But they continued their policy of contracting currency and, as I said, we are short in five years' time of 75 crores of rupees. Therefore, it is not a day too soon that some measure was devised by which reasonable addition could be made regularly and definitely and steadily to the currency of this country. I find that Government are themselves illogical in this matter. My Honourable friend the Finance Member in his Statement of Objects and Reasons has stated that this Bill is being brought forward for two purposes. One is for the additional currency required for the growing requirements of trade which has now recovered from the post-war depression, and secondly, for the seasonal requirements when crops have got to be brought to the market. These two are definitely separate purposes. One is only temporary during the busy season when crops have to be brought from the fields to the market, and the other is the growing permanent requirements of the trade year by year on account of the increase of population, the revival of trade and also the increase in the number of transactions between Indians themselves. While the object stated is two-fold as a matter of fact Government have not adhered to it in the Statement of Objects and Reasons; Government have to remit every year about thirty crores of rupees to the Secretary of State for what are called "Home charges". The Secretary of State may not require all of them at once, and therefore Government will be pleased, say the Objects and Reasons, to transfer part of these remittances to the Paper Currency Reserve in England and against such transfer issue additional currency; but—and this is the crux—if and when the Secretary of State requires them, he will at once withdraw them and cancel the notes issued. So that the question of the currency necessary for 320 millions of people, the problem of financing their trade and commerce, is to depend on a most accidental circumstance, namely, whether the Secretary of State for India has got surplus funds. It is not to be tackled on its own merits, to be dealt with at the pleasure and the convenience, according to the whim and caprice of the great Moghal at Whitehall 6,000 miles away, surrounded by interests of a financial character none too friendly to India. I say, Sir, this is not the kind of addition which the country has been asking, this is not the kind of addition which the Bengal Chamber of Commerce has asked for. I am very glad here, Sir, to bring to my help the testimony of this great Chamber. My Honourable friend, Sir Campbell Rhodes, the other day thought that it was something very wrong for us to quote his Chamber. Nothing of the kind. Sir, when the Bengal Chamber of Commerce says a thing which is in tune with what we say, it is the clearest proof that the position must have become intolerable. They are not anxious to embarrass the Government; they will do their best

[Mr. Jamnadas M. Mehta.]

to withhold their protest until the very very last moment, until they think it would be too late. Sir, the Bengal Chamber of Commerce said, and rightly said, that what the country wanted was not what the Secretary of State could afford as a crumb from his own breakfast table. What this country wants is the satisfaction of its currency requirements,—a regular addition of a permanent character and not what the Secretary of State can simply afford for the time being,—because, Sir, what is the result of such a situation? The Secretary of State might be compelled for his own purposes to withdraw the funds, and that too at a most inopportune moment when a monetary crisis may be impending in this country, when the market is already inflamed, when more money is needed and not less. If he chooses to deflate at such a time, the consequences that would follow would be so appalling, that they might inflame the market beyond control and there would be hundreds of insolvencies, and both the producer and the manufacturer would be ruined, in many cases beyond redemption. Do we want the Secretary of State for India to have power of this kind? If we want to legislate about an addition to the currency, let us legislate on the merits of the question itself. That the currency policy of a great country like ours should be made to depend on a pure accident is, I think, Sir, most deplorable. Therefore, I say that the provision which the Honourable Finance Member has made for the expansion of the currency is inconsistent with his own declared objects of expanding the currency of this country; it is inconsistent with the position that obtains in the country to-day; it is inconsistent with the demand made on behalf of every commercial community including the Bengal Chamber of Commerce. Therefore, Sir, it behoves us to consider whether we cannot do something in the Select Committee whereby we can make both seasonal and permanent additions to the currency. Mere seasonal additions and withdrawals are not enough. The letting in of blood and the letting out of blood alternately cannot be a healthy thing, and I can only sympathise with the doctor who could reconcile himself to a policy of systematic letting in of blood and letting out of blood of an organism. What blood is to the human body, currency in circulation is to the economic position of the country. I do not think, therefore, that the House should reconcile itself to a proposal of this nature which only contemplates seasonal additions and withdrawals.

The second thing that I wish to urge is this. The Honourable the Finance Member has more than one better method if he would only adopt it. He can accept my Honourable friend Sir Purshotamdas Thakurdas's Bill in the course of this week or in the course of this Session and the country will be once more placed on a fairly automatic basis in respect of currency. Bankers will be compelled to bring gold as against currency which they are unable to do now.

The next course for my friend the Finance Member would have been to purchase gold at the market rate against the issue of currency for the equivalent amount. The 2s. ratio may still remain, and yet the law can be so modified that we can have additional currency against solid metallic backing. When there is backing in gold, the notes will be as valuable as gold. But he would not adopt the second course either; he has chosen to adopt the least satisfactory course, a course in which he will be the sole judge as to the time when expansion is to take place. He will purchase sterling or will refuse to purchase sterling as he thinks fit. The Bengal Chamber of Commerce has pointed out that the moment the Imperial Bank's balances fall and the moment the seasonal currency is over, it is

incumbent on Government, if they want to add currency, to operate at the market rate and to purchase sterling and not to throw on the market the onus of attaining a certain arbitrary level at which Government think they should buy the sterling. The Honourable the Finance Member has not however listened to this. He knows that if, as proposed by the Chamber, he continues to buy sterling in addition to the requirements of the Secretary of State for India, it would mean a lower exchange. The exchange would certainly fall by additional remittances for currency purposes, and precisely for that reason he will have nothing to do with the Chamber's proposal. He will just buy enough to keep the Secretary of State in funds and out of them alone expand currency. I say, Sir, that this is not the proper method of expanding the currency of this country. We have been all along protesting against the Secretary of State being placed in funds in excess of his requirements in the early part of the year; so if we adopt this Bill, without my amendment, we will have conceded what we have been protesting against these many years, namely, the right of the Secretary of State for India to keep more money with him than is necessary for his requirements. So that, if we agree with the Finance Member, we will have first of all to permit him to send more money to England for the Secretary of State than is required for his "Home charges". Why cannot Government supply our currency needs independently of the remittances for "Home charges"? They have realised the problem; they have understood the evil, but they have adopted a very wrong remedy. Knowledge has come, but wisdom lingers, and I can tell them that the method they have adopted for the expansion of currency is the least satisfactory. It is based not on a correct appreciation of the currency needs of this country, but on considerations wholly alien to that question. I know the Finance Member will claim that he is doing his best in the interests of India; but we understand the phrase "interests of India" as identical with the words "public interests" when used by Government when they issue an Ordinance. When you go on contracting currency and call it "the interests of India", people will understand what those interests are. The expansion of currency must be carried out in a manner in consonance with the wishes of the people of this country and not in a manner in which you can manipulate it at your will and pleasure.

Sir, I have one more word to add. I am told, Sir, that if the House passes this amendment referring the Bill to a Select Committee, the Government might at once withdraw the Bill. I have been told that many Members have been frightened at that prospect. I would ask the Finance Member to lay low this great gossip and slander of him. If the Government were ever to adopt such a course, namely, that a motion to refer a Bill to a Select Committee, if adopted against their wishes, would result in its withdrawal, the action of Government would be most unconstitutional; but I am sure the gossip does not do justice to him; it is simply defamatory. I hope he will make it quite clear that, whether he agrees with us or not, whether he ultimately adopts any amendment or not, he is certainly not going to adopt those tactics. Some Members I know will then vote with a more easy conscience. Therefore, I request and implore him to make clear in the interests of the Government's own reputation, which I hope is still worth caring for, that they will not adopt such tactics. Lastly, I would ask the Finance Member to consider whether he cannot reassure us and remove our apprehensions in the matter of this expansion of currency, and convince us in the Select Committee that no improvement is possible in the Bill as it stands. This question is so vital that some method must

be found to satisfy both objects of the Bill, namely, the provision of seasonal and permanent currency, and that can only be done by referring the Bill to the Select Committee. With these words, Sir, I move the amendment which stands in my name.

The Honourable Sir Basil Blackett (Finance Member): Sir, I should like to hasten to assure the Honourable Member who has just spoken
1 P.M. that like a great many other allegations in his speech the suggestion that Government would immediately withdraw this Bill if it were referred to a Select Committee is absolutely unfounded. I do not know where he got that from, but I begin to feel quite hopeful when I find that there are some suggestions which even Mr. Jamnadas Mehta's suspicions rise superior to.

I was hoping to hear from Mr. Jamnadas Mehta some reason for the reference of this Bill to Select Committee. The speech that he made was very much broader than one required simply to request reference to a Select Committee, and I am afraid I must follow in his steps in going a little beyond the immediate question of reference to Select Committee. But I should like to start with that.

This is a Bill of two clauses, one of which is operative. It makes one change in the existing Act. It is a very narrow limited Bill the scope of which cannot be extended on the Bill as it stands. Reference to Select Committee, as usually understood in Parliamentary procedure, is for the purpose of examining the details and drafting of a Bill, not for the purpose of raising a whole number of large subjects which are entirely outside the scope of the Bill. This seems to me pre-eminently a Bill for discussion in what one may call "Committee of the whole House", which our procedure provides for in the stage following the stage we are now engaged in. As soon as the Bill is taken into consideration it is for the House to consider in committee of the whole House, as it were, the details of the Bill, and there is really nothing in this Bill that cannot be quite easily discussed in committee of the whole House and nothing really which a Select Committee could deal with, because a Select Committee such as that suggested by Mr. Jamnadas Mehta is obviously a Committee to draft an entirely different Bill—a Committee which is to raise the whole question of our currency and exchange system, to deal with the system under which remittances are made to England for the purposes of our expenditure there, to deal with the system under which the reserves are held. None of those proposals as far as I could see would be admissible to a Select Committee on this Bill; they would be entirely outside the scope of the Bill. I do therefore suggest to the House that we should keep it in the whole House and discuss it in the whole House.

The Honourable Member, as so frequently happens, managed to answer a great many of his arguments in his next following sentence. He quoted Mr. MacKenna and seemed to think I should find something unpleasant in reading the statements made by Mr. MacKenna and other bankers in the course of the last week. On the contrary, Mr. MacKenna surely confirms very strongly my own view that the time is coming really nearer every day when we could arrive at a final settlement of our post-war difficulties. Mr. MacKenna spoke in favour of the gold standard. Have I said a word against it? I have never to my knowledge said, and certainly never intended to say, a word against the gold standard. What I did say was that I do not think a gold currency in circulation is a necessary condition of the gold standard—which is quite a different thing. Mr. MacKenna was quoted with approval and the fact that sterling has reached par again or

very nearly reached par, was quoted with approval. But why has sterling reached par? Because during the last five years there has been a very great contraction in the currency of the United Kingdom—a contraction which is comparable to the contraction which has occurred in India; and it is only because of that contraction that sterling has been brought back to par. Mr. Jamnadas Mehta objected to what he called my comparison of the rupee with the rouble. I do not know that I made any direct comparison between the rupee and the rouble. What I did say—and I am glad to be confirmed by several statements made by Mr. Jamnadas Mehta—was that our currency policy in the last four years had been such that instead of having the rupee going the way of the franc or the lira if not of the rouble, we have a very sound currency system in India, and the rupee is regarded as one of the sound currencies of the world. That, I think, was Mr. Mehta's description; that is also mine. I should like to say that if the last Assembly and my predecessor had not collaborated and co-operated to the best of their ability to increase taxation and reduce expenditure and so balance the budget, nothing could have saved the rupee from suffering, if not the fate of the mark, the fate perhaps of the franc or the lira; and it is only because the budget has been balanced that our currency has been kept in a stable condition.

Other Honourable Members have quoted the action of the United States Post Office in fixing the rate of exchange of money orders between sterling and dollar at par. I am not quite clear exactly what has happened. I do not know exactly what is the system in the United States. But the system that is followed in the United Kingdom and I think also in India has been not that the Postmaster-General should pretend to attempt to fix the rate of exchange—he is not so foolish—but that the Post Office in selling money orders should attempt so to follow the rate of exchange as closely as they can so as not to make a loss on their business transactions; and that I think is exactly what the United States Post Office has recently done. If it has done nothing more than decide that for the future, or until further notice, it will sell sterling money orders at \$4.86, I would draw the attention of the House to the fact that the Postmaster General in the United States is obviously a good business man, because at \$4.96 he is giving the customer a rather less amount of sterling than he could obtain in the open market at the rate of \$4.80.

I do not know whether it would be desired that I should pursue the question of the various amendments that are on the paper at this stage in dealing with the question of Select Committee, or whether I should make another speech; if I may take it that the House does not want to hear another speech from me, I may perhaps trespass a little beyond this motion to deal with the position as regards the Bill generally. There are various amendments down on the paper, one by Sir Campbell Rhodes and a very similar one by Mr. Patel dealing with the question of created securities; and then there is the one referred to by Mr. Jamnadas Mehta about the remittances to the Secretary of State. My view is, so far as I understand the meaning of that last amendment—I am not quite sure what it really does mean—that it is entirely outside the scope of this Bill. There is the power that the Honourable Member was referring to of placing securities in the Paper Currency Reserve in London and issuing currency against that here; it is not a new one; it is one which exists; it is one which is not touched by this Bill; it is not touched by the clause of the Bill with which we are dealing; and I do not think it would be germane to this Bill to attempt to make a change which would be a very big and important change in that

[Sir Basil Blackett.]

respect in connection with this Bill. That is obviously one of the matters which among others will have to come up for consideration when we attempt to revise the Indian currency system as a whole, and it is one of the subjects that will undoubtedly come before the Currency Committee.

As regards the other amendment about created securities, I should like to say a few words because it is rather a technical and difficult point. The same point was mentioned by Sir Purshotamdas Thakurdas in his speech on the first occasion when this Bill came up. He questioned whether the Government ought to have power to issue further additional currency against created or *ad hoc* securities. I am glad this point has been raised. It is an important one, and one which, I think, we must examine a little in detail. If the Government of India issue Paper Currency, they are issuing to the public Government I. O. U.'s promising to pay on demand a given number of rupees, and they get from the public rupees in payment. What can the Government do with those rupees? They can, if they like, keep the whole of those rupees in reserve; then they are always in a position to cash any note that is presented. But it has been the universal experience of all countries that have dealt with paper currency that there is a minimum quantity of currency which always at any given time remains in circulation, and it is both unnecessary and uneconomical to keep a large hoard of rupees in reserve which will never be required for the purpose of cashing notes which will never be presented. What the Government of India have done, and what other Governments have done in similar circumstances, is to use those rupees for capital expenditure, for the development of India, and to put in their place another I. O. U. of the Government of India, namely, a Government of India rupee security. Provided that great care is exercised in estimating the amount of currency that will always normally remain in circulation and will never be presented, that is an economical, useful and satisfactory way of dealing with the reserves. But obviously we do not want to have Government I. O. U.'s promising to pay rupees at a given date as cover for Government I. O. U.'s promising to pay rupees on demand to any extent beyond the absolutely safe minimum; provided you observe that absolutely safe minimum, no harm is done. The trouble of all the currencies of the world since 1914 is that under pressure of war and other demands, that safe minimum has been exceeded and currency has been issued to the public and payment taken for it, and the money used to pay for war and things of that sort in a way that necessarily caused undue expansion of currency. It is clearly for the benefit of India that we should use that minimum amount of capital available for capital development. It does not really matter whether the securities are *ad hoc* or whether they are securities of the same issues as are in the hands of the public. There are technically advantages in the latter course, but there is no real difference. In essence all those securities are simply Government of India I. O. U.'s promising to pay on demand rupees which they have not got immediately available. They have got assets against them in the shape of capital developments in India. That is the simple doctrine on that subject.

Then, of course, there is a further portion of the reserve which it is not necessary to keep in rupees; you cannot keep it in rupee securities; you must keep it either in gold or in some other form of security. Nearly all the countries of the world have found it useful to keep a part of their reserves in the currencies or securities of some other country, particularly

Great Britain, which has been the central money market of the world, and therefore its securities can most quickly be converted into cash. But I need not pursue the question at the moment as to what the other form should be, because this amendment, if it is moved, deals only with the question of *ad hoc* or created securities.

I am entirely in agreement with the view expressed by Sir Purshotamdas Thakurdas and the view which apparently underlies the amendments of Sir Campbell Rhodes and Mr. Patel, that it is undesirable that we should create additional *ad hoc* securities under the extra powers that are given to us in this Bill. I quite agree that the power to issue currency against created securities is one which ought only to be used in an exceptional emergency. My difficulty about this amendment is that at the present time the Government of India have power in an emergency to issue currency against these created securities. Now, although God forbid that anything in the nature of a financial panic is likely to come upon us in the near future or at any time, we have to consider the possibility of a financial panic. In a financial panic what happens? Everyone who has deposits, whether with a cotton mill or with a bank, everybody who possibly can, rushes to convert his deposits into cash. There is a tremendous additional demand for cash. How is it to be met? The banking experience of the world is that the way to deal with a panic, to prevent an incipient panic from spreading and to shorten the duration of a panic, is to meet that demand for cash freely, absolutely without stint. People are rushing to the banks demanding cash, not because they need the cash immediately, but because they are afraid they will not get it later on when they want it. If they see that everyone is getting cash on demand without difficulty they cease to be in a hurry to convert their assets, probably at a loss to themselves, into cash. Now, supposing a panic of this sort occurs. Supposing there were to be a big bank smash or supposing a big industrial concern were to find themselves in difficulties, we should be at once confronted with that demand for cash. The Government of India would be in a difficulty to meet that demand for cash, and in these circumstances, it is not only right and proper but it is the absolute bounden duty of the Government of India, of the authorities controlling the note issue, to provide cash, and the probability is that the only way they can do so is by an issue against created securities, to use the technical phrase. They have to issue cash, which will come back very quickly as soon as the panic is over. Therefore, if the Government of India were to accept this amendment, they are giving up a power to meet an emergency. It is true it will be said to me that this power can be made available by other constitutional means, that an Ordinance can be issued in such circumstances. An Ordinance, that is quite true. But that is not a power belonging to the Governor General in Council, it is a power exercised solely by the Governor General. The Government of India would cease to have any statutory power to take action which would be necessary in those circumstances. Provided, however, that it is recognised that it is the duty of the Government to deal with an emergency in the way that I have suggested and that any constitutional power that may be available should and could rightly be used in such circumstances, I am perfectly willing on behalf of the Government to accept the spirit of this amendment, because I agree with those who move it and with Sir Purshotamdas Thakurdas, that it is undesirable that that power should be used in anything except the most exceptional circumstances. It ought not to be regarded as

[Sir Basil Blackett.]

an ordinary power. I have strayed a little beyond the motion for a Select Committee in the hope that I might be spared an extra speech. If there are any further reasons that are required in regard to this amendment—it is rather a technical one, and I should like to say that the form in which it is moved by Sir Campbell Rhodes is rather better than that in which it is moved by Mr. Patel, but I think it has the same result—I should be glad to give any explanation desired by Members when we come to the point in the next stage. My immediate appeal to the House is not to demand a Select Committee for the consideration of these points. As I have said, I do not think that this is a Bill which, in the interests of the House itself and of its ordinary procedure, should be handed on to a Select Committee. It cannot do anything which cannot better be done in Committee of the whole House.

Dr. K. G. Lohokare: (Bombay Central Division: Non-Muhammadan Rural): Sir, I am not a Doctor of Currency indeed, but my friend thinks that he is an attendant upon the patient of currency and the way in which he has been attending upon it is such as can be aptly seen from a quotation that I would give the House. "The idea was first put forward by the War-time Currency Conference and accepted by the Treasury that currency must be increased to meet the liabilities of the bankers—not, be it observed, as the multiplication or reduction of exchanges from time to time require—is repeated in the parrot cry that currency must be increased whenever more money is required by the bankers or the Government." This exactly expresses my friend's demand. I would just give him some statistics wherewith we might be able to see how much currency would be necessary to meet the demand of the trade.

Table showing Currency requirements.

Year.	Value of trade in crores.	(India) Index of prices.	(England) Index of prices.	(U. S. A.) Index of prices.	Currency in circulation (crores of Rs.)
Average of 1910—1914	420	100 (1913)	100 (1913)	100 (1913)	220
1914	345	100	100	98	237
1915	349	112	127	101	266
1916	415	125	119	127	297
1917	424	142	206	177	333
1918	429	178	226	194	407
1919	443	200	241	206	463
Average	412	150	192	161	354
1920	551	209	307	226	411
1921	614	183	168	140	393
1922	511	177	156	156	Notes 174 + Rs.
1923	546	181	159	152	.. 176 + ..
1924	577	184	165	149	.. 179 + ..
Average	560	187	192	162	..

I take these figures from Finance and Banking by Mr. Shirras and the index of prices from the *Labour Gazette*, Bombay. The amount of trade between 1914 and 1919, as expressed in imports and exports, is given in column 2.

The average value of external trade for these years is 412 crores, while the average for the next 4 or 5 years is 560 crores. Coming down to the index of prices in India and taking 1914 as the average, the indexes can be read in column 3.

The average of these years is about 150, while the later figures for the quinquennium 1920 to 1924 give an average of 187 and the level of prices to-day is 184. The average of the index of prices for England during the period 1914—1919 was 192, while to-day, in 1924, the price level is 165. In America the price level to-day is 149. Looking to the currency figures, the average for the period 1910—14 is Rs. 220 crores, while the average for the next quinquennium is 354. We are yet to find out how much currency would be necessary for these prices and the amount of trade. Currency depends upon both these factors, the level of prices and the amount of trade. The average value of the trade in 1910—14 is 420 crores, while the price level is taken as 100. The average value of trade in the next quinquennium is 560 crores, while the average price level is 187. Therefore reducing this value of trade according to the 1914 price level by the simple rule of three we get 300 crores as the value of trade for the price level of 1914. The currency to finance this trade according to the level of 1914 should have been 220 crores, but as the level of prices to-day is about 180 the greatest amount of currency that would have been sufficient to meet this would be about 280 crores, while we have actually not less than 350 crores of currency in circulation.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated non-official): On a point of order, Sir. Is the Honourable Member speaking on the amendment? He is making a second speech on currency.

Mr. President: That is the difficulty we are all up against. As Honourable Members will observe, whether the motion be the original motion that the Bill be taken into consideration, or the motion that the Bill be referred to a Select Committee, or indeed any of the other motions proposing amendments on paper, they appear to allow a large scope for speech each time. I propose therefore after Dr. Lohokare ends to ask the House to come to a decision on the question of the Bill being referred to a Select Committee, especially as I observe that not even the Honourable Member was able to devote more than a minute or two to that subject.

Dr. K. G. Lohokare: We find that the currency figures were at their highest in 1919 at 463 crores, and in 1920, as my Honourable friend here points out, there was a deflation, but this deflation he complains should not have come in. The inflation that preceded on account of the war conditions he wants to remain, and any addition to the currency that might have been done during the war period he thinks necessary and taking out anything out of that currency he thinks as deflation. The internal trade of the country has had conveniences and facilities provided by the Imperial Bank having opened branches in many parts of India. There are more facilities for credit and if at all the internal exchanges have gone up far more; the amount of currency that is present to-day over

[Dr. K. G. Lohokare.]

and above 280 crores is more than sufficient to meet the needs. If therefore we add anything more to the present level of currency, I am afraid we shall be inflating the currency unnecessarily. Secondly, the purpose of currency, as my Honourable friend pointed out on the last occasion, is to stabilise the price level and not to look to the exchanges. I will just quote to you the price level in India from the Labour Gazette and it is given in the table above. The price level in India has not yet come down in the same ratio as it has in other countries. In the United States of America from 206 in 1919 the index of wholesale prices has come down now to 149, while in India from 200 index in 1919 it has come down only to about 184. That means that the results of the inflation of currency during the war period are yet prevailing. What it means to the poor persons on account of the rise in prices, on account of the continuity of the raised level of prices, is a thing to which the House must give some consideration. If the amount of currency that is in circulation to-day is in itself the cause of keeping up the level of prices, I do not know what a further addition would mean. The question of inflation and deflation therefore depends upon the relative price level which has distinctly a tendency to rise if we add more currency to the circulation. If we take the argument that additional currency is necessary to meet the seasonal demand of currency, I may point out that section 20 (emergency powers) of the Paper Currency Act is there to meet any emergency demand from the trade. Besides, as the Honourable Member pointed out on the last occasion, there is yet a margin of 8 crores of rupees for the fiduciary issue. So ten and eight—there is yet a margin of 18 crores of rupees and in spite of it I do not know why an addition is required. If it is trade that requires it, I am afraid that the demands of trade are not such as to meet the demands of national welfare. If you compare the hardship entailed on the poor people, the poor labourers, on account of the keeping up of the level of prices and not allowing it to fall as it has fallen in other countries but to give the level of prices a tendency to go up, I am afraid the interests of trade are against the interests of the poor people. I have consulted one of my friends as well. I do not know whether it is a case of blood letting or saline injection or just a temporary dose of morphia or brandy in order that the trade might have some stimulation. I am afraid it may have the effect of making the patient go down and down still further till the disease may have the effect of invaliding him for ever. I sent a telegram from this place to some of my friends who are accepted as currency doctors and they have replied: "If addition is permanent it means inflation, it will undesirably affect prices and would prevent restoration pre-war level, trade interests not coincident with national interests." (*A Voice*: "From whom?") A certain Professor of Economics. I would give you the name if I were permitted to do so. My Honourable friend will not accept when I tell him that here is a doctor of currency who says that the method of treatment is not what he would believe it to be. But it is a method of treatment which would make the whole organism shrink and shrink and go down so that the treatment of my Honourable friend would bring the patient to the grave rather than afford him any encouragement or any more stimulus for existence. If this emergency currency, as it is expressed in the Statement of Objects and Reasons appended to the Bill, is to be really in the interests of trade, there were other ways as well open, as my Honourable friend the Finance Member just said. I may here say that the limit on which this fiduciary

issue is to be put in is as well a matter of consideration. In the minority Report of the 1919 Committee, Sir Dadiba Dalal has expressed his view in paragraph 27, page 44:

“In view of the great disturbance to the credit of the paper currency arising from the great expansion of the fiduciary issue, I consider that the metallic reserve should be strengthened by the liquidation of investments in London and also that in order to re-establish confidence a high percentage of cash reserves should be maintained for many years to come. About 80 per cent. would not be too high a figure.”

His estimate for a safe fiduciary issue is about 80 per cent., while now we find that the metallic backing is going down below fifty per cent. if we allow this addition of fifty crores to the fiduciary issue. While putting in the emergency issue clause in 1923 the present Honourable gentleman in charge of the Finance Department said:

“he wanted to take emergency powers simply because he thought that there should be no permanent addition to the currency, and he has just said that the effect of the free flow of additional currency might very well be to start the usual vicious circle and inflate and raise prices and do all the things against which every currency system has to guard. The advantage in this system is that relatively to the nature of the security the Imperial Bank has to put up rates of interest for its advances and the extra currency is automatically withdrawn when the seasonal demand for it is over.”

Consequently if something more is to be added to the currency in a permanent form, I think inflation would surely come in. If they do not desire inflation but simply to tide over a moment of stringency of the money market, here is the remedy that the Finance Member had suggested in 1923 which is yet in his hands, and further if he chooses, he can raise the limit by putting in a Bill. The proper remedy therefore should have been to put in a Bill to raise the limit of the issue under section 20 and not a permanent addition. If at all a permanent addition is required, which I fear is what he desires, why should it be on the fiduciary issue only? Why should it not be on gold? I am afraid we have been going on increasing the fiduciary issue in such a way that we have been even endangering the safety valve limit, as my friend had said. The method that he proposes to put in has another drawback. In order to be able to withdraw the currency from circulation when the emergency is over, he must lend out that money at such a rate of interest as would make the people return that money immediately when the stringency is over. Here we do not find any provision in this Bill about the rate of interest at which it will be issued out to the Imperial Bank. The rate of interest has much to do with making the currency return so that it might not take a permanent form of inflation. Under these circumstances, Sir, I think that, firstly, the trade does not require any increase in currency. If any addition is necessary it should be only seasonal, so that it can come back as early as it has been put in. If there is some provision to be made for this and if the Bill has at all to go to the Select Committee, I would suggest putting in a certain clause by which the rate of interest can very well be mentioned at which we can issue this currency to the banks. With these suggestions I leave it to the House as to how they would think of taking up the consideration of the Bill, but I will beg of them to have some safety-valve for the return of the whole of the currency that would be issued over and above the ordinary requirements by putting in a clause for the bank rate in order that our purpose may be served.

Mr. Darcy Lindsay (Bengal: European): I move, Sir, that the question be now put.

Mr. President: The original question was:

"That the Bill further to amend the Indian Paper Currency Act, 1923, be taken into consideration."

Since which an amendment has been moved:

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

The question I have to put is that the Bill be referred to a Select Committee.

The Assembly divided.

AYES—28.

Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Aney, Mr. M. S.
Chetty, Mr. R. K. Shanmukham.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Kalkar, Mr. N. C.
Mehta, Mr. Jamnadas M.

Misra, Pandit Shambhu Dayal.
Murtuza Sahib Bahadur, Maulvi Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Purshotamdas Thakurdas, Sir.
Ramachandra Rao, Diwan Bahadur M.
Ray, Mr. Kumar Sankar.
Sarfaraz Hussain Khan, Khan Bahadur.
Ujagar Singh Bedi, Baba.
Yakub, Maulvi Muhammad.

NOES—41.

Abdul Mumin, Khan Bahadur Muhammad.
Abul Kasem, Maulvi.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Clarke, Sir Geoffrey.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Graham, Mr. L.
Hira Singh, Sardar Bahadur Captain.

Hudson, Mr. W. F.
Hussanally, Khan Bahadur W. M.
Innes, The Honourable Sir Charles.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Muhammad Ismail, Khan Bahadur Saiyid.
Naidu, Mr. M. C.
Reddi, Mr. K. Venkataramana.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V. Visvanatha.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Sjanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

The motion was negatived.

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 in the Chair.

Mr. President: The question is:

"That the Bill further to amend the Indian Paper Currency Act, 1923, be taken into consideration."

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, I hope I shall be pardoned for claiming the indulgence of this House if I say a few words on this Bill. I do so with great diffidence for I know that I have not acquired any special knowledge of this subject by gambling in the money markets of Bombay and Calcutta, nor have I acquired any experience in what a Socialist Member of the House of Commons described as the "thieving art of buying and selling." My only concern in this Bill is to see that the interest of the vast mass of consumers in this country does not suffer. In the course of the debate on this Bill we have heard so much of the claims and the grievances of the mercantile community of the chief cities of India. We have also heard how the poor producers in this country are going to be benefited by this Bill. But I regret to say that we have heard very little about the poor consumers of the different articles that come within the purview of the export trade in this country.

Sir, there are two justifications pleaded for this Bill. The first is that the Indian producers and the export trade in general will be considerably helped if we pass this Bill. May I ask what percentage of the total population of the country constitutes the producers of the different articles of food and of raw materials—how many producers of food there are who are buying more articles than they have to sell in the ordinary markets? The second justification pleaded is this that, while the level of prices has gone down considerably from the price level of the year 1919, the wages that were fixed for the different classes of labour were fixed on the price level of 1919. Therefore if we introduce a few crores of extra currency in the country, and, by the addition of a few crores to the purchasing power in the country, if we raise the prices of some articles of necessity, we shall not bring about thereby any great hardship upon the working classes in

3 P.M.

India. That, Sir, is a matter of opinion; whether the wages of the year 1919 constituted a living wage or not is a thing which is entirely a matter of opinion; and I submit that that ought not to be any criterion for deciding whether it is necessary at this moment to bring about an artificial rise in the prices of raw products in India. We are next told that there has been a policy of deliberate deflation in the past few years and therefore it is necessary to make the money market easy in order to give an impetus to trade. May I know, Sir, if the sins of all the past few years are sought to be washed out by a measure like this? Is it or is it not in the interests of the consumers that a sudden deflation of prices should be introduced by throwing out into the market an extra amount of purchasing power merely because for the last few years the amount of currency that was in the opinion of the mercantile community available for the money markets fell short of what it really ought to have been? Sir, the quantitative theory of money is that in a country the purchasing power is always equal to the total quantity of goods and services that are to be secured for it. In one mass we can place gold, paper and other kinds of purchasing power, and in another heap we can place the goods and services that are to be purchased with it. If we seek to introduce any addition or alteration in any of these masses, it is sure to disturb the existing ratio between the two. Therefore, Sir, it seems almost certain that the passage of this Bill and the acceptance of the proposal made by Government is bound to shoot up the price of certain articles of necessity in this country. I am not blind to the fact that on certain occasions it is necessary to increase the amount of purchasing power that is necessary for carrying on

[Mr. Devaki Prasad Sinha.]

trade. But what I apprehend most—and the chief cause of my apprehension arises from this fact—is that the present necessity for an expansion in the purchasing power, which I call an inflation in the currency has arisen not for the purpose of stabilising prices, but from the necessities of trade. We have always been brought up in the belief that it is the primary duty of every financier to stabilise prices, and if for maintaining the stability of prices it is necessary to introduce changes in the quantity of the purchasing power, it is always desirable to do so. But, Sir, it is a new angle of vision which seeks to look at this problem not with a view to stabilising prices, but for meeting the necessities of trade. Sir, it must not be forgotten that this is a measure of taxation through the inflation of currency. It is not an emergency measure because the emergency powers given to Government allow, as Sir Basil Blackett himself admitted some time back, an expansion to the extent of about 12 crores more. This is a permanent addition to the currency of the country. It is answered that the powers that are at present given are not likely to be misused and that we must trust the executive to see that these powers will be used only in cases of extreme necessity. As far as I am concerned, I would have had absolutely no objection to trusting the wisdom of Sir Basil Blackett. But what I find here is, that this House is fast being reduced to the status of a gramaphonic automaton of the Indian Merchants' Chamber in Bombay, and we cannot get away from the apprehensions that the influences coming from a certain quarter interested in the expansion of currency may prevail, and that an expansion of the currency would be brought about in a way that may not be conducive to the interests of the people as a whole. Sir, my chief objection to this proposal or to this Bill is, that it would bring about a rise in prices. It is sure to do that. It would disturb the existing stability in prices in India—that stability of prices which is the boast of the Government of India, and the value of which must be realised by all those who represent the interests of the consumers.

We have also heard from the Honourable Member from Bombay who moved the amendment for referring the Bill to a Select Committee some remarks regarding the most unsatisfactory character of the security that is offered for extending this currency. Sir, my Honourable friend, Mr. Jamnadas Mehta, has, perhaps with a much clearer vision than any of us but I regret to say with a misplaced sympathy, described to us the dangers that are inherent in the powers that are given to the executive for the purpose of inflating the currency of the country. I wish, Sir, that, having seen that danger, he had refrained from disturbing the stability of prices on the mere chance of offering help to a few interested persons or parties in the country.

Sir, I do not wish to go further into details. I know that the question of prices and currency is a very delicate adjustment. I know that in this House not much attention seems to be bestowed upon this question, although for days and days we have debated on what are called political or constitutional questions. But, I believe, Sir, as a great writer recently said, that politics are a mere trivial butterfly dance compared with the great power of regulating the prices of gold, silver, rice and wheat in the country. I only hope that in some distant future—I cannot say in the near future—Honourable Members of this Assembly will be alive to the necessities of the general mass of consumers and will not always be influenced by a demand that comes from the mercantile community, whether that be the Indian Chamber of Commerce

or the European Chamber of Commerce. I do not oppose the Bill, but I have very serious doubts about its utility, and I certainly deny to this Bill any claims to the patriotic character which it seeks to arrogate. It has been found very frequently in the course of the last few years that our patriotic interests are exploited, our patriotic feelings are exploited, in the interests of a few business men or business concerns. I only hope that the Honourable the Finance Member will so regulate the power that is being given to him that in the long run it does not work very great hardship on the poor consumers in this country. I speak only on behalf of the consumers.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): There is one point on which I seek information from the Honourable the Finance Member before this Bill is finally taken into consideration, and the point is this. In the Abstract of the Accounts of the Currency Department of the 15th January, 1925, the purchase price of securities in England is put down as 19 crores, 99 lakhs and odd, that is 20 crores. Now, according to the Currency Act, the purchase price must be the actual amount laid out in the purchase of sterling in India. I should like to know whether this amount is put down according to the Currency Act, or whether it has been put down on the ratio of two shillings to the rupee. If it has been put down on the ratio of two shillings to the rupee, it means you have clearly broken the law and you should have put down as a matter of fact, if you had followed the law, something like 28 crores of rupees. If I am right in the contention that I make, Sir, then the Finance Member could issue notes worth 9 crores of rupees without any further security. Am I correct or not?

The Honourable Sir Basil Blackett (Finance Member) The Honourable Member is presumably referring to the provision in the Indian Paper Currency Act which requires that the securities held either by the Secretary of State or by the Government of India as part of the Paper Currency Reserve shall be valued in accordance with the directions of the section: I have not for the moment found the section but the wording of it is that the price shall not exceed cost price—that is what it comes to—shall not exceed cost price. Obviously, you are up against considerable difficulty when you are buying securities with sterling. What is the cost price? You do not know the exact cost of the particular sterling which you remitted to London out of which you are now purchasing securities for the Paper Currency Reserve. You have to take either the average price at which you have remitted over a given period, which will be a little difficult to determine, or you will have to take some arbitrary figure. As a matter of fact, in accordance with the recommendations of the Babington-Smith Committee, the practice of the Government of India has been to value these sterling securities at two shillings to the rupee. (*Mr. V. J. Patel*: "In spite of the Act?") That is quite correct according to the Act, because the Act says: "shall not exceed". The Government have been exceptionally cautious, making sure in all circumstances that the value of the sterling which they hold as cover for note issue shall be in excess of the notes which are issued against it. But the Honourable Member went on to say that if we valued these securities at some other rate it would increase our power of issuing currency against them. It would be difficult to know exactly what other rate to take with the exchange varying. But let us assume for the moment that you take some other rate, say 1s. 4d. or 1s. 6d. That would mean that against these particular securities you could issue an additional 5 or 6 or 7 crores of rupees. That is perfectly true. But the immediate effect would be to

[Sir Basil Blackett.]

increase the amount of your currency issue against securities by that 5 or 6 or 7 crores of rupees, as the case may be, and we should be brought up against our margin of 85 at once. So that it is merely a question of book-keeping. Our power is to issue currency notes against securities within a maximum limit of 85 crores of rupees. We have issued at present currency notes against securities which appear in the reserve to the value of about 77 crores of rupees. We could, if we were to revalue the sterling securities on another basis, no doubt add 5 crores to their value and issue currency against them. We should then have an amount of currency issued against Rs. 82 crores of securities. We are exactly in the same position as we are in now. Alternatively we could write down the value of created securities, which as everybody knows, represent to some extent the difference between the original value of those securities at 1s. 4d. and their nominal value at 2s. But the effect will be still the same. We should still be up against the same limit of 85 crores. It is solely a question of book-keeping and does not in any way alter the position in which the Government are placed that if they wish to issue additional currency for the needs of the market—and I would like to assure my Honourable friend who has just spoken that the Government of India are very much alive to the importance of not issuing currency beyond the real needs and of not causing anything in the nature of inflation—if we are to issue additional currency against our existing securities that would increase the total of the securities in the Reserve and our maximum would come into play, and we should be immediately up against the same difficulty which we are up against now that we cannot issue more than between 7 and 8 crores additional at the present moment without running up against our statutory maximum. The point raised by Mr. Patel is purely a book-keeping point.

Mr. President: The question is:

“That the Bill further to amend the Indian Paper Currency Act, 1923, be taken into consideration.”

The motion was adopted.

Sir Campbell Rhodes (Bengal: European): Sir, I beg to move:

“That to clause 2 of the Bill the following be added, namely:

‘and to the same sub-section the following proviso shall be added, namely:

‘provided that the value of created securities included in the said securities at the price at which they were purchased shall not exceed five hundred millions of rupees.’”

With your permission, Sir, I have altered the last few words, as I am advised that it is more in accordance with the usual drafting, to say “five hundred millions of rupees” instead of “Rs. 500 millions.” My task, Sir, has been made very much more easy by the indication from the Honourable the Finance Member that he is willing to accept this amendment, though he has pointed out that he does so with one stipulation, namely, that, of course, the Governor General would reserve to himself the right on occasion of panic or crisis to take exceptional measures to meet the situation. I think, Sir, all in this House are well aware of these special powers and are quite willing that under such circumstances they should be used. The object of my amendment is to prevent this creation of *ad hoc* securities in normal time. It is obvious from what the Honourable the Finance Member himself has said that he is not likely to be guilty of any

such action. But I am afraid we will not have him with us always. The dispensations of an inscrutable Providence might at some time give us a Finance Member Mr. Jamnadas Mehta or some other gentleman with what I regard as unorthodox ideas of inflation. The danger of deflation has been met by him and by that now famous letter of the Bengal Chamber of Commerce. He referred to my mentioning his reference to that letter. May I say that I very much appreciate the fact that that letter has been quoted by my friend Sir Purshotamdas Thakurdas and my friend Mr. Jamnadas Mehta as it shows that really our financial and commercial interests in this country are one, and I can assure Mr. Jamnadas Mehta that the more he gets on to the financial rails, the more he will find himself in agreement with the Bengal Chamber of Commerce. But, Sir, it is the danger of inflation that my amendment is directed against, and here I agree with very much that has fallen from my Honourable friend on the left, though I cannot agree that the interests of trade and the interests of the consumer can be divorced. What is good for trade is good for the consumer; what is good for the consumer is good for trade. I quite agree with my Honourable friend, Sir Purshotamdas Thakurdas, and I do not want to be led away by a disagreement, as to the exact time the Currency Committee should meet, into regarding this as anything but a temporary measure designed under temporary conditions to give the country the currency it needs. I agree with him entirely and I think it is the general view of this House that the sooner we get back to a gold standard the better. I do not wish to waste the time of the House and with these few words I submit my amendment.

Mr. V. J. Patel: I have a somewhat similar amendment on the agenda. I seek to provide by that amendment that the Government shall not increase the existing amount of created securities. I do not exactly know what the amount of created securities at present is. I am told it is somewhere between 49 and 50 crores of rupees. There is a difference of a few lakhs and therefore I do not wish to press my amendment but support the amendment of my Honourable friend, Sir Campbell Rhodes. I may point out, however, that these created securities have a history of their own. They were created for the purpose of filling in gaps brought about by the sale of Reverse Council Bills, and the policy should be as soon as possible to substitute some substantial securities in place of them so that they may be gradually done away with. These paper securities are absolutely no good and the sooner we do away with them the better. The procedure of doing away with them has been laid down in the Currency Act, *viz.*, that every year the interest from all the securities in the reserves should be utilized for reducing the created securities. But unfortunately, the Honourable the Finance Member follows a different practice altogether. Every year he suspends the particular section of the Currency Act at the time of the Budget, takes the amount realised from the interest on those securities on the credit side of the treasury balances, and thus does not make any attempt to reduce these securities. I hope that at least this year he will not make such an attempt.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I am glad that the Honourable the Finance Member sees his way to accept this amendment. Regarding the point raised by him as to his powers being thus restricted in the case of a financial panic, all I want to say is that, if a financial panic of the nature that he mentioned did come about, it is not unlikely that he may find that he could not meet it even with the ordinary powers reserved to him under the Act as it stands

[Sir Purshotamdas Thakurdas.]

at present. Wider powers are reserved to His Excellency the Viceroy under the Government of India Act, and I feel that we need not legislate for anything unforeseen, and specially for anything unforeseen of a serious nature. It is in the fitness of things that this House should restrict the normal powers of the executive to put into the Paper Currency Reserve securities which may correctly be said to be securities *ad hoc* securities for which no money is required. I hope the House will pass this amendment and I can assure them that it will be a salutary check on the executive.

The Honourable Sir Basil Blackett: My task has been made easy because we are all in agreement. After what has fallen from my Honourable friends, Sir Campbell Rhodes and Sir Purshotamdas Thakurdas, I need not, I think, say more about the position of Government in accepting this amendment. I may perhaps be allowed to say one word with regard to my Honourable friend, Mr. Patel's request that the interest on the Paper Currency Reserve should be used in future to write down the created securities. Does he realise quite what that means? It means that you have got to deflate your currency to the extent that you apply the interest on the Paper Currency Reserve to reduction of the created securities. You cannot get away from it. It is one of the difficulties of the present situation. If you were to use the interest in that way you would immediately have somehow or other to recreate paper currency which you had written down by those means. I do not want to follow the point further.

Mr. V. J. Patel: It is all a vicious circle.

The Honourable Sir Basil Blackett: I explained before lunch what to my mind is the real criterion in regard to the amount of your own securities which you can hold usefully in the reserve. This is the minimum amount which you can reasonably regard as never likely to be presented at any one time. I will not pursue the point further and on behalf of Government I express my readiness to accept this amendment in the form moved by Sir Campbell Rhodes.

Mr. Jamnadas M. Mehta: I did not like to intervene in the debate because I was in agreement with this amendment, but Sir Basil Blackett has put a different construction upon what fell from my Honourable friend, Mr. Patel. He has interpreted Mr. Patel as intending that the writing off of the created securities meant so much deflation. It need not mean that. You can write off these created securities and with that amount you can buy fresh securities which are of value, and the Act does not compel you to deflate. Of course you can use them for deflating but it is open to you under the provisions of the Act to wipe out these securities and at the same time to buy with that amount other and valuable securities. You are not prevented from doing that. Therefore my Honourable friend, Mr. Patel's admonition should not mean that he intends (I am sure he does not intend) that inflation should necessarily follow in the wake of writing off of the created securities. I hope, Sir, the Finance Member will not use Mr. Patel's remarks as a lever further to deflate the currency of the country.

Mr. President: The question is that:

"To clause 2 of the Bill the following be added, namely:

'and to the same sub-section the following proviso shall be added, namely:

'provided that the value of created securities included in the said securities at the price at which they were purchased shall not exceed five hundred millions of rupees.'

The question is that that amendment be made.

The motion was adopted.

Mr. President: The next amendment stands in the name of Mr. Jamnadas Mehta. I am not sure how far it is in order.

Mr. Jamnadas M. Mehta: After what happened to my motion to refer the Bill to Select Committee, I do not want to press this amendment.*

Mr. President: The question is:

"That clause 2, as amended, do stand part of the Bill."

The motion was adopted.

Sardar V. N. Mutalik: I do not wish to press my amendment.†

Mr. President: The question is:

"That clause 1 do stand part of the Bill."

The motion was adopted.

Mr. President: The question is:

"That the Title and the Preamble to the Bill do stand part of the Bill."

The motion was adopted.

The Honourable Sir Basil Blackett: I move that the Bill be passed.

Mr. President: The question is:

"That the Bill further to amend the Indian Paper Currency Act, 1923, as amended, be passed."

The motion was adopted.

THE COTTON GINNING AND PRESSING FACTORIES BILL.

The Honourable Sir Charles Innes (Commerce Member): I beg to move:

"That the Bill to provide for the better regulation of cotton ginning and cotton pressing factories be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Purshotamdas Thakurdas, Rai Sahib M. Harbilas Sarda, Mr. R. A. Wilson, Seth Kasturbhai Lalbhai, Mr. M. S. Aney, Baba Ujagar Singh Bedi, Mr. M. V. Abhyankar and myself and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Sir, after the fatiguing intricacies of Sir Basil Blackett's Currency Bill, I am sure that the House will turn with relief to a small commercial problem. I have explained the nature of that problem on two occasions already and I will not take up much time of the House in referring briefly to it again. This Bill is part of a rather tentative campaign which we have

* "To clause 2 of the Bill the following be added at the end:

'and the following proviso shall be added to the said sub-section:

'Provided that the remittances to the Secretary of State for India for Home charges shall not be utilised for any future additions to the said securities.'

† "After clause 2, the following new clause be added to the Bill:

'5. This Act shall remain in force for 18 months.'

[Sir Charles Innes.]

instituted in the last two or three years against certain evils in the cotton industry of India. One stage of that campaign was finished when we passed the Cotton Transport Bill; and I am glad to be able to announce to the House that I understand from Bombay that in regard to the Surat Navsari cotton tracts the Cotton Transport Bill has proved successful beyond our utmost expectations. This Bill is intended to supplement the Cotton Transport Act. Khan Bahadur Sarfaraz Hussain Khan asked this morning a very apposite question, and I gave him the answer in the form of an extract from the Cotton Committee's Report, namely:

"The evidence which has been submitted to us shows, in our opinion, that the cultivator is only to a small extent responsible and that the bulk of the adulteration, mixing and damping which is practised is carried on in the ginneries and presses."

The object of this Bill is to do something which will make it more difficult or rather less profitable to practise those evils which are known to go on in cotton ginneries and presses. That is the primary object of the Bill. If the Bill becomes law, the owner of a pressing factory will have to have all bales marked in the prescribed manner and records maintained of cotton pressed and for whom pressed, and every ginner will be required to maintain a record of the cotton ginned and for whom ginned, and both will be required to produce their records if called upon to do so to the Local Government or the Central Cotton Committee. The additional requirements are that all pressing factories will submit periodical returns of the number of bales pressed in ginning and pressing factories in the recognized way, and a new factory shall comply with certain structural requirements.

Sir, the House will see from the brief summary of the objects of this Bill that we are not imposing any very drastic burden upon the cotton ginneries and pressing factories. When I moved this motion last September the House decided that the Bill should be circulated, and I think I may claim that the opinions received in response to that circulation are generally in favour of the Bill. The Local Governments which are mostly concerned with this Bill are, naturally, the Governments of the Central Provinces, the Punjab, Madras, Bombay and the United Provinces. The Central Provinces Government say:

"The Bill provides for a reasonable measure of control of cotton ginning and pressing factories and the small degree of interference involved will be more than compensated for by the advantages to the cotton cultivator and the cotton trade generally which will accrue from the proposed legislation."

The Governor in Council of the Punjab says that "he would welcome a more stringent and far-reaching measure" but "he accepts the Bill as an initial step in the right direction". It has on the whole met with a very favourable reception in the Punjab. The Governments of Madras and Bombay both accept the Bill. The Government of the United Provinces rather doubts whether the Bill will be effective but I will deal with that point later. Naturally the cotton ginnery and pressing factory interests are opposed to the Bill. That is only to be expected since the Bill imposes certain obligations upon those factories. But apart from that purely sectional interest, I think I may say that the Bill is generally approved by public opinion in India.

The first objection taken to the Bill when the subject was last debated was that this legislation should more properly be undertaken by the Local

Governments and a constitutional point was raised. I submit, Sir, to the House that the constitutional point is perfectly clear. Factories are a provincial subject but under the Devolution Rules they are subject to legislation by the Indian Legislature. Now not one single Local Government has supported that objection that this legislation should be undertaken in the local Legislative Councils. Only one Local Government refers to it at all, and that is the Central Provinces, and the Government of the Central Provinces say that they think it quite clear in view of the nature of the cotton trade that the legislation should be central and not provincial. And I think the House will agree that that is obviously right. The cotton trade in India has no provincial boundaries at all if only for the reason that the great bulk of the cotton in India finds its way to the Bombay cotton market. If you are going in for a system of marking bales, obviously that system must be uniform for every province in India. If you prescribe returns, those returns should be prescribed for all India. Therefore, I do not think that the House will now pay much attention to the objection that this is not a proper subject for legislation in this Assembly.

The only other objection that has been taken to the Bill is that it involves a measure of Government interference with the trade which is not compensated for by the advantage which the trade will get. Now, Sir, I am quite prepared to agree that, generally speaking, Government interference with the trade is a bad thing. But in this case you have the trade itself appealing to Government to interfere because the trade has found by experience that it was not able to deal with this evil itself. If the House will examine the provisions of this Bill they will find that we have reduced our interference to the very minimum. We have not gone nearly so far as the other countries have found it necessary to do in regard to this evil of mixing and adulteration in presses and ginneries. Mixing is by no means peculiar to India. It has been detected in nearly every country in the world which has a cotton trade and other Governments have taken far more drastic means to stop it. In some countries they have actually made it a penal offence to mix cotton in a ginnery or pressing factory. We have not done that. We have not made it an offence to mix or adulterate in any way at all. All that we are doing is to impose upon pressing factories and ginneries certain obligations which will enable the cotton trade to protect itself. This afternoon we are merely dealing with the principle of the Bill. We are not dealing with the details. There are some criticisms which relate to the details but these criticisms will be carefully examined in the Select Committee if the House accepts my motion. Nor do I propose to say anything about what I may call the secondary provisions of the Bill, namely, those relating to structural requirements and to returns. The key proposal of this Bill is the proposal that all bales of pressed cotton should be marked according to a uniform system by the pressing factories, and that is the proposal on which I hope the House will fasten its attention. I have here some instances of malpractices which are known to go on in pressing factories. An officer writing to me says:

"I myself have seen presses equipped with machines for facilitating the mixing of indifferent cotton with good cotton. The Indian Central Cotton Committee have first-hand evidence that press-owners have been offered special rates if they would agree to none of their staff entering the mixing room. In a certain town it is known that as recently as 1922, special rates were quoted for special pressing which meant the filling in of the sides of a bale with superior cotton and filling in the middle with inferior. The rates for ordinary pressing were about Rs. 3-12-0 a bale; special pressing Rs. 6 a bale."

[Sir Charles Innes.]

That, Sir, is just one of the few instances of the malpractices which go on in these pressing factories and I would ask you to consider what the position of the merchant is who buys these bales. Pressed bales of cotton are consigned we will say to Bombay. A consignment may pass through the hands of, it may be, as many as ten, fifteen or twenty merchants before it is delivered to a mill or for export. When the actual delivery takes place, and when the bales are opened up, it may be found that the cotton is badly mixed or badly adulterated and not up to sample. The man who delivers now has to bear the loss, which means, it may be, Rs. 15 to 20 a bale, and he is utterly helpless. The trade has no means at all of finding out where the adulteration has taken place; the man has no means at all of protecting himself. The House must remember that as bales are pressed at present, the only marks are at the ends of the bales. Now the ends of the bales are covered with a separate piece of gunny sown on to each end, and the marks are usually the railway station marks. There is nothing easier than for those ends to be taken off and fresh ends sown on. Therefore it is very difficult to trace adulterated cotton to any particular factory or press. The main object of this Bill is to remedy that defect. If our proposals are carried the press will be required to mark the name of the factory according to a uniform system for all India. Therefore when a merchant in delivering cotton to a mill finds that the cotton is bad and not up to sample and that he has to lose 15 to 20 rupees on that bale, he will know from what press that cotton came, and if that press is continually doing that sort of thing, it will get a bad name; people will fight shy of the cotton of that press, and the cotton of that press will command a lower price in the market, as it deserves to do. Or again the East India Cotton Association, or some other authoritative body in Bombay may refer the matter to the Central Cotton Committee or the Local Government, and the Central Cotton Committee or the Local Government will be able to take the matter up with the press, and according to our proposal the press will be in a position to protect itself. The press itself may have been let down by the man who brought the cotton to be pressed. He will have his records there and if he was not responsible for the adulteration or mixing himself, he will find who was responsible for delivering that cotton. That is all we propose to do. We are not making adulteration or mixing a penal offence; all we are asking the House to agree to is to impose certain obligations on ginning and cotton factories, to admit of adulterated cotton being traced back, and we hope in this way to purify the trade right through. As I say there are questions of detail which will have to be examined in Select Committee, but I hope the House will agree with me that I have made it plain that there is a real evil in this matter which needs attention. If the House agrees to that, they will accept no doubt the principle of this Bill and they will accept my motion that it be referred to a Select Committee.

Baba Ujagar Singh Bedi (Punjab: Landholders): Sir, I hope I shall not be accused of egoism when I support a motion of this character, as I find my name has been proposed to serve on the Select Committee, but I do so for two obvious reasons. One is that in my humble opinion I find that, if the Bill is passed with a little modification, it will ultimately benefit the peasant class, and secondly that, if it is referred to a Select Committee, the whole Bill will be most carefully scrutinised and will be placed before this august House for its deliberation. When I read some

of the opinions elicited in connection with this Bill when they say the Bill is not likely to benefit the zemindars, it only reminds me of a story in the days of a war, when certain men were captured and made to convey luggage from one place to another. Among them, Sir, happened to be a townsman. The load was distributed and the officer in charge mounted his horse and ordered them to follow him. They had hardly marched a couple of hundred yards when the townsman and the villager began to converse. The townsman said "I am not in the habit of giving any *begar* whatsoever." The villager said that in spite of his old age he had not been spared and the load allotted to him was much too heavy. They had hardly finished their discourse when the officer in charge inquired what it was they were talking about. Naturally the townsman was a shrewd man and he took advantage of the taciturnity of the villager and promptly replied "Sir, this man says the load allotted to him is much too light and I said the load allotted to me was much too heavy." Whereupon the officer in charge of the convoy ordered the townsman to place his load on the back of the villager and told him to walk in front of the horse. That is exactly the position whenever we find any legislation proposed for these ginning factories or any other thing of the kind. So many obstacles or impediments are placed in the way simply to say it is not going to benefit the agriculturist. What do we find, Sir? What is the situation that has been created for bringing up this sort of legislation? Honourable Members will find from a little pamphlet that was circulated by the Indian Central Cotton Committee which speaks to this effect, that the Bill is frankly an attempt to prevent, or at any rate to reduce, the adulteration of good cotton by bad and it is a necessary complement to the Cotton Transport Act passed in 1923. The evils of mixing are well recognised and for years a remedy has been sought. The justification for legislation is that grave economic loss to the whole country is being caused, and that the loss is falling most heavily on the cotton grower who is least able to protect himself. It must be remembered that the Indian cotton crop now averages some 50 lakhs of bales worth over 100 crores of rupees, of which Indian mills take about 20 lakhs of bales, the balance being exported. A few recent instances will show the extent of the loss caused by mixing. The Agricultural Department in the Punjab has successfully established the growing of Punjab-American cotton over some 6 lakhs of acres. Last year it was calculated that this brought in at least 120 lakhs of rupees of extra profit to the grower; but Indian mills have consistently complained that the cotton is mixed and consequently cannot be used for the purposes for which cotton of one inch staple would be suitable. Then, Sir, they say that at the commencement of the season the demand for cotton of the 1923-24 crop was keen and both Indian mills and exporters paid high prices for it. Later deliveries were badly mixed; the position of Punjab-American was lowered and its price relatively to other cotton fell heavily as will be seen from the following Bombay prices, that I need not quote here. The same fall took place in the Liverpool market where a fair amount of Punjab-American was sold in the early part of 1924.

Now, Sir, how is it going to benefit the agriculturist. I will just read out again an extract from the pamphlet circulated by this Committee.

They say:

"With a view to assisting farmers to avoid having their cotton mixed by middlemen and to help them to get fair prices for the quality of cottons which they grow I asked the Registrar, Co-operative Societies, whether he could get farmers to form

[Baba Ujagar Singh Bedi.]

Co-operative Unions and grade and gin their cottons in a cotton factory owned or rented by these Unions. He is very anxious to help us, but finds himself faced with the fact that the experience of the Okara Zaminder's Co-operative Society which has been trying co-operative ginning for the last 4 years is not encouraging; that 'it is more profitable to sell the mixed articles', etc. The cause of this is that *Desi Kapas*, which can be bought much cheaper than American, can be mixed into American within a range of at least 5 per cent. without much risk of being detected in the ginned condition until the unfortunate spinner puts it into his mill."

Now, Sir, it is for this reason that this Bill is contemplated and I think it is but fair that legislation of this character should be brought in. Some of the opinions say that this adulteration takes place by the cultivators, but here again this Committee has removed this obloquy upon the cultivators. It says that mixing is not done by the grower;

"Very careful and thorough inquiry has been made as to where the mixing takes place and a number of independent reports received. Despite the fact that the same cultivators grow both American and *Desi* cottons in the Punjab, the American *Kapas* brought to market by them is on an average of 95 per cent. or greater purity. The baled cotton which is exported from the Punjab is often only 75 per cent. pure. The mixing is done after the cultivator has sold his cotton and mainly in the ginning and pressing factories."

It is for this reason that this legislation has been brought in and I give it my whole-hearted support.

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadan): Sir, I stand to oppose the motion made by the Honourable the Commerce Member. This, again, is a piece of legislation which is intended to cater for the benefits of a foreign trader and that too, not at the cost of even the Indian seller, but at the cost of the Indian ginning factory owner and also the agriculturist, as I shall presently show, who are not at all concerned in the mixing up of this cotton. Who is it that is responsible for the mixing up of this cotton assuming there is mixing going on on a wide scale? It is the seller. The ginning factory owner and the pressing factory owner have absolutely nothing more to do with it than to press or gin the cotton offered to him for so doing by the seller and yet we find that the whole of this Bill imposes conditions and all sorts of conditions on the ginning factory and pressing factory owners, leaving the seller absolutely intact; and what can be the result of this Bill if it were passed into law on the ginning factory owner? The ginning factory owner will be put to all sorts of inconveniences. The ginning factory owner will have to increase the already increased charges for ginning and pressing of bales. On whom would this increase tell? Not on the ginning factory owner, but on the agriculturist. It is the agriculturist who in view of these conditions and in view of the increased cost of ginning will have to accept lower prices at the hands of the purchaser. That is how through the ginning factory owner this legislation will tell on the agriculturist. (*A Voice*: "Why not on the buyer?") It cannot under any circumstances tell on the buyer because the buyer will always sell at a profit; whatever rate he buys at, it can never fall on the buyer in this country who happens to be the seller in relation to the buyer in foreign countries.

Then, Sir, it must be remembered—and I am saying this as an agriculturist myself—that the same seed does not produce the same quality of cotton in every area and in all areas. The same seed produces different varieties of cotton in different areas and in different soils. (*A Voice*: "But the same staple.") Not even the same staple. Then again in the

same area the same seed does not give the same kind of cotton at each picking. There are several pickings. (*A Voice*: "That is a mixed seed.") No. At the first picking you will not get good staple; it is in the second picking that you will get good staple from the same cotton from the same area and from the same seed. Then when the farmer comes with his cartload to the ginning factory to sell his cotton, this piece of legislation will always give a handle to the buyer to offer a lower price to that farmer, because there are few traces or some traces of a different variety to be found in that cotton, and, mind you, for which the farmer is in no way responsible. Another difficulty with the farmer is that it is difficult for him to get a pure seed necessary to sow over the whole of his field in order that he may get one kind of cotton.

Then, Sir, what are the improvements in the ginning factories that are proposed in this Bill? The Bill imposes on factory owners separate platforms, and even separate entrances for the bringing in of unginmed cotton and the taking out of ginned cotton. Of late in some provinces—I am glad to say it is the case in my province also—farmers are starting small ginning factories of their own on co-operative lines in order to get out of the tyrannies of the big factory owners and local purchasers of cotton and be able to sell their cotton direct to Bombay. Now if these small factories are to spring up, as they ought to spring up in the interests of the farmer, all these conditions will make it difficult, nay even impossible, for them to come into being. Even the factories that are already in existence will find it difficult to cope with the provisions of this Bill when it is passed into law, and it will be much more difficult for these small factories with small capital to meet the requirements of this Bill.

Then, Sir, what is it after all that this Bill will provide for? The purchaser abroad will find out that in a certain bale coming from a certain place there has been bad cotton. What will he put it down to? He will put it down more to the mischief of the ginner, who is not at all concerned in the mixing of the cotton, than to the mischief of the seller who is really responsible for this mischief. And, Sir, after about a year, the purchaser abroad might open a bale when he wants it for use, and then he might report that a certain bale has been found to be adulterated. Who knows if it was really adulterated? We are to know it from a foreign country thousands of miles away, that a certain bale has been adulterated, and that too, a year or two after it has been sold from this country! Who knows? There may be false claims put up against the sellers here, and there is no guarantee in this Bill to protect the sellers against that kind of fraud that a buyer may practise against the seller. One thing more.

4 P.M. The ginning factories work not throughout the year but during certain seasonal months of the year. And this Bill requires the factory owners to maintain registers, to maintain accounts, to keep up an establishment for accounts throughout the year. And not only that, the Bill wants the owners of the factories to maintain them although the owners might have leased out their factories or the owners might have sold their factories. The responsibility is to be theirs. They have to maintain an establishment under this Act for which there is absolutely no need and they have also to be responsible for acts which are not theirs but which are either the acts of their lessees or the people who are working the factories for them. I hope therefore this House will throw out this Bill.

Baba Ujagar Singh Bedi: This Bill or this motion?

Mr. M. S. Aney (Berar Representative): Sir, the Honourable Member for Commerce has in moving this motion for reference to a Select Committee asked us to concentrate our attention more upon the principle of this Bill than upon the details. I wish to do that and nothing more. The case has been, so far as the cultivators are concerned, put before you by my Honourable friend Mr. Abhyankar. As regards the principle itself, I wish to reiterate what I stated when I made my motion for circulating it for opinion last September, that the subject is a fit one for the Provincial Legislature and not for the Central Legislature. That objection I wish to reiterate again now. And after having carefully read the opinions received, I have failed to find any reason for regarding this House as the proper place for the consideration of the subject. Though opinions have been very strongly expressed on behalf of this Bill by the Central Cotton Committee, it has failed to show that the evils complained of here are evils for all-India legislation, that is, that the evil is to be found in every cotton growing tract of India. They have pointed out certain places in the Punjab and the Bombay Presidency. If that is so, the evil is localised and it is not an evil which can be described as scattered over the entire cotton growing area in this country. And if the evil is localised, then is it difficult for the Central Cotton Committee or any other body to approach the Provincial Legislature, which consists of persons knowing the conditions of cotton cultivation and cotton trade in those provinces more intimately than the Members of this House; where a majority of Members know nothing of these things? What is the difficulty for a body like that to approach the Provincial Legislature and ask them to have legislation to remedy certain evils which damage, according to the Cotton Committee, the reputation of the cotton in these provinces? That being the case, the evil itself being localised and the Cotton Committee having failed to show that that is an evil, which is widespread or having failed to give evidence that the type of evil they describe is a universal evil that has application to all cotton growing tracts where cotton factories are to be found, I think it is necessary for this House to consider whether, in view of this, this is a proper question to proceed with in the Central Legislature, to the extent even of imposing penalising conditions upon a number of factories in different tracts which probably have nothing to do with the mischief of which complaint is being made. That is one point.

Secondly, a point that I wish to touch upon is the very constitutional point which the Honourable Sir Charles Innes has tried to meet in his own way. He says the Provincial Governments have now given their opinions and most of them are agreeable to the idea that the measure should be considered by the Central Legislature. Well, in the first place, I ask in whom does the right that is given by the Government of India Act regarding the transferred subjects vest? That is my first question.

It vests in the Provincial Legislature. That is my first point. Whenever there is any question with regard to transferred subjects, and whenever any idea of assuming jurisdiction and making law with regard to a transferred subject is before this House, I very much wish that Members of this House should not treat the opinions of Provincial Governments as counting for very much. You must assume that the Provincial Government and the Provincial Legislatures are not one and the same thing. The Provincial Government will be quite glad to see that jurisdiction which is given to the Provincial Legislatures as regards transferred subjects is at once handed back to the Central Government and be thus relieved of a

good deal of worry and trouble about these matters. Therefore, when a question like this arises, it is due to us, elected representatives of the people, to see that the opinions of the Provincial Governments do not count much in a matter like this unless the Provincial Government had with it the Resolution of the Provincial Legislature saying that they were prepared to surrender their jurisdiction and their right in favour of the Central Government and an irresponsible Legislature like this. Unless you have a definite opinion like that of the Provincial Legislature, I am not prepared to say that we are justified in assuming jurisdiction ourselves and robbing them of such rights as have been given to them by the Government of India Act. It is easy to lose it, it is difficult to get it back. Secondly, I wish to remind this House of certain observations made by the Honourable Sir Alexander Muddiman, the Home Member, while speaking on the motion moved by the Honourable Sir Hari Singh Gour regarding the Hindu Religious and Charitable Endowments Bill. The Honourable the Home Member made certain remarks which are very pertinent. He said that in our zeal to pass laws, in our zeal to have our names inscribed on the Statute-book, we forget the constitutional effect of our action. We forget what we are doing and what is the consequence of conduct of that kind upon the main questions upon which we have been agitating. What the Honourable Sir Alexander Muddiman means by this is that by virtually insisting upon this House to take up legislation on matters which fall within the jurisdiction of the Provincial Legislatures, and particularly within the transferred sphere, we are saying that the subject is fit to be dealt with by the Central Legislature and therefore should no longer be on the list of transferred subjects. That observation has come from one who presided over the Reforms Committee. The Resolution of the Government of India has yet to come out and your insistence on legislation by the Central Legislature on transferred subjects may not be lost sight of altogether when the Resolution of the Government of India is issued. Do not forget in your zeal for the sake of having a particular measure in the interests of expediency what effect you are likely to produce on the demand for provincial autonomy. You must be prepared to put up with a little delay or a little trouble that may be involved in the Provincial Legislature undertaking legislation of that kind. The Government of India may certainly make capital out of it and say that although these champions of Indian liberty, these champions of provincial autonomy, have been clamouring aloud that dyarchy has failed and that more subjects should be transferred, the representatives of the people in the Central Legislature have always been anxious that the transferred subjects should be legislated upon by the Central Legislature. Your conduct will be a good proof of your capacity to claim more subjects for transfer, and if we accede to this motion there will be a great deal of inconsistency in what we do. I may tell you, gentlemen,—I am sorry—I may tell the House—on this very point, our Chairman, Mr. Neogy once corrected me, but I forgot it.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): May I ask the Honourable Member to speak a little more clearly. I cannot quite make out what he says.

Mr. M. S. Aney: What I wish to impress on the House is that the important constitutional effect of our conduct should not be ignored, and I am sure the House will consider carefully the point I have put forward before it records its vote on the motion before it.

[Mr. M. S. Aney.]

I now come to another point. I have already told you that the Central Cotton Committee has failed to produce any evidence that this is an evil which pervades all the provinces. In regard to this I wish to say that it is not merely a question in which our claim for provincial autonomy is likely to be jeopardised, but virtually we should be encroaching upon the rights of local elected bodies in certain provinces. For instance, in Berar there are cotton market committees. I do not want to tire the House with a long list of extracts from the report of the Indian Cotton Committee, but I merely wish to draw the attention of the House to their observations in Part II under Chapter 16 dealing with the commercial aspects of the question. It is therein stated that all these evils, the evil of adulteration, etc., can be capable of correction without any drastic legislation if there are open markets established everywhere and they have made a suggestion to that effect. They have made a suggestion with regard to the establishment of open markets, the publicity of prices, facilities to be given to co-operative societies for doing this, that and the other, etc., etc. The cotton market committees are elected bodies on which representation is given to municipalities, district boards, and so on, and the cotton growers as well as the factory owners virtually control the cotton markets in Berar, and those bodies have got almost all the rights that are now claimed by the Government of India. What will be the result? There would be a conflict of jurisdiction between the cotton market committees in Berar and the Government of India, and by virtue of this Bill you are really creating a cotton bureaucracy at the head of which the Honourable Sir Charles Innes will be sitting, with an Advisory Council in the form of the Central Cotton Committee. This Committee will dictate the policy with regard to the cotton trade at the expense of those cotton market committees. So instead of taking steps in the direction of decentralisation, you, champions of liberty, are encouraging a policy of centralisation, the policy of drawing all the powers back into the hands of the Government of India to put a screw upon those local committees which have been working. I should have thought that some sort of legislation should be moved in the Provincial Legislature with a view to enlarging the scope of these committees and giving them more powers. That is the third constitutional consequence which will follow in case you pass this Bill into law.

I would like to refer to one more point because I have promised only to deal with questions of principle and not deal with details at all. I hope there will be no occasion to discuss the details of this Bill. That is my expectation and that is why I do not discuss them. This is not the first time that legislative interference is made in this matter. If you will carefully read the report of the Indian Cotton Committee you will find that the Cotton Frauds Act has failed to come up to expectations and in fact the cotton cultivators and merchants of Bombay have protested against the maintenance of that Act on the Statute-book. I think it was in 1879 or 1881. My friend Sir Purshotamdas will correct me on that point. In the report you will find that precisely these very objections were raised. It is alleged that the suggestions of the Cotton Committee were free from that objection. It will be seen that the repeal of the Cotton Frauds Act was mainly due to the objections taken to the establishment of a cotton department and inspectors and the imposition of a special tax which was levied to have its provisions carried out. Now the recommendations of

the Central Cotton Committee have already imposed a cess. We have said that. While I am on this point I may remind this House that when the Cotton Cess Bill was before the Council of State, my Honourable friend Sir Purshotamdas Thakurdas who was a member of the Council of State vehemently opposed it on several grounds and one of the grounds was that the Central Cotton Committee was not an Indian concern but probably a branch of the Empire Cotton Growing Association in England.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): All I can say is that my friend is not quoting me correctly at all. I do not wish to use any stronger word.

Mr. M. S. Aney: I am speaking from memory. He will certainly tell us what he said then and probably it may come to the same thing. However it is a different thing. A cess has already been imposed and is considered that the objectionable features of that Act are again being reproduced by the present Bill and if that is so, this is a matter which you must seriously consider when you record your vote on the motion of Sir Charles Innes. Our previous experience of interference of this kind is that it does not help to remove malpractices.

Lastly, those who are conversant with the principles of criminal jurisprudence will surely be shocked by this Bill. It is a penal law. The idea is to detect the offender. Our object has been to secure the co-operation of gineries and presses in this matter. Further we do not propose that malpractices in regard to the adulteration of cotton should be made the subject of criminal cases and those who commit these offences are not going to be subject to criminal prosecutions at all, but that detection is necessary—that is all that is being attempted at present. The offender is allowed to go scot-free. There is no doubt you do not penalize his conduct but allow him to go scot-free, while those who come in contact with him for certain purposes are asked to observe certain conditions for the breach of which they will be punished. Is that the way of dealing with an offence? Will anybody who is conversant with the principles of criminal jurisprudence approve of a procedure under which a man is sought to be punished because he refused to keep a diary detailing the movements of his neighbour who happens to be a police suspect on the ground that the neighbour has a criminal desire according to the police, and that he will be punished if he fails to do so, while the real offender may be allowed to go scot-free? What is it? Gineries and pressing factories are virtually asked to keep, in the form of certain registers, a sort of diary which is to be made use of for evidential purposes of detection. But, after detection, nothing is to be done, and the real offender is to be allowed to go scot-free. What is the use of a law like that? While you are prepared to deal with them, you are not prepared to deal with all the implications. If that is the object, the law is incomplete. Under your system, how do you want to deal with that man, and in regard to a Statute like that it would be impossible for us to see what relation there is between the first part and the second part that is concealed from us to-day. The second part should be the real object of legislation in a matter like this. So you have an incomplete Statute. I am not sure whether this will really succeed or not. Previous experience does not warrant any body in coming to any definite conclusion that this will really succeed in the detection of the offences. Probably the Government wants to wait. After seeing whether this will be of any use in detecting the offences or

[Mr. M. S. Aney.]

not, the question may arise whether there is time for the Government to proceed further with a matter like that. Probably that is the underlying idea. For these reasons, Sir, I think that inasmuch as this method will not help us much in detecting the offenders and checking the malpractices in the trade but will on the other hand in effect encourage certain corrupt practices in certain other quarters. This is a matter which should be seriously taken into consideration. In my province at any rate as regards the conduct of the Inspectors appointed under the Factories Act, our experience of these inspectorial visits is not so very encouraging that we may at once repeat those inconveniences by legislation immediately in the form of this Bill. That being the case, I wish that this House, after these general considerations, should make up its mind to oppose the motion that this Bill be referred to a Select Committee.

Mr. R. A. Wilson (Central Provinces : Nominated Official): Sir, I have a complaint to make against the Honourable the Commerce Member in this matter, a complaint in which I shall have the sympathy of the whole House. He makes things very difficult for those who have to follow him in debate. He says what has to be said and says it so well that there is nothing left to be said at all. But fortunately for me my friends from the Central Provinces have come to my rescue. I am sorry to disclose the spectacle of the Central Provinces and Berar as a house divided against itself but I am afraid I have no alternative whatever but to do so. I fear, Sir, that the differences between Mr. Aney and myself are deep and fundamental. He is the champion of the oppressed, of the victim of what I think is commonly called *Naukarshahi*, and he has a deep sympathy for the oppressed factory manager; he sees him prosecuted regularly for employing women, for employing children; he even sees him prosecuted for allowing his fitters to wear dhotis instead of pants. I make a present of this to the Honourable Member from Dacca who seems to be an authority on the subject of dress, judging from what he told us the other day. In this Bill, Sir, it is proposed not to punish the manager but to punish the owner. Mr. Aney sees the spectacle of the tyrannical and irresponsible District Magistrate being empowered to punish the factory owner in addition to the factory manager and he is prepared to go to any length in order to prevent the factory owner being punished. The Honourable the Commerce Member has anticipated Mr. Aney's argument regarding the constitutional question. Mr. Aney has dealt with that at very considerable length and I do not desire to follow him into that question. But, Sir, might it not have been pointed out to the Members from the Central Provinces that all provinces in India are not as advanced from a political point of view as the Central Provinces and Berar are? The Government of India might be perfectly content to leave legislation of this description to the Central Provinces Legislative Council. But the other provinces and the other Provincial Councils could not possibly be trusted with legislation of this character. Mr. Aney has tried to persuade the House that these practices are very largely local. I gather that he considers that they do not exist in Berar. Well, Sir, I am afraid I must differ from Mr. Aney on that point. He knows as well as I do that in one of the four Berar districts one of the principal markets has been ruined by an influx of inferior cotton from the adjoining Bombay districts. Fortunately, the Cotton Transport Act has now come to our aid and that state of affairs is being put a stop to. It is admitted that the practice takes place in the

North of India, in Bombay, in Madras and it certainly takes place in the Central Provinces and Berar. On that ground, therefore, there is clearly a case for central legislation and not a case for provincial legislation. Mr. Aney has referred to the Berar cotton markets and their committees. Well, Sir, I fear he has a touching faith in these cotton market committees which I for one do not share. Mr. Aney also is perfectly well aware of the fact that the whole of the cotton market law in the Central Provinces is at present in the melting pot because it has been found that the cotton market committees in Berar, though they have done good work are now failing to fulfil all the functions which they are supposed to fulfil. The representation on them consists almost entirely of buyers, sellers and members of municipal committees. The agricultural interests are practically not represented at all. If you go into the rural area of a Berar district you will hear many complaints of the working of the cotton market committees. So, I cannot share his fear that the passing of this Bill into law will raise a conflict between the cotton market committees in Berar and the Government. How can there be any honest objection to this Bill passes my understanding. It is admitted on all hands that the registers which the Bill prescribes are already maintained in all decently run ginning factories and presses. Mr. Abhyankar has referred to the enormous increase in the cost of running presses and gineries which is bound to result from this Bill. But how such an increase can possibly result when the factories already employ a staff and keep registers, I am unable to understand. That there are certain details of the Bill to which one may take exception I am perfectly clear myself, but at this stage there is no question of considering these details at all. I beg therefore to support the motion of Sir Charles Innes.

Sir Purshotamdas Thakurdas: Sir, I must admit that my Honourable friend Mr. Aney could not have done better by his constituents than the effort he has put forward in the speech that the House has just listened to. Besides, Sir, touching upon the questions relating to the Bill, he drew the attention of this House in a very sincere and earnest manner to the following, amongst other things. Firstly, the constitutional aspect of this measure, or of consideration of this measure as affecting the Reforms Inquiry Committee, the report of which this House is awaiting with so much eagerness. Secondly, the Cotton Frauds Act of 1875, an Act which was quite different from the one which is now before the House, a comparison which is good enough to frighten away people who do not know the difference between that repealed Act and the present Bill. He thirdly, Sir, told the House what his impression was regarding what I said in the Council of State when the Indian Cotton Cess Bill was under consideration there, and I am afraid his memory rather gave him away there. He made out that I there had said that the Indian Central Cotton Committee was a part and parcel of the British Cotton Committee. Finally, he appealed to the principles of jurisprudence and said that the Bill, as placed before the House, was something which anybody who was acquainted with the principles of jurisprudence could not even think of looking at. I wish my Honourable friend had told us from his experience of the practices, good and bad, of gin and press owners in Berar and the Central Provinces whether any sort of check is necessary on the persons for whom he pleaded so eloquently and so well before this House to-day. Then, Sir, we might have

[Sir Purshotamdas Thakurdas.]

been talking about what really appertains to the Bill that is before the House. But I am afraid that he did not venture into that sphere, and my only inference therefore can be that my friend Mr. Aney agrees with me and with the Indian Central Cotton Committee that a good deal requires to be done in connection with the practice of marketing cotton as it exists to-day. If I am not making a wrong or an unfair inference from my Honourable friend's silence regarding the subject matter which is touched upon in the Bill, I submit, Sir, that my Honourable friend, Mr. Aney, is quite correct in agreeing to come on to the Select Committee and I further submit that, if he wishes to oppose the Bill, the time to do so will be after this Bill emerges from the Select Committee without such modifications as my friend may want, and not at present. I however wish to reply to a few of the other subjects and other aspects of the Bill that my Honourable friend has put before the House. He wishes the House to remember what a serious effect this Bill being considered by the House to-day may have when the report of the Reforms Inquiry Committee is published. I do not claim, Sir, to know what is going to be the report of the Reforms Inquiry Committee, and therefore I cannot say whether it is right to wait until that report is out; but I can say this, that cotton unfortunately, Sir, does not sell according to limits laid down in the Government of India Act for Provinces, and as far as such a major article of raw produce grown in India is concerned, those limits should not count. It is therefore, Sir, only right that any legislation in connection with raw cotton should be not provincial legislation but legislation by the Central Legislature. Regarding the Cotton Frauds Act of 1875, my Honourable friend either has not studied the history of that Act very fully or he is forgetting some important aspects of it. The difference between that Act and the present Bill is in short this—that Act was a failure, and was protested against all the while that it was on the Statute-book by everybody concerned in the cotton trade, because that Act laid down control of the cotton trade from outside, namely, through inspectors and other subordinate officers nominated by Government. The present Bill has no such control of the factories from outside. There is only one place where you have even the word "inspector" mentioned in this Bill, and that is a question which should be considered in the Select Committee. But excepting that all through the Bill, if my Honourable friend will only give it a little patient thought, he will see that it brings about automatic control of the cotton trade from within the cotton trade and by those who are engaged in the cotton trade. There is no question of any subordinate officer of Government having anything to say to anybody in connection with the way in which he handles cotton. If a seller or factory owner chooses to mix cotton and the buyer at the other end does not feel justified in complaining about it, there is nobody else to interfere with such seller or factory owner. This is a very palpable and important difference between the Cotton Frauds Act of the seventies of the last century and the present Bill.

My Honourable friend referred to what I said in the Council of State on the Cotton Cess Bill. I was one of those on the Select Committee who differed from the majority and I put in a minute of dissent. My minute of dissent is still on record for anybody, including the Honour-

able Mr. Aney, to see if he chooses to. My main difference with that Select Committee was as to the question what should be the amount of the cess to be levied. The majority of the Select Committee named 4 annas a bale; I wanted it to be restricted to a much smaller figure—2 annas a bale. There was no question of my ever saying—and it is the first time I hear it from my Honourable friend—that the Indian Cotton Committee is a branch of any institution in Great Britain. I mention this particularly because I do not wish any Honourable Member in this House to have the slightest idea that the Honourable Mr. Aney was quoting me correctly, although I am sure he quoted me without meaning it otherwise.

Regarding the principles of jurisprudence I would leave it to the competent lawyer Members of this House to go into the point that has been submitted by the Honourable Mr. Aney; but I would mention this very simple point that cotton gins and presses are the only places where mischief with the pure raw produce of the cotton cultivator is feasible and possible. Would it be wrong for the Indian Central Cotton Committee, would it be wrong for the executive of the Central Government up here, and I submit would it be wrong for this Central Legislature to consider the only place where people can do harm to the pure growth of the Indian cultivator—from bringing that under control and if necessary even putting a substantial penalty on such as dare to play havoc with the pure growth of the cultivator? Sir, in this Assembly we have been accustomed to hear touching appeals, at times in the name of the consumer, but mostly in the name of the Indian ryot and the cultivator. If, Sir, that is a genuine and sincere appeal I submit that this Bill is one which should appeal to this House without the slightest hesitation. My Honourable friend, Mr. Abhyankar, said he was an agriculturist himself. I am delighted to know it—I did not know till now that Mr. Abhyankar was an agriculturist. If by agriculturist one is to understand that he tills the soil and therefore knows what it means when you get a smaller return than what you are entitled to when you are growing raw produce, I may still submit to Mr. Abhyankar that he must be a zamindar or landlord and certainly not a tiller of the soil. Sir, this Bill is for the benefit mainly of the person who works with his hand and tries to grow what India looks upon as her greatest wealth, namely, the raw produce, year in year out; and I strongly recommend the House to pass this motion without any hesitation.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, it is very rarely if at all that Honourable Members on this side of the House find an opportunity of agreeing without any reservation with the observations of one of the occupants of the treasury bench. It is therefore with pleasure that I take this opportunity of whole-heartedly supporting the measure that has been brought forward by my Honourable friend, Sir Charles Innes. I am afraid, Sir, that my Honourable friend from Nagpur has thoroughly misrepresented, if not misunderstood, the scope and purpose of the measure that is now before us. That India is a very great cotton producing country, that somewhere or other a good deal of adulteration goes on in the cotton trade and that measures ought to be taken to prevent this adulteration, are all facts which even my Honourable friend from Nagpur cannot deny. As has been pointed out in the Statement of Objects and Reasons the measure that is

[Mr. R. K. Shanmukham Chetty.]

now before us is only a logical sequence and extension of the Cotton Transport Act. It was with the enactment of the Cotton Transport Act that a serious attempt was for the first time made to prevent the adulteration of cotton in the country. But experience has amply shown that the provisions of the Cotton Transport Act are not completely successful in preventing adulteration. Any one who knows about the state of cotton cultivation in the various parts of the country will realise that under the varied irrigation facilities which differ in the same district, different kinds of cotton are very often grown in the same locality; and so long as the growth of a particular quality of cotton is not restricted to a particular district and so long as there are not particular boundaries within which this can be regulated, the operation of the Cotton Transport Act does not effectively prevent adulteration. My Honourable friend from Nagpur said that this measure is intended to benefit foreign merchants and the mill-owners. Well, Sir, I do not deny the fact that this measure will benefit the merchants and the mill-owners; but has my Honourable friend realised that out of cotton worth about 100 crores of rupees per annum which is produced in India, more than 40 crores worth of cotton is taken and consumed by the Indian mills themselves? And I ask, Sir, is it not worth while to protect your Indian mill-owners themselves from the loss due to the adulteration that goes on in the country? As my Honourable friend, Sir Purnshotamdas Thakurdas, pointed out, even more than the protection that is afforded to the mill-owner and to the merchant by this measure, it is the cultivator that will be ultimately benefited by this. Every body knows the process that takes place in adulteration during the cotton season and the detrimental effect it has in reducing the prices and thereby depriving the agriculturist of his well-deserved and well-earned profit. In South India on account of the activities of the Agricultural Department a quality of cotton which is now known as Tiruppur Cambodia is extensively grown. The poor agriculturist there takes a good deal of trouble and spends a lot of money in growing this cotton. The cotton goes into the market. It goes through the gins and presses, and in the early periods of the cotton season, it fetches a very good price. But gradually the mischief is being done in the gins and presses and ultimately the purchaser who is offered the Tiruppur Cambodia cannot accept the word of a merchant at its face value and is not prepared to pay the legitimate price which is due to Tiruppur Cambodia. The ultimate effect of this is that, as the season advances, the agriculturist does not get the proper price for his produce. In the small pamphlet that has been placed in our hands by the Indian Central Cotton Committee, it is shown that how in the year 1924 on account of adulteration the price of Punjab American cotton at Liverpool fell gradually with the effect that it resulted in a loss of about Rs. 17-8-0 per acre. Now this loss in price ultimately affects the agriculturist. My Honourable friend from Nagpur asks, why should the factory owner be penalised; why should not the seller be asked to accept the responsibility for this? Yes, if the factory owner is honest, certainly the provisions of this Bill enable him to shift the responsibility ultimately on to the seller, because by keeping a proper record of ownership in the pressing factories, it will certainly enable the factory owner to fix the responsibility upon the person who brought the cotton. This Bill does not in any way penalise the factory owners themselves. And, Sir, whatever might be the plea that my Honourable friends from the

Central Provinces put forward in favour of press owners, it cannot be denied that a good deal of mischief takes place in the factories themselves. Very often, I know in South India, the owners of factories are purchasers of what is known as *Kapas*, that is cotton in the raw stage, and it is to their interest to see that the mixing is done in their factories. I know from personal experience of a pressing factory owner who is supposed to be an expert adulterator. There might not be on the market a particular quality of cotton, but you ask this person for that particular quality, and the man is so clever that in his press he will mix up all sorts and all qualities of cotton and produce a quality of cotton which in its appearance will look exactly like the quality of cotton that is wanted. We know what the poor mill-owner will feel when this cotton is actually taken up for being turned into yarn. Sir, if this Bill offers protection to the mill-owner, it is a protection not merely to the foreign mill-owner, but it is a protection to the Indian mill-owner which he amply deserves, and above all, I am perfectly convinced that the measure will be ultimately beneficial to the producer himself. Therefore, Sir, I have great pleasure in supporting the proposition of my Honourable friend.

Khan Bahadur W. M. Hussanally (Sind: Muhammedan Rural): Sir, I move that the question be now put.

The motion was adopted.

Mr. President: The question is:

"That the Bill to provide for the better regulation of cotton ginning and cotton pressing factories, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Purshotamdas Thakurdas, Rai Sahib M. Harbilas Sarda, Mr. R. A. Wilson, Seth Kasturbhai Lalbhai, Mr. M. S. Aney, Baba Ujagar Singh Bedi, Mr. M. V. Abhyankar, and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. Darcy Lindsay (Bengal: European): Sir, I move that Mr. Fleming's name be added, because he has had practical experience in cotton ginning and pressing and I have no doubt will be of great assistance to the Committee.

Mr. President: It is only by stretching a point in the Honourable Member's favour that he can be allowed to move it. The matter should have been brought forward before. The question is that Mr. Fleming's name be added.

The motion was adopted.

Mr. President: The question is that the Bill be so referred.

The motion was adopted.

THE WORKMEN'S BREACH OF CONTRACT (REPEALING) BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move:

"That the Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law, be taken into consideration."

I need not detain the House more than a minute or two on this Bill. I explained, when I asked for leave to introduce it on the 15th of September, that it was being brought before the House to fulfil a pledge made to the House on a Resolution moved by Mr. Neogy. The Bill has now been on the table of the House for some months. I have received no amendments and I conclude, therefore, that it is generally satis-

[Sir Alexander Muddiman.]

factory to the House. It seeks to repeal certain enactments by which breaches of contract on the part of workers are made punishable as criminal offences. It repeals the whole of the Workmen's Breach of Contract Act, 1859, as subsequently amended. It also repeals two sections of the Penal Code, sections 490 and 492, which were no doubt necessary when that Code was enacted but with the development of transport throughout this country are now probably only necessary in very remote places, and, if necessary at all, should be dealt with by local legislation. Sir, I move that the Bill be taken into consideration.

The motion was adopted.

Clause 2 was added to the Bill.

The Honourable Sir Alexander Muddiman: Sir, with reference to clause 1, with your permission I should like to make a necessary formal amendment. It was originally intended that the Bill should be passed in the year 1924 and now I hope it will be passed to-day in the year 1925. I move that the year 1925 be substituted for the year 1924.

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Schedule, Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman: Sir, I move that the Bill be passed.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I do not wish to take up the time of the House but I wanted to say one word thanking the Government for passing this Bill repealing certain very obnoxious legislation on the Statute-book of this country. The legislation punishing a breach of contract of service as a criminal offence was an inheritance from the anti-labour legislation of England. I am very glad that, although very late, the Government of India have thought it necessary to repeal the legislation. But, Sir, I would like the Government of India to repeal all such legislation on their Statute-book. There are still some Acts in which a breach of contract of service is treated as a criminal offence, such as the Assam Labour and Emigration Act of 1901. I know the offending sections in that Act are withdrawn by notification. Still, I would like the Government of India to remove these sections from the Statute-book altogether. I would also like the Government of India to revise section 491 of the Indian Penal Code in conformity with their object which is to repeal all legislation which treats a breach of contract of service as a criminal offence. Sir, I again thank the Government of India for bringing forward and getting this legislation passed.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): Sir, I also add my congratulations to those of Mr. Joshi, to the Honourable the Home Member for having brought in this Bill and I am glad to see the Honourable the Law Member (Sir B. N. Sarma) sitting in his place because, if my memory serves me right, it was he who brought in an amendment on a previous occasion to ask for the repeal of this particular measure. Sir, there is no doubt whatsoever that the offending measures which still remain on the Statute-book ought to be repealed and I also ask the Honourable the Home Member to take the earliest opportunity to amend, if he cannot see his way to repeal, section 491 of the Indian Penal Code. That is a measure which savours also of breach of contract and it ought to be certainly

amended if not entirely repealed. I have nothing more to add except merely to express my disappointment that this Bill takes effect from April, 1926. I wish the Honourable the Home Member had brought it in to take effect almost immediately. We have discussed this measure in the country, the Assembly has discussed it on several occasions and the employers have had plenty of time to make all the necessary arrangements which are contingent upon the passing of this measure and there is no reason why this Bill should not have been brought in to take effect almost immediately. I am afraid it is too late to send in an amendment, but I do hope that, in view of the passing of this Act, no proceedings of any kind will be instituted against workers in any part of India under the various Acts which are hereby being repealed.

Mr. President: The question is:

"That the Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law, as amended, be passed."

The motion was adopted.

THE LEGISLATIVE ASSEMBLY (PRESIDENT'S SALARY) BILL.

Mr. L. Graham (Secretary, Legislative Department): Sir, I rise to move for leave to introduce a Bill to determine the salary of the President of the Legislative Assembly.

Sir, the President of the Legislative Assembly referred to in this Bill is the elected President of the Legislative Assembly. I may remind the House that the time is approaching when under the provisions of the Government of India Act they will be called upon to elect a President of the Legislative Assembly. The rules to regulate the procedure to be followed in that election have recently been published in the Government of India Gazette. The one point of substance, if I may say so, in the Bill is the actual figure which is to constitute the salary of the President. On this subject the Government of India have an open mind and they think that it is a matter which should be settled by the Members of the Legislative Assembly. As, however, it was necessary to enter some figure in the Bill which I now ask for leave to introduce, it should be understood that that figure is only put in the Bill as a basis for discussion. We arrived at the actual figure which we selected after considering the Acts of the various local Legislatures by which the salaries of their respective Presidents have already been settled, and we considered it to be in conformity with the dignity of this House that we should in the first instance put a figure higher than that which has been fixed by any Provincial Act. But, Sir, as I said before, we wish really to leave this figure to be settled by the Members of the Assembly. Sir, I ask for leave to introduce the Bill.

The motion was adopted.

Mr. L. Graham: Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I ask for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922.

This is another simple Bill the explanation of which is given in the Statement of Objects and Reasons. I do not think that at the moment it is necessary for me to add anything to it. Sir, I move for leave to introduce the Bill.

The motion was adopted.

The Honourable Sir Basil Blackett: I introduce the Bill.

Mr. President: I am informed that Sir Hari Singh Gour is unable to be present in his place to move the motions standing in his name.
5 P.M. Therefore I propose to ask Government if they can make room for them on the next official day.

The Honourable Sir Alexander Muddiman: Yes, Sir.

Mr. President: As it is rather late now to embark upon the subject of the Bill standing in the name of the Honourable Sir Bhupendra Nath Mitra, I propose to adjourn the House.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 3rd February, 1925.

LEGISLATIVE ASSEMBLY.

Tuesday, 3rd February, 1925.

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

QUESTIONS AND ANSWERS.

ALLEGED BRUTAL ASSAULT BY GUARD ARATOON OF THE EAST INDIAN RAILWAY.

654. ***Mr. S. C. Ghose:** (a) Has the attention of the Government been drawn to the letter published in the paper *Forward* of the 9th January about the brutal assault committed by a guard named Aratoon of the East Indian Railway?

(b) Will the Government state if the Agent of the East Indian Railway has taken steps against the offender?

Mr. G. G. Sim: (a) Government have seen the letter referred to.

(b) Inquiry is being made and the Honourable Member will be informed of the result in due course.

LICENSES FOR DIANA AIR GUNS.

655. ***Baba Ujagar Singh Bedi:** Is it a fact that a consignment of Diana air guns, made in Germany, of Messrs. Elahi Baksh and Co., has been detained at the Port of Karachi with the object, that they should produce a license for these air guns, as they are regarded as fire-arms irrespective of the fact that the Bombay Port have passed this consignment as free from any obligation, and that the Karachi Port has imposed this bar; if so, do Government propose to take action to remove this restriction?

The Honourable Sir Alexander Muddiman: The Government of India have no information. If the firm in question is aggrieved by an order of the Karachi authorities it is entitled to take advantage of the opportunities of appeal provided by sections 188 and 191 of the Sea Customs Act.

FEES LEVIED ON PORTERS AT THE HOWRAH RAILWAY STATION.

656. ***Mr. T. C. Goswami:** (a) Is it a fact that there is a system of labour contract in the Howrah railway station, and that some 600 porters are at the mercy of one Mr. Love, a former station master on the East Indian Railway?

(b) Is it a fact that this Mr. Love charges Rs. 7 per month from each porter for permission to work as porters at the station? Does that fee go into his own pocket or is it a charge fixed by the railway?

(c) Have Mr. Hindley and Sir Charles Innes, of the Government of India, received copies of resolutions passed by the Howrah Porters' Association (with Mr. Jones as Secretary) condemning the system of contracting labour? What steps did they take on these representations? If no steps were taken, will Government submit their reasons for not taking any steps?

(d) Are Government aware of the decision of the High Court of Judicature at Fort William in Bengal, in the Criminal Jurisdiction, in the matter of an appeal by 37 porters against an order of a Magistrate imposing on them a fine of Rs. 5 each for refusing to pay the contractor Rs. 7 and yet working as porters, and are they further aware that the Judges remarked:—“*It is plain that this judgment (viz., that of the Magistrate) cannot be supported. The Magistrate has thus failed to observe the elementary provisions of law and to have adopted a procedure which cannot be countenanced*”. (February 1924)?

(e) Did Government take any steps in the matter on hearing of this judgment? When will the present system be put an end to?

Mr. G. G. Sim: (a) Government understand that several hundred porters are employed by a contractor for work in Howrah station and that the contractor is one Mr. Love, a retired Station Superintendent of the East Indian Railway.

(b) Yes. This amount is not fixed by the Railway but is levied by the contractor who has from these fees to meet the wages of his supervisors, his mates and office establishment, and the cost of his legal expenses.

(c) A press report of a meeting of the Railway Porters' Association under the presidency of Mr. E. Jones was received by Mr. Hindley in May, 1923. That report contained no resolution and no direct action was taken on it, but the conditions of service of the porters at Howrah were investigated during the next three months in reference to Mr. N. M. Joshi's questions Nos. 224, 225, 226, and 227, asked in this Assembly on the 16th July, 1923. The Honourable Member's attention is invited to the replies given to these questions and to the detailed information subsequently furnished to Mr. Joshi in the form of a statement, a copy of which was placed in the Library.

(d) and (e). Government have not seen the decision referred to.

RUNNING OF A MAIL OR AN EXPRESS TRAIN ON THE EAST INDIAN RAILWAY LOOP LINE VIA JALPUR.

657. ***Raja Raghunandan Prasad Singh:** Will the Government be pleased to state if they are willing to run a mail or an express train on the East Indian Railway Loop Line *via* Jamalpur for the convenience of the passengers thereon?

Mr. G. G. Sim: In reply to a question asked by the Honourable Member on this subject in February, 1924, he was informed that the volume of traffic offering did not warrant the running of express and through trains *via* the Loop Line and that a census of passengers travelling by the Loop Line taken at the time had shown that the train service provided was poorly patronised. So far as Government are aware, the position has not altered materially.

EXTENSION OF RAILWAY COMMUNICATION TO DUMKA.

658. ***Raja Raghunandan Prasad Singh**: Will the Government be pleased to state if they are willing to extend railway communication to Dumka, the headquarters of the Santhal Pargannahs, so as to afford trade facilities to the Santhals?

Mr. G. G. Sim: The prospects of a railway extension to Dumka, the headquarters of the Santhal Pargannahs, have already been examined on the basis of a survey made in 1916, but they are not sufficiently remunerative to justify construction.

ISSUE BY RAILWAYS OF FORTNIGHTLY AND SIX-MONTHLY RETURN TICKETS AT REDUCED FARES.

659. ***Raja Raghunandan Prasad Singh**: Do the Government propose to reintroduce the system of issuing fortnightly and six-monthly return tickets at reduced fares to first, second and intermediate class passengers?

Mr. G. G. Sim: The Honourable Member is referred to the reply given on 15th September, 1924, to Mr. Bhubanananda Das's question No. 1903.

WAITING ROOMS FOR FEMALE PASSENGERS ON THE EASTERN BENGAL RAILWAY.

660. ***Khan Bahadur Sarfaraz Hussain Khan**: (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 13th January, 1925, page 3, under the heading "Grievances of the E. B. Railway Passengers" *re* waiting room and place of shelter for female passengers?

(b) If so, will Government please state if the statement made is correct?

(c) If correct, do they propose to issue instructions to the authorities concerned to take steps to redress the grievances complained of?

Mr. G. G. Sim: (a) and (b). Government have seen the letter referred to, but have no information on the subject.

(c) This is a matter which might suitably be brought to the notice of the Agent through his Local Advisory Committee.

ENROLMENT OF SPECIAL CONSTABLES.

661. ***Khan Bahadur Sarfaraz Hussain Khan**: Will Government please state if they are prepared to undertake legislation with a view to amend section 17 of the Police Act V of 1861 in such a way as to exempt from liability to enrolment as special constables persons holding eminent public positions?

AMENDMENT OF THE EXPLANATION TO SECTION 15 OF THE POLICE ACT V OF 1861.

662. ***Khan Bahadur Sarfaraz Hussain Khan**: Will Government please state if they are prepared to undertake legislation with a view to amend *Explanation* to section 15 of the Police Act V of 1861 in such a way as to protect the interests of absentee landlords?

The Honourable Sir Alexander Muddiman: The reply is in the negative.

**NUMBER OF RESOLUTIONS BALLOTTED AND DISCUSSED SINCE THE
INAUGURATION OF THE SECOND ASSEMBLY.**

663. ***Lala Duni Chand:** (a) Will the Government be pleased to state the number of Resolutions balloted since the inauguration of the second Legislative Assembly and further state how many of them were debated and voted upon?

(b) What is the proportion of the Resolutions balloted and discussed to the total number of Resolutions sent up since the inauguration of the second Legislative Assembly?

Mr. L. Graham: (a) Up to 21st January—the date of the admission of the Honourable Member's question—the number of Resolutions which found a place in the ballot was 124. The subsequent fortunes of these Resolutions may be ascertained by perusal of the Proceedings of this Assembly.

(b) The number of Resolutions admitted up to the same date is 1,766. I must leave the Honourable Member with the assistance of the Proceedings to work out the proportions referred to in this part of the question.

SELECTION GRADE APPOINTMENTS IN THE SIMLA POSTAL DIVISION.

664. ***Lala Duni Chand:** (a) Is it a fact that there is only one appointment of selection grade in the Simla Postal Division consisting of Ambala and Simla Districts, excluding Head Offices?

(b) If so, do Government propose to raise the appointments of Sub-Post Masters, Jagadhari, Ropar and Kharar, in the Ambala District and Dagshai, Sabathu and Solan in the Simla District to selection grade appointments in consideration of monetary transactions and overland traffic?

Sir Geoffrey Clarke: (a) Yes, but it must be remembered that the Head and Town sub-offices of Simla and Ambala are excluded from the Division.

(b) No. The offices in question are of small importance and do not justify any appointments in the selection grade.

**RULES REGULATING THE ELECTION OF PRESIDENTS OF THE LEGISLATIVE
ASSEMBLY AND THE PROVINCIAL LEGISLATIVE COUNCILS.**

665. ***Mr. A. Rangaswami Iyengar:** (a) Will the Government be pleased to state:

- (1) the circumstances under which, the objects and reasons for which, the further amendments notified in the Gazette of India of the 10th January last No. F. 621-24A. C. 1, 2, etc., relative to the appointment and election of the Presidents of the Indian Legislative Assembly and the Provincial Legislative Councils were framed and submitted for the sanction of the Secretary of State in Council?
- (2) the date on which the sanction was applied for and that on which sanction was received for these rules from the Secretary of State in Council?
- (3) the reasons why the Government did not give either the Assembly or the Legislative Councils concerned the opportunity of expressing their views on a matter that so vitally affects their constitution and procedure?

(b) Will the Government be pleased to state whether the advisability of consulting the Legislatures in India was at all considered and if so, the reasons why such consultation was deemed inadvisable in this case?

Mr. L. Graham: (a) (1) The rules providing the procedure for the election of the Presidents of the Legislative Assembly and the Provincial Legislative Councils were made for the purpose therein appearing in view of the fact that the time for holding the elections required by the provisions of section 63C and section 72C of the Government of India Act was approaching.

(2) The dates in question are the 11th December 1924 and the 7th January 1925.

(3) Government cannot agree with the Honourable Member that these rules in any way affect the constitution either of the Assembly or of the local Legislative Councils, which in respect of their Presidents is settled by one or other of the sections of the Act cited above, and cannot be touched by any rules framed under the Act. As regards procedure, the one essential is that the person to be elected should be the person acceptable to the majority of the Members of the Assembly or Council, as the case may be, who take part in the election. The rules are calculated to produce this result, and apart from this no question of substance arises. As the only point of substance in the rules was beyond controversy, no occasion arose for considering the desirability of consulting the Assembly or the local Legislative Council on the form of the rules. The reply to this portion of the question also furnishes the reply to part (b) of the question.

• PUBLICATION OF THE CORRESPONDENCE BETWEEN THE SECRETARY OF STATE AND THE GOVERNMENT OF INDIA REGARDING THE RECOMMENDATIONS OF THE LEE COMMISSION.

666. ***Mr. A. Rangaswami Iyengar:** (a) Will the Government be pleased to lay on the table of the House the despatches between the Secretary of State and the Government of India, after obtaining the permission of the Secretary of State, if necessary, relative to the new rules framed by the former with the concurrence of a majority of votes of the Council of India, to carry into effect the decisions reached on the recommendations of Lord Lee's Commission with regard to pay, passages and pensions of the Superior Civil Services, published in the Gazette of India of the 17th January?

(b) Will the Government be pleased to state what are the matters upon which parliamentary legislation to amend the provisions of the Government of India Act in regard to the Civil Services is being promoted and whether the decision to make passage allowances not votable by designating them "passage pay" under these rules, without amendment of the Act, was made after taking legal opinion on the matter?

If so, whether this legal opinion was taken from the Government's Legal Officers in India or the Law Officers of the Crown in England?

(c) Will the Government be pleased to state what is the amount of supplemental expenditure that will be necessitated as a consequence of giving retrospective effect to the revised pay, pensions and allowances from the 1st April 1924? If so, what is the amount that is expected to be under votable heads and what the amount under non-votable heads?

(d) Will the Government be pleased to state whether an opportunity will be afforded to the Assembly for the discussion of this additional expenditure, votable and non-votable, in connection with such parts of the supplemental expenditure as would be votable under the appropriate heads of the Budget?

The Honourable Sir Alexander Muddiman: (a) I would refer the Honourable Member to the reply which I gave a few days ago to Mr. Venkatapatiraju's question No. 212.

(b) The matters for parliamentary legislation are still a subject of correspondence with the Secretary of State and I am unable to add anything to the information on this subject contained in the announcement of December 6, 1924, a copy of which I shall be glad to give to the Honourable Member. The Government of India did not consult their Law Officers in regard to "passage pay" and the Secretary of State has not informed the Government of India whether he consulted the Law Officers of the Crown in England or not.

(c) The Honourable Member is referred to the replies given to similar questions asked in the Legislative Assembly by him (No.* 1885-starred) and by Diwan Bahadur M. Ramachandra Rao (No.† 324-unstarred) on the 15th and 3rd September 1924, respectively. Government have not got figures showing the amount of expenditure due to retrospective effect being allowed, nor can they distribute with accuracy the amount between voted and non-voted heads.

(d) In the event of supplementary demands being presented in respect of such part of the expenditure as is votable and which cannot be met by reappropriation, Members will have opportunities for discussion according to the regular procedure. The bulk of the expenditure is however non-voted.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member whether the Parliamentary Bill embodying the proposals of the Lee Commission could be arranged to reach India at the same time as it is published in England, so that public opinion here may be invited in regard to those proposals?

The Honourable Sir Alexander Muddiman: I cannot say, Sir. The publication of Bills does not rest with me.

Diwan Bahadur M. Ramachandra Rao: Will the Honourable Member make a representation to the Secretary of State that this parliamentary legislation should be published in India and in England simultaneously?

The Honourable Sir Alexander Muddiman: I will send the Secretary of State a copy of the Honourable Member's question.

Diwan Bahadur M. Ramachandra Rao: Will he back up my request with the request of the Government of India that such legislation should be published in this country?

The Honourable Sir Alexander Muddiman: I do not know that I can commit myself to a general statement of the kind that any Bills of this nature will be published simultaneously here and in London.

*Legislative Assembly Debates, Vol. IV, No. 52, page 3382.

†Legislative Assembly Debates, Vol. IV, No. 47, pages 2977-78.

Diwan Bahadur M. Ramachandra Rao: I never said " every Bill ", I meant this particular Bill. Are the Government of India prepared to back up my request that that Bill should be published in India?

The Honourable Sir Alexander Muddiman: I should like to consider the matter further before I can give a definite answer.

REINTRODUCTION OF THE SYSTEM OF COMMISSION ON THE SALE OF
POSTCARDS, ETC.

667. ***Dr. K. G. Lohokare:** Will Government be pleased to state:

(a) The amount of saving effected annually, on account of stopping the commission allowed to private persons for the sale of postal cards, stamps, etc.?

(b) If they have under consideration reintroduction of the system of commission on sale of postal cards, etc., as before? If not, are they prepared to give consideration to this public convenience?

The Honourable Sir Bhupendra Nath Mitra: (a) The information is not available.

(b) No. Government are not aware that the public generally suffer any inconvenience in the matter of procuring postcards, etc.

Khan Bahadur W. M. Hussanally: Is it a fact that on Sundays no stamps are available to the public?

The Honourable Sir Bhupendra Nath Mitra: They are available.

Khan Bahadur W. M. Hussanally: On Sundays?

The Honourable Sir Bhupendra Nath Mitra: Yes, they are.

Khan Bahadur W. M. Hussanally: Where?

The Honourable Sir Bhupendra Nath Mitra: At post offices, during the hours they are kept open.

TRAVELLING ALLOWANCES OF LINE AND CASH OVERSEERS OF THE POSTAL
DEPARTMENT.

668. ***Mr. Amar Nath Dutt:** Is it a fact that the line and cash overseers in the Postal Department are deputed to investigate cases for which they are not granted travelling expenses and compelled to bear the travelling expenses out of their own pockets? If so, will the Government be pleased to state whether such investigation is any part of their duty?

TRAVELLING ALLOWANCES OF LINE AND CASH OVERSEERS OF THE
POSTAL DEPARTMENT.

750. ***Mr. Amar Nath Dutt:** Is it a fact that the line and cash overseers are deputed to investigate cases for which they are not granted travelling expenses but are compelled to bear the travelling expenses from their own pocket? If so, will the Government be pleased to state whether such investigation is part of their duty? If it is not a part of their duty, are the Government prepared to take steps for payment of their actual expenses?

Sir Geoffrey Clarke: With your permission, Sir, I propose to answer questions Nos. 668 and 750 together.

It is a part of line and cash overseers' duties to inquire into petty cases in their beats for which they are not entitled to any travelling allowance. They get travelling allowance, if deputed outside their jurisdictions. The last part of question No. 750 does not, therefore, arise.

DECLARATION OF DIVIDEND BY THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

669. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state the dividend declared by the Madras and Southern Mahratta Railway for the year ending 31st March last?

(b) Did the said company declare a bonus in addition to a dividend, and if so, what was the amount of the bonus?

(c) What is the percentage of capital held by shareholders in the Madras and Southern Mahratta Railway?

Mr. G. G. Sim: (a) and (b). The Madras and Southern Mahratta Railway Company declared a dividend of 6½ per cent. for the year ending the 31st December 1924, and also distributed a bonus of £2 per cent. from the stockholders' revenue account.

(c) In accordance with the valuation of the railway as determined by the contract with the Company, the percentage of capital held by the Madras and Southern Mahratta Railway Company was, on the 31st of March 1924, 22.5.

MR. R. D. BANERJI'S LETTER TO THE *AMRITA BAZAR PATRIKA* REGARDING THE ARCHEOLOGICAL DEPARTMENT.

670. ***Kumar Ganganand Sinha:** (a) Has the attention of the Government of India been drawn to the letter of Mr. R. D. Banerji published in the *Amrita Bazar Patrika* of the 6th January 1925 and the replies which it has elicited from the Editor and from a correspondent who calls himself "Fair Play" both published in the paper's issue of the 10th January 1925?

(b) Are the Government prepared to ask Mr. R. D. Banerji to explain fully how the Archæological Department was rotten till eight years ago and to lay his explanation on the table with their own comments thereon, when it is received?

Mr. J. W. Bhole: (a) Yes.

(b) The matter will be inquired into departmentally.

Kumar Ganganand Sinha: Will it be laid on the table?

Mr. J. W. Bhole: I should think it extremely unlikely, Sir.

ENCOURAGEMENT OF INDIGENOUS INDUSTRIES.

671 ***Kumar Ganganand Sinha:** Will the Government be pleased to state (a) how far the indigenous Indian industries have developed by the patronage of the Indian Stores Department during the last three years: (b) to what extent has the department patronised such industries: and (c) if no development has been effected, why?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the replies given to questions Nos. 14, 15 and 16 asked by Sir Hari Singh Gour on the 22nd January.

VALUE OF STORES PURCHASED BY THE INDIA STORES DEPARTMENT, LONDON.

672. ***Kumar Ganganand Sinha:** What is the number and amount of indents for the Government departments in India made during the year 1924 from the India Stores Department in London; how do they compare with those made during the two previous years?

VALUE OF STORES PURCHASED BY THE INDIA STORES DEPARTMENT,
LONDON AND THE INDIAN STORES DEPARTMENT DURING THE
LAST THREE YEARS.

673. ***Kumar Ganganand Sinha:** How do the figures of value and number of articles indented during the last three years from the London Department of Indian Stores compare with those from the Indian Department of Stores?

The Honourable Sir Bhupendra Nath Mitra: I propose to deal with Questions Nos. 672 and 673 together. Information is not available and could not be obtained in the precise form required by the Honourable Member without an expenditure of time and labour which Government do not consider would be commensurate with the value of the information when collected. The value of orders for stores placed by the Indian Stores Department during the last three financial years is as follows:

	Rs.
1921-22 (January to March only)	59,27,330
1922-23	1,64,78,305
1923-24	1,67,24,401

As regards the value of stores purchased by the India Store Department, London, the attention of the Honourable Member is invited to the reply given by Sir A. C. Chatterjee to part (c) of the question asked by the Honourable Mr. Neogy in this House on the 17th September, 1924.

PURCHASE OF STORES.

674. ***Kumar Ganganand Sinha:** Is it a fact that Indian traders are not given facilities for quoting about things indented from London? If so, why? If not, what are the facilities granted to Indian traders?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given to questions Nos. 21 and 22 asked by Sir Hari Singh Gour on the 22nd January.

PURCHASE OF STORES.

675. ***Kumar Ganganand Sinha:** Is it a fact that almost all the firms and contractors, approved in India by the Indian Stores Department are European concerns? If not, will the Government be pleased to give a list of purely Indian firms consisting of Indian capitalists with whom the department deals? If so, what is the cause of the disregard for Indian capital?

The Honourable Sir Bhupendra Nath Mitra: The answer to the first part of the question is in the negative. As regards the second part of the question I would refer the Honourable Member to the reply given by the Honourable Sir A. C. Chatterjee to part (a) of Mr. C. Duraiswami Aiyangar's starred question No. 1738 on the 10th September, 1924.

SUPERIOR APPOINTMENTS HELD BY INDIANS IN THE INDIAN STORES
DEPARTMENT.

676. ***Kumar Ganganand Sinha:** Is it a fact that all the high officials in the Indian Stores department such as the Chief Controller, Directors of Purchase, Director of Inspection, Superintendent in charge of Test House are not Indians? If so, why?

The Honourable Sir Bhupendra Nath Mitra: At the time the appointments referred to by the Honourable Member were filled Indians with the necessary qualifications were not available. As appointments in the Indian Stores Department require to be filled, the usual procedure is to advertise for candidates and to recruit the most suitable applicant. The claims of Indians possessing the qualifications required receive particular consideration. At present 13 superior gazetted posts are held by Indians.

Kumar Ganganand Sinha: What are the necessary qualifications, Sir?

The Honourable Sir Bhupendra Nath Mitra: Will the Honourable Member kindly repeat the question?

Kumar Ganganand Sinha: What are the necessary qualifications referred to?

The Honourable Sir Bhupendra Nath Mitra: The necessary qualifications are always mentioned in the advertisements.

HEADQUARTERS OF THE INDIAN STORES DEPARTMENT.

677. ***Kumar Ganganand Sinha:** Will the Government be pleased to state fully why Simla and not Delhi has been made the headquarters of the Indian Stores Department?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given to question No. 13 asked by Sir Hari Singh Gour on the 22nd January.

SUBORDINATE STAFF OF THE INDIAN STORES DEPARTMENT.

678. ***Kumar Ganganand Sinha:** Is it a fact that Simla is more expensive and inconvenient for the Indian staff of the Indian Stores Department than Delhi under the existing system of allowance and housing? If so, are or are not the Government making efforts to give equal facilities for the staff in both these places?

The Honourable Sir Bhupendra Nath Mitra: The Government have no information on the point referred to by the Honourable Member and they do not propose to take any steps in the direction indicated. I may explain that the subordinate staff of the office of the Chief Controller of Stores to whom it is presumed the Honourable Member refers, is treated in the same way as the members of the subordinate establishment of corresponding offices.

PURCHASE OF STORES BY PROVINCIAL GOVERNMENTS.

679. ***Kumar Ganganand Sinha:** Will the Government be pleased to state why the Governors' provinces have been exempted from the operations of the Rules for the supply of articles for the public service?

The Honourable Sir Bhupendra Nath Mitra: Under the Devolution Rules the purchase of stores by Governors' Provinces is a provincial subject, subject in the case of imported stores to such rules as may be prescribed by the Secretary of State in Council. The question of the rules which should be prescribed for Governors' Provinces in regard to imported stores, is under consideration.

COMPARISON BETWEEN INDIAN AND ENGLISH PRICES OF ARTICLES
REQUIRED FOR THE PUBLIC SERVICES.

680. ***Kumar Ganganand Sinha:** Is there any publication or record available to the public, of the Indian Stores Department, showing a comparison between the Indian and English prices of articles made in accordance with the method laid down in rule 8 for the supply of articles for the public services? If not, why?

The Honourable Sir Bhupendra Nath Mitra: No. Government consider that the issue of such a publication would not serve any practical purpose. Moreover the preparation of such a publication would entail an expenditure of time, money and labour entirely disproportionate to any advantage which may accrue by its issue.

INCLUSION OF THE COST OF THE LONDON STORES DEPARTMENT IN A
COMPARISON OF ENGLISH WITH INDIAN PRICES.

681. ***Kumar Ganganand Sinha:** Will the Government be pleased to state why the average cost of maintenance of the Indian Stores Department in London is not taken into consideration in calculating the prices for comparison with those in India as laid down in rule 8 for the supply of articles for the public services?

The Honourable Sir Bhupendra Nath Mitra: The matter was considered some years ago. The view then held was that, if the cost of the London Stores Department were taken into account in a comparison of English with Indian prices, it was necessary that the cost of the purchasing and inspecting organisations in India should similarly be taken into account and as the percentages to be added in the two cases were approximately equivalent it was decided for the sake of simplicity to omit both these items in the comparison. The Government of India adhere to this view.

RESOLUTION RE RUPEE TENDERS.

682. ***Kumar Ganganand Sinha:** Will the Government be pleased to state their decision with regard to the Resolution of Mr. M. A. Jinnah as amended, which the Assembly passed at the last year's Delhi session, recommending that rupee tender should be called for all state purchases in the country?

The Honourable Sir Bhupendra Nath Mitra: The attention of the Honourable Member is invited to the reply given to question No. 467 asked by Jamnadas M. Mehta on the 30th January, 1925.

PURCHASE OF RAILWAY STORES.

683. ***Kumar Ganganand Sinha:** Will the Government be pleased to state whether or not any articles originally intended by the State Railways to be indented from England have been purchased in India at the instance of the Indian Stores Department in 1924? If so, will the Government be pleased to lay on the table a list of such articles giving their detailed description and prices?

The Honourable Sir Bhupendra Nath Mitra: The reply to the first part of the question is in the affirmative. The information asked for in the second part of the question is not readily available and Government do not consider that any useful purpose would be served by their undertaking the trouble and expense involved in the special compilation of the list referred to.

SCRUTINY OF HOME INDENTS FOR STORES.

684. ***Kumar Ganganand Sinha:** (a) Will the Government be pleased to state whether any case arose in 1924 where the Home indents were scrutinised and objected to by the Indian Stores Department?

(b) If so, will the Government be pleased to give a list of such cases of objections and state their final result in each case?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes. Several such cases have arisen.

(b) The preparation of the list asked for would entail the expenditure of a great deal of time and labour, which the Government of India do not consider it necessary to undertake.

CONFIRMATION OF APPOINTMENTS IN THE INDIAN STORES DEPARTMENT.

685. ***Kumar Ganganand Sinha:** Is it a fact that most of the members of the staff of the Indian Stores Department are not yet confirmed in their posts? If so, why?

The Honourable Sir Bhupendra Nath Mitra: Yes. The reason is that the Indian Stores Department is still in the process of organization and the majority of the appointments have hitherto been sanctioned on a temporary basis. The question of bringing certain appointments on to a permanent footing is under consideration and the matter of the confirmation of incumbents in their respective posts will be taken up in due course.

RAIDS IN THE NORTH WEST FRONTIER PROVINCE.

686. ***Kumar Ganganand Sinha:** (a) Will the Government be pleased to state how many raids occurred on the Frontier during 1924 and how do they compare with those in the three previous years?

(b) How were the raids put down and what was the loss in men and money in the years 1921-24?

(c) What is separately the number and details of British and Indian casualties in the years mentioned in (b)?

Mr. Denys Bray: (a) The number of raids in the North West Frontier Province for the 9 months ending 31st December last was 31, compared with 69, 131 and 194 in the three previous years.

(b) and (c). This gratifying reduction has been secured by the combined action of the military and civil forces, and by the effective arrangements made to deal with outlaws. A comparative statement showing the loss in men and money and British and Indian casualties is laid on the table.

Statement comparing totals of raids in the years 1920-21, 1921-22, 1922-23 and 1923-24 (1st April to 31st March in each case).

Year.	No. of raids.	NUMBER OF BRITISH SUBJECTS.				Value of property looted.
		KILLED.		WOUNDED.		
		British.	Indian.	British.	Indian.	
1920-21 . . .	39	5	148	3	154	Rs. 2,86,284
1921-22 . . .	194	...	80	1	71	1,45,670
1922-23 . . .	131	1	51	...	52	82,795
1923-24 . . .	69	1	32	...	35	59,690

SMUGGLING OF ARMS AND AMMUNITION INTO INDIA.

687. ***Kumar Ganganand Sinha:** Will the Government be pleased to state the numbers of arms and quantity of ammunition smuggled into India and its frontiers of which they have knowledge between the years 1920 and 1924, the names of countries from which they came and the preventive measures they are taking for the same?

The Honourable Sir Alexander Muddiman: The Government of India have information to establish the fact that an extensive illicit traffic in arms and ammunition has been carried on in these years. I am not prepared to give details of this or of the measures taken to cope with it, as, if I did so, it would obviously assist those engaged in it.

COST OF TROOPS EMPLOYED IN THE NORTH WEST FRONTIER PROVINCE.

688. ***Kumar Ganganand Sinha:** What is the actual expenditure incurred in the year 1924 for the upkeep of the forces in the North West Frontier Province? What reduction if any will be made when normal conditions have been resumed? What amount is likely to be set apart for their maintenance in the budget estimate of 1925-26?

Mr. E. Burdon: I would refer the Honourable Member to the answer given to a somewhat similar question, No. 917, on the 20th March, 1924. "Frontier" forces do not exist as separate entities, and it is impossible to draw a dividing line between them and the rest of the Army, or to say what proportion of Army expenditure should be regarded as Frontier expenditure.

ESTABLISHMENT OF AN ORIENTAL RESEARCH INSTITUTE IN INDIA.

689. ***Mr. N. C. Kelkar:** Will Government state what progress has been made in the matter of the establishment of a Central Research Institute as recommended by the Conference of Orientalists held in July 1911 at Simla?

Mr. J. W. Bhore: The Honourable Member's attention is invited to the reply given by the Honourable Mian Sir Muhammad Shafi to a question by the Honourable Dr. Ganganath Jha in the Council of State on the 17th January 1922.

BRAHMIN COMMISSIONED AND NON-COMMISSIONED OFFICERS IN THE
INDIAN ARMY.

690. ***Mr. N. C. Kelkar:** Will Government state:

- (a) Whether there is a bar imposed against any caste or castes in India in the matter of direct military commissions to be given by the Government of India?
- (b) Do Government consider that the caste of Brahmins is not among the recognized fighting classes of the country?
- (c) What is the total number of Brahmins of all the Indian provinces taken together in all the ranks of the Indian Army and how many of them hold any commissions and how many of them hold posts of non-commissioned officers?

Mr. E. Burdon: (a) There is no bar in the case of King's Commissions. Officers holding the Viceroy's Commission, whether appointed direct or by promotion must belong to one or other of the classes of which their regiment is composed. The conditions under which direct Viceroy's Commissions are granted will be found in paragraph 118 of Army Regulations (India) Volume II.

(b) No, Sir. Brahmins are a recognized fighting class.

(c) The greater part of the information desired by the Honourable Member is not available and cannot be obtained without referring to individual units, which, as the Honourable Member will readily appreciate, would necessitate a very great deal of labour. I may however mention that on the 1st January 1924, the number of Brahmins from all Indian Provinces serving in the Army was approximately 3,200.

PROTECTION OF GOODS AT MUTTRA STATION FROM RAIN AND HEAT.

691. ***Mr. N. C. Kelkar:** (a) What is the amount of the average revenue from the goods traffic in and out of the Muttra station?

(b) What is the provision made at this (Muttra) station for protecting goods, unloaded or to be loaded, from rain and heat?

Mr. G. G. Sim: The information has been called for from the Railway Administration and will be supplied to the Honourable Member when received.

GRANT OF THE BOMBAY SCALE OF PAY TO THE POSTAL CLERICAL STAFF
EMPLOYED IN THE THANA DISTRICT.

692. ***Mr. N. C. Kelkar:** Will Government be pleased to state whether it is a fact that in some offices of the Thana District in the suburbs of Bombay, postmen and menials are given the Bombay scale of pay while the same is denied to the clerical staff there, who are drawing pay of the lowest scale?

Sir Geoffrey Clarke: Yes, but the clerical staff get a compensatory allowance of Rs. 5 a month.

REVISION OF THE PAY OF POSTAL OFFICIALS EMPLOYED IN THE BOMBAY SUBURBS.

693. ***Mr. N. C. Kelkar:** (a) Will Government be pleased to state whether it is a fact that owing to costly living in the suburbs of Bombay the postal officials are pressing hard for a higher scale of pay or a compensatory allowance since 1920?

(b) If so, will Government be pleased to state what steps they have taken, except in the case of officials in Salsette, regarding the representation?

(c) If no steps have been taken, when do they intend to redress the grievance?

Sir Geoffrey Clarke: (a) Yes.

(b) and (c). The pay of the postmen and menials has already been raised and it is proposed to revise that of the clerical staff shortly.

NUMBER OF VOTERS IN THE DIFFERENT COMMUNAL ELECTORATES IN EACH PROVINCE.

694. ***Mr. N. C. Kelkar:** Will Government state the figures of the total number of voters in the different communal electorates of legislative bodies in each province?

The Honourable Sir Alexander Muddiman: The information is contained in the Return showing the results of Elections in India, 1923, a copy of which is in the Library of this House.

GARRISON OF HONG KONG.

695. ***Mr. N. C. Kelkar:** Will Government state:

(a) what is the amount of the total expenditure incurred on the military garrison stationed at Hong Kong?

(b) what are the units composing the garrison?

(c) what are the Indian interests served by the location of this garrison?

(d) what is the amount of the contribution paid to the expenditure on this garrison by the Colony of Hong Kong and the Indian Government respectively?

(e) how long in the past is this contribution being paid?

(f) who bears the expenditure on the relief of this garrison from time to time?

Mr. E. Burdon: (a) The answer is not known to the Government of India. The garrison of Hong Kong is largely British and its entire expense is borne by Imperial revenues.

(b) One Indian Infantry battalion and an Indian Transport depôt are stationed at Hong Kong. The composition of the British garrison is not known to the Government of India.

(c) The posting of Indian troops to Hong Kong is valuable as giving them an opportunity to gain experience of service in other countries and to

widen their outlook generally. It was on considerations of this kind that the Assembly, in March 1921, passed a Resolution in favour of the employment of Indian troops overseas on garrison duties at the expense of His Majesty's Government.

(d) and (e). The Government of India do not contribute towards this expenditure, and they do not know what contribution is paid by the Colony of Hong Kong.

(f) His Majesty's Government.

GRANT OF LICENSES TO SWEETMEAT VENDORS ON THE GREAT INDIAN PENINSULA RAILWAY.

696. ***Mr. N. C. Kelkar:** (a) Is it a fact that the new rules for the licenses to sweetmeat vendors on the Great Indian Peninsula Railway provide that such licenses should be usually granted to a suitable resident of the town, nearest to the station; and that as a rule not more than one license should be granted to one and the same licensee, and further that a lessee operating a license in one division should not be granted a license in any other division?

(b) Will Government state the number of cases in which the above rules have been departed from when the licenses were granted last year?

(c) Is it a fact that in the Nagpur division alone, one single licensee has been given licenses, as a sweetmeat vendor, at 19 (nineteen) stations?

Mr. G. G. Sim: (a), (b) and (c). Government have no information on the subject, but the record of the proceedings of the meetings of the Local Advisory Committee of the Great Indian Peninsula Railway shows that the new rules were placed before the members of the Committee who apparently considered them suitable.

PAY OF CERTAIN EMPLOYEES IN THE INCOME-TAX DEPARTMENT IN SIND.

697. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if it is a fact that some inspectors, examiners and clerks in the Income-tax Department in Sind were given lesser pay than that given to their juniors under the fundamental rules? If so, will they be pleased to lay on the table the list of such inspectors, examiners and clerks?

(b) What steps have been taken to preserve the rights of those concerned and when are they likely to get their fair dues?

The Honourable Sir Basil Blackett: I have no special information and the question is so general that I am not in a position to answer it. If there are officers who believe themselves to be aggrieved, I would suggest that they should represent their grievances to higher authority as provided under the rules.

ABOLITION OF THE POSTS OF INCOME-TAX INSPECTORS AT HYDERABAD AND LARKANA, SIND.

698. ***Mr. Harchandrai Vishindas:** (a) Is it a fact that the Income-tax Inspectors of Hyderabad and Larkana are working at Karachi? If so, is there no need of such Inspectors at Hyderabad and Larkana?

(b) If the reply to the latter part of the foregoing question be in the negative, why are not the said posts for Hyderabad and Larkana abolished?

The Honourable Sir Basil Blackett: (a) One Examiner has been transferred to Karachi from Larkana. Recently an Inspector from Hyderabad was also ordered to Karachi, but these arrangements are purely temporary in order to relieve congestion of work in Karachi.

(b) The establishment in Sind as a whole is far from being in excess of requirement. Some redistribution of staff is however in contemplation.

ABOLITION OF RACIAL DISCRIMINATION ON THE NORTH WESTERN RAILWAY.

699. ***Mr. Harchandrai Vishindas:** Will Government be pleased to state if it is a fact that the Agent, North Western Railway, in reply to a Union Deputation who while thanking him for his assurance "that the policy of the Administration was to remove the racial discrimination", further asked him to take steps to give the assurance practical shape by removing the existing distinctions, stated, "As every endeavour is being made to work this policy I regret I cannot see my way to re-open the discussion at this stage"?

Mr. G. G. Sim: Yes. The Government are quite content to accept the Agent's opinion that further discussion would serve no useful purpose.

SALARIES OF INDIAN AND EUROPEAN STATION MASTERS AT FIRST CLASS STATIONS ON THE NORTH WESTERN RAILWAY.

700. ***Mr. Harchandrai Vishindas:** (a) Are Government aware that on the first class stations of the North Western Railway distinction is still maintained in the salaries of Indian and European assistant station masters?

(b) If so, are Government prepared to see to the early removal of these racial distinctions?

Mr. G. G. Sim: (a) No. This is not the case.

(b) Does not arise.

STATION MASTER OF PAD IDAN ON THE NORTH WESTERN RAILWAY.

701. ***Mr. Harchandrai Vishindas:** (a) Is it a fact that when the station master at Pad Idan railway station on the North Western Railway is out on leave, the Indian assistant station master Mr. Verhomal is appointed to act in his place though a highly paid Anglo-Indian assistant station master is available at the same station?

(b) If so, will Government be pleased to state the reasons why the Anglo-Indian assistant stationmaster is paid a higher salary?

Mr. G. G. Sim: Government have no information and do not propose to inquire as matters of this sort are left to the discretion of the Agent.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

702. ***Mr. Harchandrai Vishindas:** (a) Has the attention of the Government been drawn to the demands made by the North Western Railway Union regarding educational facilities for the staff working on lines, as published in the Union Weekly of the 20th September, 1924?

(b) Are Government aware that the poorly paid railway staff on the line are debarred from giving education to their children, owing to the lodging and boarding expenses of towns?

(c) Will Government be pleased to state why the line staff of railways, who are obliged to keep their children far away from towns, in the interest of railway service, are not paid 50 per cent. of educational expenses including boarding house charges, as demanded by the Union?

Mr. G. G. Sim: (a), (b) and (c). Government have not seen the article referred to. The Honourable Member's attention, however, is invited to the reply given to question No. 491, asked by Mr. N. M. Joshi from which it will be observed that the Government are already considering the question of the assistance to be given by railways towards the education of their employees' children.

LEAVE OF THE SUBORDINATE STAFF ON THE KARACHI DIVISION OF THE NORTH WESTERN RAILWAY.

703. ***Mr. Harchandrai Vishindas:** (a) Is it a fact that much hardship is being experienced by the subordinate staff of the North Western Railway, Karachi Division, in the matter of leave though the same is due and urgently required?

(b) Is it a fact that the Divisional Superintendent, North Western Railway, Karachi, in reply to applications in this behalf invariably asks the applicants to wait their turn but does not dispose of them on their merits?

(c) Is it a fact that when one Mr. Gobindram, Train Clerk at Kotri railway station, on the North Western Railway, applied for leave on account of his own marriage, he was given this reply?

Mr. G. G. Sim: (a), (b) and (c). The Honourable Member is reminded that leave cannot be claimed as a right and the grant is always dependent on the exigencies of the service. Government have no knowledge of any special difficulty in this respect on the Karachi Division of the North Western Railway or of the special cases referred to and do not propose to inquire as matters of this sort are left to the discretion of the Agent.

FEES FOR THE RENEWAL OF ARMS LICENSES.

704. ***Baba Ujagar Singh Bedi:** (a) Will Government be pleased to state whether the fees regarding the renewals of licenses for arms are different in different Provinces or universal throughout British India?

(b) What are the rates fixed with regard to the fees for the renewal of licenses in the Punjab, in pursuance of the Indian Arms Rules of 1924?

(c) Will Government be pleased to state whether the Indian Arms Act of 1878, coupled with the Indian Arms Rules of 1924, is an Imperial question or a Provincial subject?

(d) If it is an Imperial subject, will Government be pleased to find out if any anomalies have been perpetrated in the Dominions of British India, which infringe the rules regarding the charges of the fees and will they further be pleased to find out, if it is a fact that the fees which have been charged in the Montgomery District in the Punjab, are not in consonance with the Arms Rules of 1924, for the renewal of the licenses issued in the year 1923?

The Honourable Sir Alexander Muddiman: (a) Fees for the renewal of arms licences are the same throughout British India except in the North-West Frontier Province and the Attock district of the Punjab.

(b) The fees for renewal of licences in the Punjab, except in the Attock district, are:—

- (i) for a breech-loading pistol or revolver, five rupees;
- (ii) for any other breech-loading weapon, rupees two and annas eight;
- (iii) for other weapons, annas eight,

provided that application for renewal is made within one month of the date on which the licence expires. If application is not made within that period, the licensing authority may, in his discretion, levy fees at the rates prescribed for original licences.

(c) Control of arms and ammunition is a Central subject. The Government of India determine the policy and frame rules for the maintenance of control, but the Local Governments are responsible for supervising the detailed application of the rules.

(d) Having regard to what I have stated in the reply to part (c), this is a matter which is primarily the concern of the Local Governments, and I am not prepared to institute an inquiry.

UTILISATION OF SURPLUSES ACCRUING IN THE POST OFFICE.

705. ***Raja Raghunandan Prasad Singh:** (a) Is it a fact that there has been a net surplus in the Post Office amounting to Rs. 35,22,665 in the year 1923-24 and Rs. 26,67,180 in the year 1922-23 as shown at page 21 of the annual report of the Posts and Telegraphs for the year 1923-24 excluding the accounts of the Telegraph Department?

(b) If so, what will be the net surplus in the Post Office if this branch is credited with at least the working charges of the Savings Bank, customs duty, Life Insurance and Cash Certificates and also the income derived from the combined offices?

(c) Have the Government been able to separate the accounts of the Post and Telegraph branches now? If so, which branch is working at a loss?

(d) How, do the Government propose to use the surplus accruing in the post office?

The Honourable Sir Bhupendra Nath Mitra: (a), (b) and (c). The figures quoted are correct but the Honourable Member's attention is drawn to Part II, appendix X, pages 74-75 of the report in question from which it will be seen how the so-called net surplus has been arrived at. Many *pro forma* credits and debits have been taken into account in arriving at this result. It will be unprofitable labour to analyse these figures and compare them with correct figures that should be taken into account in a regular commercial system of accounts before net profit or loss can be determined. Such a system will be introduced in full from the year 1925-26 to the budget of which year will be attached a rough memorandum showing the result of the working of each branch separately. It is not possible to say at present which branch is working at a loss since the necessary separation in accounts has not yet been made. The reference to "the income derived from the combined offices" is not clear. If the income from telegraph messages is meant, this will have to be credited to the Telegraph Branch.

(d) It is possible that a properly commercialised system of accounts will show a loss, and not a profit, at present. It would be premature to forecast the measures which would be adopted in the contingency of a surplus arising in the future.

RETRENCHMENTS IN THE POST OFFICE.

706. ***Raja Raghunandan Prasad Singh:** (a) Is it a fact that a sum of Rs. 1,77,67,000 was reduced as the result of the recommendations of the Inchcape Retrenchment Committee from the Budget estimate of the Post Office as shown at page 2 of the annual report of the Posts and Telegraphs for 1923-24?

(b) If so, is it also a fact that a fresh Retrenchment Committee called the Ryan Committee has been appointed to make further retrenchment in the post office?

(c) What was the amount retrenched from the Telegraph branch as a result of the Inchcape Retrenchment Committee?

(d) Will the Government be pleased to state if retrenchments are meant only for the Post Office which is working with short staff and the Telegraph Department, which was left untouched even on the face of the recommendations of the Inchcape Committee, is to be allowed to run as it is running with its present staff and no retrenchment?

(e) If so, why?

The Honourable Sir Bhupendra Nath Mitra: (a) and (d). The reduction was actually on the Budget estimate of the whole Department and not on that of the Post Office only.

(b) The purpose for which the Committee was appointed is stated in the reply given to Mr. C. Duraiswami Aiyangar's starred question No. 171 on the 23rd January, 1925.

(c) Of the retrenchment of Rs. 1,77,67,000 referred to in part (a) of the question, about Rs. 1,24,00,000 related to Telegraphs, including Telephones and Radios. Besides this, there were certain reductions under joint expenditure relating to both Posts and Telegraphs, an absolute separation of which is not possible.

(e) Does not arise.

TRAVELLING ALLOWANCES OF INSPECTORS OF POST OFFICES.

707. ***Raja Raghunandan Prasad Singh:** Is it a fact that Inspectors of Post Offices and R. M. S. in the scale of Rs. 100—175 are second class officers for the purposes of travelling allowance but as soon as they are promoted to the scale of Rs. 175—225 they rank as 3rd class officers for the same purpose? If so, will the Government remove this anomaly?

The Honourable Sir Bhupendra Nath Mitra: Inspectors are specially treated as 2nd class officers because in view of the importance of their work in connection with the inspection of Post Offices and the fact that touring constitutes an important part of their duties it is considered necessary that they should have, for the purpose of travelling allowance rules, a status higher than is warranted by their pay alone and enjoy the privilege of travelling 2nd class. If appointed to the grade of Rs. 175—225 they cease to be Inspectors and the above consideration does not apply.

DEPARTMENTAL EXAMINATION FOR SUPERINTENDENTS OF POST OFFICES.

708. ***Raja Raghunandan Prasad Singh:** (a) Is it a fact that before their appointments as Inspectors of Post Offices and Superintendents, head clerks are to be examined in a departmental examination almost in the very subjects as Superintendents of post offices except in the Indian Penal Code and Evidence Act?

(b) If so, has the question been considered of further examining in the Indian Penal Code and Evidence Act those men who have passed the departmental examination referred to in (a) with a view to appoint them as Superintendents when the opportunity occurs?

Sir Geoffrey Clarke: (a) and (b). Inspectors of Post Offices and Superintendents' Head Clerks before appointment as such are required to undergo a Departmental examination for which the head of each postal circle prescribes the subjects and sets the questions. That examination necessarily covers part of the ground of the departmental examination for Superintendents of Post Offices. The latter, however, is a comprehensive examination differing greatly in range and degree from the former. The candidates for the Superintendents' examination, including qualified Inspectors and Superintendents' Head Clerks, are nominated by heads of circles and are specially selected by the Director General, and the examination, the subjects for which are uniform for all India, is conducted under the supervision of the Director General. An Inspector or a Superintendent's Head Clerk who prior to his appointment as such had passed the circle examination is not, therefore, necessarily eligible for selection to appear at the Superintendents' examination.

DUTIES OF POSTAL INSPECTORS.

709. ***Raja Raghunandan Prasad Singh:** (i) With reference to question No. 1989 asked by Khan Bahadur Sarfaraz Hussain Khan regarding pay of Postal Inspectors and the answer of the Honourable Mr. A. C. Chatterji thereto, is it not a fact that the Postal Inspectors have to (a) investigate all sorts of postal cases; (b) conduct postal criminal cases in the Court, (c) construct and repair departmental buildings, (d) appoint all staff of the rank of postmen and below (e) inspect post and telegraph offices and mail lines, (f) make mail arrangements, (g) attend to the arrangements of the delivery of mails of high Government officials on tour, (h) impart instructions to the post offices whenever any new business is undertaken by the P. O. and a host of other works?

(ii) If so, will the Government be pleased to state if the Inspectors of other departments also have to perform such multifarious duties—If not, why the pay of the Postal Inspectors should not be brought to a level with those of the Inspectors of other departments?

The Honourable Sir Bhupendra Nath Mitra: (i) Yes, but the more important investigations, the conduct of the more important cases in court and the inspection of the more important post offices are ordinarily undertaken by the Superintendent of Post Offices.

(ii) I have nothing to add to the reply given by Sir A. C. Chatterjee on the 3rd September, 1922, already quoted by the Honourable Member.

PAY OF POSTAL OFFICIALS EMPLOYED IN TOWNS AND THOSE EMPLOYED
IN THE MUFASSIL.

710. ***Raja Raghunandan Prasad Singh:** (a) Is it a fact that the officials, working at a place where there is a first class Head Office, get higher pay than those working at a place where there is a second class Head office?

(b) If so, do the Inspectors of Post Offices and Superintendents' Head Clerks and also other officials in selection grades get different scales of pay when working in a town where there is a first class Head office as compared with those working at a second class Head office? For example whether an Inspector of Post Offices, Superintendent, Head clerk or other officer in the selection grade working in the Presidency Towns of Calcutta, Bombay, Madras or at other first class Head offices gets higher pay than those working in the Mufassil such as Gorakhpur, Arrah, Monghyr, &c., &c. If not, do the Government propose to grant the former some compensatory allowance to cope with the living and house rents which they have to incur in excess of those working in the Mufassil? If not, why not?

Sir Geoffrey Clarke: (a) In towns with a first class Head post office, only postal officials below the selection grades get higher pay.

(b) The pay of the selection grades and of Superintendents' Head Clerks and Inspectors is the same all over the country. Compensatory local allowances are granted to these classes of officials wherever considered necessary.

GUARDING OF POST OFFICES AT NIGHT.

711. ***Raja Raghunandan Prasad Singh:** Has the assurance given by the Director General that the postmen and menials who have not been provided with free quarters, will not be required to guard the post offices at night, been carried out, if not, will the Government be pleased to state the reasons under which these men are still required to guard the post offices at night after having performed work for the whole day?

The Honourable Sir Bhupendra Nath Mitra: No such assurance was given by the Director General. The Honourable Member's attention is invited to the reply given by Sir A. C. Chatterjee on the 20th March, 1924, to Mr. Amar Nath Dutt's starred question No. 923 and to the reply given by me on the 11th June, 1924, to Mr. Chaman Lall's starred question No. 1486. In some post offices postmen and menials, who are not provided with free quarters, sleep near the cash chest when they are willing to undertake the duty in consideration of some extra remuneration.

LIMIT OF WEIGHT TO BE CARRIED BY POSTMEN.

712. ***Raja Raghunandan Prasad Singh:** Is there any limit of weight of postal articles including silver up to which the postman should himself carry for delivery without a cooly; if not, do the Government propose to fix a standard weight bearing in mind that the postman is also required to carry his delivery bag the weight of which is about 120 tolas?

Sir Geoffrey Clarke: I would refer the Honourable Member to the answer I gave on the 2nd February, 1925, to Khan Bahadur Sarfaraz Hussain Khan's question No. 532.

LATE DELIVERY OF MAILS AT MONGHYR.

713. ***Raja Raghunandan Prasad Singh**: Are the Government aware of the great inconvenience felt by the public of Monghyr owing to the late delivery of mails which, in its turn is due to the timing of the local train? If so, what steps are they going to take to remove this grievance of the Monghyr public?

Mr. G. G. Sim: Government have no information on the subject, but the matter will be brought to the notice of the railway administration and the Postmaster General, Bihar and Orissa.

OFFICERS AND SUBORDINATES OF THE MILITARY WORKS SERVICES
DISCHARGED AND RE-ENGAGED BETWEEN THE YEARS 1907
AND 1924.

714. ***Khan Bahadur Makhdum Syed Rajan Bakhsh Shah**: Will the Government please lay on the table a list of such of the officers and subordinates in the M. W. S. who were discharged from employment but were subsequently either reinstated or re-employed during the period from 1907 to the end of 1924 under the following headings:

- (a) name;
- (b) post held before discharge with pay;
- (c) reasons for discharge;
- (d) date of discharge;
- (e) date of re-employment or reinforcement;
- (f) post in which re-employed?

Mr. E. Burdon: I place on the table a statement of the officers of the Military Works Services who were discharged and re-engaged between the years 1907 and 1924.

The information regarding subordinates is not available and could not be obtained from the local military authorities without a great deal of labour and correspondence, which, in the opinion of Government, would not be justified by the result.

Statement regarding the officers who were discharged from the Military Works Services and who were subsequently re-employed.

Name.	Post held before discharge, with pay.	Reasons for discharge.	Date of discharge.	Date of re-engagement.	Post to which re-employed.
Mr. G. E. Jarman	Garrison Engineer, Khyber. Pay—Rs. 1,000 per mensem.	Termination of agreement.	3rd January 1922.	1st September 1923.	Garrison Engineer, Fort William.
Mr. A. G. Wilbond.	Garrison Engineer, Landi Kotal. Pay—Rs. 1,000 per mensem.	Do.	6th May 1923.	3rd July 1923.	Garrison Engineer, Peshawar.
Mr. E. V. Harris	Garrison Engineer (E. and M.), Peshawar. Pay—Rs. 800 per mensem.	Do.	1st April 1922.	2nd August 1923.	Garrison Engineer (E. and M.), Lahore.

PAY OF POSTMEN AND BRANCH POSTMASTERS IN THE THANA DISTRICT.

715. *Mr. N. M. Joshi: Will Government be pleased to give the following information:

- (a) Is it a fact that the salary of a postman in many parts of the Thana District is Rs. 27—45 according to the new time-scale and that of a branch postmaster in the same district is Rs. 24—32?
- (b) Is it a fact that some postmen in that district are promoted, after putting in 15 years' service, to the ranks of branch postmasters? If so, how many postmen have been so promoted?
- (c) Is it a fact that, under the present time-scale, the postmen promoted to the ranks of branch postmasters after putting in a service of 15 years, draw less salary than the postmen who have put in the same period of service but who have not been promoted to the ranks of branch postmasters? If so, how much does that difference in their respective salaries come to?
- (d) If the answer to the earlier part of (c) of the above question be in the affirmative, will Government be pleased to state what steps do they propose to take to remove this state of things?

Sir Geoffrey Clarke: (a) Yes.

(b) The reply to the first part of the question is in the affirmative. The number of postmen referred to in the second part of the question is being ascertained and will be intimated to the Honourable Member as soon as possible.

(c) In the Thana District there are two time-scales of pay for postmen, namely, Rs. 18— $\frac{1}{2}$ —24 and Rs. 27—27—27—1—45. A postman on the lower scale of pay receives an increase of pay from Rs. 21 to Rs. 24 on appointment after 15 years' service to the rank of branch postmaster on a pay of Rs. 24—1—32. A postman on the higher scale of pay is not appointed a branch postmaster on Rs. 24—1—32. There are, however, some branch postmasters appointed prior to the introduction of the time-scales, who, if they had remained as postmen in the Thana District, would have been in receipt of pay at the higher of the two time-scales for postmen.

(d) Any of these latter who do not desire to continue as branch postmasters will be promoted as clerks if they fulfil the prescribed conditions or will be permitted to revert to the postmen's cadre.

GRIEVANCES OF BRANCH POSTMASTERS IN THE THANA DISTRICT.

716. *Mr. N. M. Joshi: Will Government be pleased to state whether it is a fact that some branch postmasters affected in the manner stated in the preceding question had laid their grievances before their superiors? If so, did they inquire into these grievances? If so, what was the result of their inquiry and was it communicated to the branch postmasters concerned?

(b) Will Government be pleased to state whether it is a fact that some of the branch postmasters drawn from the ranks of postmen applied that they should be reverted to their posts of postmen? If so, how many had so applied?

(c) If the answer to (b) above be in the affirmative, will they be further pleased to state what reply was given to them? What were the conditions, if any, that were set down for their return to their original posts and how many branch postmasters, if any, were thus transferred to their original rank of postmen?

Sir Geoffrey Clarke: The information is being collected and will be supplied to the Honourable Member as soon as possible.

ALLEGATIONS IN THE *WEEKLY MAZDOOR* OF LUCKNOW AGAINST MR. GOFF, A FORMER DISTRICT TRAFFIC SUPERINTENDENT OF THE OUDH AND ROHILKHAND RAILWAY.

717. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether their attention has been drawn to the first 14 of a series of questions published in the "*Weekly Mazdoor*" of the 10th December 1923, containing some allegations against Mr. Goff, a former D. T. S. of the O. & R. Railway and the dismissal of one Mr. Rajaram, the stationmaster of Berhamghat?

(b) If the answer to (a) be in the affirmative, will they be pleased to state whether the statements made therein are a correct version? If not, what is the correct version?

Mr. G. G. Sim: (a) Government have seen the set of questions.

(b) I would refer the Honourable Member to the reply given to Maulvi Muhammad Yakub's question No. 317, on the 27th January, 1925. Government cannot undertake to furnish any more information on this matter.

DISMISSAL OF MR. RAJARAM, STATION MASTER OF BRHAMGHAT ON THE OUDH AND ROHILKHAND RAILWAY.

718. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that the stationmaster of Berhamghat, one Mr. Rajaram, was dismissed from the service of the O. & R. Railway company? If so, why was he dismissed? Had his dismissal anything to do with the alleged acts of corruptions on the part of Mr. Goff being brought to the notice of the railway authorities?

(b) Will they be pleased to state whether, if the answer to the first part of (a) be in the affirmative, it is a fact that the said stationmaster was given a good service certificate of 18 years' faithful service? If so, why did the railway authorities grant such certificate when he was actually dismissed from service?

(c) Will they be further pleased to state whether it is a fact that Mr. Rajaram's bonus and gratuity were forfeited? If so, what is the reason of this forfeiture?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to question No. 317, on the 27th January, 1925.

INDIAN, ANGLO-INDIAN AND EUROPEAN ASSISTANT STATIONMASTERS ON THE OUDH AND ROHILKHAND RAILWAY.

719. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that, on the O. and R. Railway, the promotions of the Indian assistant stationmasters are restricted to 'D' class whereas the Anglo-Indian and European stationmasters are given lifts to 'E' and 'F' classes? If so, why is this so?

(b) Will they be further pleased to state whether it is a fact that, on the same railway, at junction stations, the Indian assistant stationmasters get scales of pay of the 'D' class and that the Anglo-Indian and European assistant stationmasters get the scales of pay of the 'E' or 'F' classes for doing the same duties? If so, why is this so and will Government take steps to remove this distinction? If not, why not?

Mr. G. G. Sim: (a) and (b). The Honourable Member is referred to the reply given to a similar question No. 324, asked by Maulvi Muhammad Yakub.

WITHDRAWAL OF THE RECOGNITION OF THE OUDH AND ROHILKHAND RAILWAY UNION.

720. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that, in June 1923, when the strike of the O. and R. Railway employees was threatened, the Agent of the same railway agreed to restore the recognition of the O. and R. Railway Union on certain terms and that they were sent to the Union through the Superintendent of Police, Lucknow?

(b) Will they be further pleased to state whether the Executive Committee of the O. and R. Railway Union accepted the terms offered by the Agent without any amendment?

(c) If the answer to (a) and (b) be in the affirmative will Government be pleased to state whether the recognition of the said Union was granted? If not, why not?

Mr. G. G. Sim: (a), (b) and (c). The recognition of the Union was not withdrawn till May 1924. If the Honourable Member means June, 1924, he is referred to the reply given to the question No. 312 by Maulvi Muhammad Yakub.

DIFFERENCE IN PAY OF THE STATIONMASTERS AND ASSISTANT STATIONMASTERS ON THE OUDH AND ROHILKHAND RAILWAY.

721. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that, on the O. and R. Railway, the difference in pay of the stationmasters and assistant stationmasters on roadside stations was formerly Rs. 5 only whereas after the enforcement of the new scale of pay, the difference rose to Rs. 20? If so, what is the reason of the increase in the difference?

Mr. G. G. Sim: The Honourable Member is referred to the reply given to a similar question No. 319, asked by Maulvi Muhammad Yakub.

REVERSION OF "A" CLASS STATIONMASTERS TO "B" OR "C" CLASS STATIONS ON THE OUDH AND ROHILKHAND RAILWAY.

722. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that, on the O. and R. Railway, some of the 'A' class stationmasters were recently reverted to the 'B' or 'C' class railway stations? If so how many of them were Indians, Anglo-Indians and Europeans and why were they so reverted? Did these reversions affect their promotions and other prospects?

Mr. G. G. Sim: The question as put is unintelligible as 'A' Class is the lowest and reversion is consequently not possible. The Honourable Member is, however, referred to the reply given to a somewhat similar question No. 320, asked by Maulvi Muhammad Yakub.

QUARTERS FOR MENIALS ON THE OUDH AND ROHILKHAND
RAILWAY.

723. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the menials' quarters on the O. and R. Railway consist of one small room and a courtyard each? If so, do Government propose to take steps to improve these quarters and provide more accommodation to the menials?

Mr. G. G. Sim: The present type of workmen's quarters on the Oudh and Rohilkhand Railway consists of one room, a verandah and a courtyard. Government consider this accommodation to be sufficient for this class of employés.

Diwan Bahadur T. Rangachariar: On a point of order, Sir. Does the fact that an Honourable Member puts a series of questions exempt him from standing when he puts them?

SUPPLY OF RAIN COATS TO LINE JAMADARS AND POINTSMEN ON THE
OUDH AND ROHILKHAND RAILWAY.

724. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the line jamadars and pointsmen on the O. and R. Railway are not given rain coats which other out-door staff are supplied with? If so, will they remove the grievance by giving rain coats to the line jamadars and pointsmen? If not, why not?

Mr. G. G. Sim: Although rain coats are not supplied to line jamadars and pointsmen, they get blankets coats.

SUPPLY OF OVERCOAT TO ASSISTANT STATIONMASTERS ON THE OUDH
AND ROHILKHAND RAILWAY.

725. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the O. and R. Railway supplies overcoats to the assistant stationmasters at junction stations and not to the assistant stationmasters working at roadside stations? If so, why is this so?

Mr. G. G. Sim: Yes. Assistant stationmasters at junction stations of the Oudh and Rohilkhand Railway are supplied with overcoats every fourth year. Other assistant stationmasters get annually a warm winter suit.

REDUCTION OF GUARDS TO BRAKESMEN ON THE OUDH AND ROHILKHAND
RAILWAY.

726. ***Mr. N. M. Joshi:** Will Government be pleased to state whether, on the O. and R. Railway, a large number of guards were reduced in the years 1922 and 1923, to the ranks of brakemen? If so, why were they reduced and how many of them were Indians, Anglo-Indians and Europeans?

Mr. G. G. Sim: Yes. On account of retrenchment 18 Indian guards in 1922 and 13 in 1923 were reduced to the rank of brakemen.

EMPLOYMENT OF NEW MEN AS GUARDS ON THE OUDH AND ROHILKHAND RAILWAY IN 1922 AND 1923.

727. *Mr. N. M. Joshi: Will Government be pleased to state the number of new men employed on the O. and R. Railway as guards in the years 1922 and 1923, and how many of them were Indians, Anglo-Indians and Europeans?

Mr. G. G. Sim: The number of new men of the nationalities mentioned by the Honourable Member employed on the Oudh and Rohilkhand Railway as guards in the years 1922 and 1923 is as follows:

			1922.	1923.
Europeans	...	...	4	—
Anglo-Indians	...	...	2	—
Indians	...	...	17	9

REFUSAL OF THE AGENT TO RECEIVE A DEPUTATION OF THE SOUTH INDIAN RAILWAY UNION.

728. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether it is a fact that the Agent of the South Indian Railway refused to receive a deputation of the S. I. Railway Union?

(b) If the answer to (a) be in the affirmative, will they be further pleased to state whether it is a fact that the Agent refused to receive the deputation on the ground that it was to be headed by outsiders?

(c) If the answer to (b) be in the affirmative, will Government be pleased to state whether they object to the deputations of labour unions being headed by outsiders?

(d) If the answer to (b) be in the negative, what were the reasons on which the deputation was refused the interview?

REFUSAL OF RECOGNITION BY THE AGENT OF THE RAILWAY OF THE SOUTH INDIAN RAILWAYMEN'S UNION.

729. *Mr. N. M. Joshi: Will Government be pleased to state whether it is a fact that the Agent of the South Indian Railway refused to recognise the South Indian Railwaymen's Union so long as there were outsiders in it? If so, will they be further pleased to state whether there is any objection to the labour unions containing outsiders in them?

The Honourable Sir Charles Innes: I will answer questions Nos. 728 and 729 together. The Government have received a telegraphic report of the incident referred to. The report states that the Agent agreed to meet a deputation of the Labour Union on December 21st last. The deputation arrived accompanied by two pleaders. The Agent declined to hear the pleaders. Accordingly they withdrew and the Agent then interviewed the deputation.

The provisional views of Government on the question of outsiders in labour unions are contained in clause 21 of the Trade Unions Bill.

Mr. N. M. Joshi: May I ask whether the Government are prepared to send a copy of this Bill to the Agent of the South Indian Railway and ask him to comply with the views of the Government of India?

The Honourable Sir Charles Innes: I think, Sir, that question might more appropriately be asked after the Bill has been passed.

Mr. N. M. Joshi: Will the Government of India's views also depend upon the Bill being passed?

The Honourable Sir Charles Innes: The Government of India's views, as I have explained, are provisional, and they will no doubt be discussed in the House in the fullest detail.

Mr. Chaman Lall: May I ask the Honourable Member whether he does not consider it a right and proper thing for outsiders to go and represent the case of the workers before the Agents?

The Honourable Sir Charles Innes: The Honourable Member knows that is one of the most controversial points in regard to trade unions legislation.

Mr. Chaman Lall: Is the Honourable Member aware that the Bombay Government appointed a Committee and that that Committee recommended that outsiders should be in charge of the workers' interests?

The Honourable Sir Charles Innes: I was not aware of that.

Mr. Chaman Lall: May I bring to the Honourable Member's attention that what I have just stated is a fact.

The Honourable Sir Charles Innes: I think he might draw the attention of his Honourable colleague on his right to that.

Mr. N. M. Joshi: May I ask whether the Government of India will send their provisional views to the Agent of the Railway?

The Honourable Sir Charles Innes: I have already answered that I think these views may be left over till the Trade Unions Bill is passed. When that Bill is passed I hope some light will have been thrown on a very very difficult question.

Mr. R. K. Shanmukham Chetty: May I draw the attention of the Honourable Member to the fact that some time ago the Agent of the South Indian Railway refused to receive a deputation of the South Indian Railway Union. May I ask the Honourable Member to ask the Agent of the South Indian Railway not to take up that attitude?

The Honourable Sir Charles Innes: I am not quite sure to what incident the Honourable Member is referring. Apparently it is an entirely separate one to the one referred to in Mr. Joshi's question, and he had better put down a separate question on it.

Mr. R. K. Shanmukham Chetty: The incident I am referring to is one in which I happened to be one of the members of the deputation. (Laughter.)

EXCLUSION OF THE VILLAGE OF BHAGUR FROM THE LIMITS OF THE
DEGLAM CANTONMENT.

730. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they are aware that the notification issued by Government and published in the Bombay Government Gazette of the 31st January 1924,

about the exclusion of the Bhagur village from the limits of the Deolali Cantonment, applies only to that part of the village which lies south of the railway line and that a portion of the village lying north of the railway line still remains under the jurisdiction of the Deolali Cantonment?

(b) If the answer to (a) be in the affirmative, will they be pleased to state why the northern portion of the village is kept within the Cantonment limits when the Government of India had announced in July 1923 in the Legislative Assembly that they had decided to exclude the whole village from the Cantonment limits?

(c) Will they be further pleased to state whether they are prepared to take steps to amend the said notification so as to exclude the entire Bhagur village from the limits of the Deolali Cantonment? If not, why not?

Mr. E. Burdon: (a) Yes.

(b) and (c). Before receiving notice of the Honourable Member's question, I had already had the point carefully examined and had consulted both the Government of Bombay and the local military authorities. There appears to have been some misunderstanding in the first instance; but it has now been definitely agreed that this small plot (it is less than 10 acres and the inhabitants are only 82 in number) must remain within Cantonment limits in order to safeguard the health of the troops. The public will have free access to the burial ground and the places of worship situated within the area. I am informed that the railway line has always been regarded as the real boundary of the village and is the most suitable boundary between the Cantonment and non-Cantonment area.

INTRODUCTION OF THE BONUS SYSTEM IN LIEU OF PENSIONS IN CURRENCY OFFICES.

731. ***Mr. N. M. Joshi:** (a) With reference to the reply given to part (a) of my question No. 2116 of the last September session, will Government be pleased to state how the bonus system introduced by Government in the Currency Office in lieu of the Pension system is more suited to these offices than the Provident Fund system?

(b) Will Government be pleased to state whether, by substituting the new bonus scheme for the old practice of granting pensions in the Currency Offices, Government have been able to save anything or whether they require to spend more? In either of the two cases what will be the percentage of such saving or such extra expenditure?

GUARANTEE CONTRIBUTIONS BY THE CURRENCY OFFICE STAFF.

732. ***Mr. N. M. Joshi:** Will Government be pleased to state whether by the introduction of the condition requiring each employee of the Currency Offices to insure with an Insurance Company approved by the Controller of Currency against any loss which is now in force and without reimbursing such portion of the amount of the premia paid to him as is not refunded by the Insurance Company, the regular provident fund system will not satisfy the "circumstances arising out of the responsibility of Treasurers for the valuables handed in the course of the daily transactions"? if so, how?

BONUS SCHEME IN FORCE IN CURRENCY OFFICES.

733. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that, under the bonus scheme now in force in the

Currency Offices, Government add their share of the bonus to the Provident Fund at the time of the employee's retirement after 30 years' service or after his having attained 55 years' age?

(b) If the answer to (a) be in the affirmative, will they be pleased to state whether the same practice of adding the employers' share to the Provident Fund of the employee after his retirement obtains in Railways, Port Trusts and such other concerns or whether the employers' share is added at the end of a certain fixed period? If the latter, why do not Government introduce the same practice in the Currency Offices?

(c) Will they be further pleased to state whether it is not also a fact that by the addition of the Government's share at the end of the employee's service, the latter loses the interest on that share? If so, will they take steps to abolish this practice and introduce the one that is current in other concerns? If not, why not?

BONUS SCHEME IN FORCE IN CURRENCY OFFICES.

734. *Mr. N. M. Joshi: Will Government be pleased to state whether it is a fact that under the new bonus scheme now in force in the Currency Offices, the employee is neither entitled to the Government share of the bonus to the Provident Fund calculated at the rate of 1/12th of the monthly substantive pay of the post held by him nor to the interest on the bonus if he retires before he completes his 30 years' service or before he attains 55 years' age? If so, on what grounds are the contribution from Government and the interest withheld from him?

BONUS SCHEME IN FORCE IN CURRENCY OFFICES.

735. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether it is a fact that under the new Provident Fund Bill recently passed by Legislative Assembly, the employee is entitled to the grant of the Government's share of the Provident Fund even if he is dismissed from service while, under the new bonus scheme in the Currency Offices, he is not so entitled even if he dies before his attaining 55 years or completing 30 years' service?

(b) If the answer to (a) be in the affirmative, will they be further pleased to state whether Government are prepared to bring the rule in this respect in the Currency Offices into conformity with the provision in the new Bill? If not, why not?

GRANT OF GRATUITIES OVER AND ABOVE THE BENEFITS OF THE PROVIDENT FUND TO THE STAFF OF THE CURRENCY OFFICES.

736. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether they are aware that in the Port Trust and Railways, the employee gets, under certain conditions, some gratuity over and above the benefits that he is entitled to get under the Provident Fund rules?

(b) If the answer to (a) be in the affirmative, will Government be pleased to consider the feasibility of introducing the same practice in the Currency Offices? If not, why not?

DISTRIBUTION OF LAPSES OR FORFEITURES OCCURRING UNDER THE BONUS SCHEME IN FORCE IN CURRENCY OFFICES.

737. *Mr. N. M. Joshi: (a) Will Government be pleased to state what they propose to do with the amounts that may be accrued, under the present

bonus scheme, on account of lapses or forfeiture on the part of the employees?

(b) If they have not yet decided anything in this matter are they prepared to take into consideration the practice current in the Imperial Bank of India and the Bombay Port Trust, viz., that such lapses or forfeitures are divided among the staff in proportion to the amounts they contribute to the Provident Fund and introduce the same in the Currency Offices? If not, why not?

The Honourable Sir Basil Blackett: I propose to answer questions 731—737 together.

The whole question of Provident Fund and Guarantee contributions by the Currency Office staff is under reconsideration in the light of the present legislation, and the experience gathered in the last five years since the introduction of the present arrangements.

REVISION OF THE PAY OF THE SHROFFING STAFF IN CURRENCY OFFICES.

738. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact that the Shroffing Staff in the Currency Offices have not been given the benefit of the recent revision in the scales of pay?

(b) If the answer to (a) be in the affirmative, do Government propose soon to take steps to revise the scales of pay of the Shroffing Staff? If not, why not?

The Honourable Sir Basil Blackett: (a) Yes.

(b) The pay was considerably increased in 1922. Any further revision is not considered necessary.

EXISTING SCALES OF PAY IN THE OFFICES OF THE CONTROLLER OF CURRENCY, THE DEPUTY CONTROLLERS OF CURRENCY, ETC.

739. ***Mr. N. M. Joshi:** Will Government be pleased to furnish a comparative statement showing the different scales of pay obtaining in (i) the Controller of Currency's Office, (2) the Deputy Controllers of Currency's Office, and (3) the various Currency offices and state the reasons for the disparity in the scales, if there be any?

SCALES OF PAY OF THE SUPERINTENDENTS, ASSISTANT SUPERINTENDENTS AND ASSISTANT TREASURERS IN CURRENCY OFFICES.

740. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the maxima of the scales of pay of the Superintendents, Assistant Superintendents and Assistant Treasurers in the Currency Offices are lower than the maxima of the scales of pay of the ordinary clerks of the Deputy Controller of Currency's Office? If so, what are the reasons for this difference?

The Honourable Sir Basil Blackett: I propose with your permission to answer questions Nos. 739 and 740 together.

I place a statement on the table showing that the maxima of the scales of pay of the junior grades of Assistant Treasurers and Assistant Superintendents in Currency Offices are in certain cases lower than the maxima of the scales of pay of the clerks of the Deputy Controller of the Currency's Offices. The reason for the difference is the different character of the work.

Statement showing the existing scales of pay of the establishment in the offices of the Controller of the Currency, the Deputy Controllers of the Currency (Calcutta, Bombay and Northern India) and the Currency Offices.

	Scales of pay in the offices of the Controller of the Currency and the Deputy Controller of the Currency, Calcutta.	Scales of pay in the office of the Deputy Controller of the Currency, Bombay.	Scales of pay in the office of the Deputy Controller of the Currency, Northern India.	Scales of pay in the office of the Currency Officer, Bombay.	Scales of pay in the office of the Currency Officer, Calcutta.	Scales of pay in the office of the Currency Officer, Madras.	Scales of pay in the office of the Currency Officer, Bangalore (excluding L. A.)	Scales of pay in the office of the Currency Officers, Cawnpore and Lahore.	Scales of pay in the office of the Currency Officer, Karachi.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
1. Superintendents	360—20—500	...	...	300—10—350	250—10—350	200—10—300	200—10—300	300—10—350	200—5—250
2. Assistant Superintendents	200—20—360	...	...	175—10—225	175—10—225	160—5—185	160—5—185	150—5—175	150—5—175
3. Treasurer	...	...	...	700—20—900	700—20—900	400—20—600	400—20—600	300—10—400	250—10—300
4. Deputy Treasurer	...	...	...	300—10—400	300—10—400	200—10—300	200—10—300	...	...
5. Assistant Treasurer	...	...	...	...	...	160—5—185	160—5—185	150—5—175	150—5—175
" " Senior	...	...	...	225—5—250	225—5—250	...	...	...	...
" " Junior	...	...	...	175—10—225	175—10—225	...	...	...	...
6. Clerks	70—7—140—6—230 (with efficiency bar at 140).	60—8—140—6—230 (with efficiency bar at 140).	50—6—140—5—200 (with efficiency bar at 140).	60—5—110—4—150 (efficiency bar at 110) Selection Grade 150—10—170.	50—6—110—4—150 (efficiency bar at 110) Selection Grade 150—10—170.	40—5—90—4—130 (efficiency bar at 90) Selection Grade 130—10—150.	50—4—90—4—130 (efficiency bar at 90) Selection Grade 130—10—150.	40—4—80—3—110 (efficiency bar at 80). Selection Grade 130.	40—3—80—3—110 (efficiency bar at 80). Selection Grade 130.
7. Stenographers	...	150—10—250	100—10—170	...	...	...	...	...	...
" Senior	170—10—350	with a duty allowance of Rs. 50.	...	...	...	...	...	...	...
" Junior	170—10—350	...	...	...	...	...	...	...	...
8. Typists	As for clerks. Should be stopped at the efficiency bar, if fit for nothing but typing work.	As for clerks. Should be stopped at the efficiency bar if fit for nothing but typing work.	As for clerks. Should be stopped at the efficiency bar if fit for nothing but typing work.	As for clerks. Should be stopped at the efficiency bar if fit for nothing but typing work.	As for clerks. Should be stopped at the efficiency bar if fit for nothing but typing work.	As for clerks. Should be stopped at the efficiency bar if fit for nothing but typing work.	As for clerks. Should be stopped at the efficiency bar if fit for nothing but typing work.	As for clerks. Should be stopped at the efficiency bar if fit for nothing but typing work.	As for clerks. Should be stopped at the efficiency bar if fit for nothing but typing work.
9. Head Shroff	...	...	...	90	80	80	80	80	80
10. Shroffs	...	...	...	50—2—70—1—80	40—2—60—1—70	30—2—50—2—70	40—2—60—1—70	30—2—70—2—70	40—2—60—1—70

RECEPTION BY THE FINANCE MEMBER OF A DEPUTATION FROM THE
CURRENCY ASSOCIATION, CALCUTTA.

741. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the Currency Association, Calcutta, has requested the Honourable the Finance Member of the Government of India to receive their deputation? If so, was their request granted? If not, why not?

The Honourable Sir Basil Blackett: The answer is in the affirmative. As the Controller of the Currency had already received a deputation from the Association in September, 1924, and as no points which had not already been fully discussed were brought before him, I considered that I could serve no useful purpose and might arouse unjustified expectations by receiving a further deputation.

INDIA'S PARTICIPATION IN THE BRITISH EMPIRE EXHIBITION.

742. ***Mr. N. C. Kelkar:** Will Government be pleased to state:

- (a) Whether the Government of India are going to take any active part in the working of the Empire Exhibition?
- (b) If so what contribution are the Government of India going to make towards the expenses of the Exhibition?
- (c) If the answer to (a) is in the negative, can Indian merchants take any part in the Exhibition upon their own responsibility?

The Honourable Sir Charles Innes: The Honourable Member is referred to the answer given to Mr. C. Duraiswami Aiyangar's question No. 189, on the 26th January, 1925.

Mr. Darcy Lindsay: Have the Government any information as to the sales effected in the Indian section and the value of the same?

The Honourable Sir Charles Innes: The latest official information is that the total official sales amounted to something like £120,000, but it is believed with some reason that private exhibitors underestimated their sales, and the total sales really amounted to a much bigger figure.

REFUSAL BY THE CONSUL AT MEXICO OF A PASSPORT TO MR. PANDURANG
SADASHIV KHANKHOJE TO RETURN TO INDIA.

743. ***Mr. N. C. Kelkar:** Is it a fact that Mr. Pandurang Sadashiv Khankhoje, M.Sc. (America) of Wardha (C. P.), had applied for a passport to return to India through the Consul of Mexico and that a passport was refused to him by the Government of that country on a representation by the British Consul?

The Honourable Sir Alexander Muddiman: Government have no information on the subject.

Mr. C. Duraiswami Aiyangar: Will they call for the information?

The Honourable Sir Alexander Muddiman: If the Honourable Member will show me the facts on which he bases his question I will consider whether anything can be done. I know nothing about the facts at all.

REFUSAL OF PASSPORTS TO RETURN TO INDIA TO CERTAIN INDIANS
IN FOREIGN COUNTRIES.

744. *Mr. N. C. Kelkar: (a) Has the attention of Government been drawn to the issue of the *Forward* of Calcutta, dated 24th February 1924 which published a list of 42 persons who are now in foreign lands, and against whom, it is alleged, Government are contemplating to take action on their return to India?

(b) Is it a fact that any of these men and if so, how many, have applied for passports to return to India through the Governments of Great Britain or the foreign countries in which they have been residing and whether passports have been refused to any of them?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) So far as I am aware only nine of the persons named have applied for permission to return to India. In the case of seven permission has been granted. In two cases Government have declined to afford facilities for this purpose. In one of these cases the individual has surrendered his nationality as a British Indian subject.

REVISION OF PAY OF THE ESTABLISHMENTS IN CURRENCY OFFICES.

745. *Mr. Amar Nath Dutt: Will Government be pleased to state:

- (i) whether the last revision of pay of the establishments in the Currency Offices in India was sanctioned on account of increase in the living wages?
- (ii) if so, will the Government be pleased to state the time from which the increase in the living wages came to their notice and the time from which it was taken into account for determining the scales of pay for the Currency Office establishments?
- (iii) Will the Government be pleased to state if immediate relief was ever, in course of the last 5 years deemed urgently needed?
- (iv) Will the Government be pleased to state whether they will consider the propriety of granting relief to the Currency Office establishments for the period during which the actual increase in living wage occurred in the country but during which the revision of establishment had not been given effect to?

GRANT OF RELIEF TO THE LOWER PAID STAFF IN CURRENCY OFFICES.

746. *Mr. Amar Nath Dutt: Will the Government be pleased to state:

- (i) if for the generality of the lower paid staff of the Currency Offices (Note Section and General Section) any relief other than increase in the maxima and the annual increment required to work out that maxima has been allowed?
- (ii) Whether they propose to give relief to the poorly paid staff of the Currency Offices by giving retrospective effect to the sanctioned annual increment for the period of their employment in the department by way of compensation for having worked at a very low pay under distressing circumstances, and will the Government be pleased to state whether any employee received more than one annual increment by way of immediate relief under the new scheme? If so, the number of such employees, and reasons for not granting the same to every employee?

PAY OF SHROFFS IN THE CURRENCY OFFICES.

747. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state if shroffs are recruited from the same grades of society from which the note section and the general side employees of Currency Offices are taken? If so, whether the same minimum pay and the annual increment as those of the note section and the general side employees are maintained in their cases? If not, why not?

GRIEVANCES OF THE ESTABLISHMENTS OF CURRENCY OFFICES.

748. ***Mr. Amar Nath Dutt:** Has the attention of the Government been drawn to the resolutions passed by the All-India Currency Conference on the 12th July 1924? If so, will the Government be pleased to state what action they have taken, or intend to take on each of these resolutions touching the various grievances of the Currency staff?

The Honourable Sir Basil Blackett: I propose to answer questions Nos. 745 to 748 together.

The information required by the Honourable Member is being collected and will be furnished to him as soon as possible.

CONTRIBUTIONS BY EMPLOYEES OF THE TELEGRAPH DEPARTMENT TO THE POST OFFICE GUARANTEE FUND.

749. ***Mr. Amar Nath Dutt:** (i) Will the Government be pleased to state whether the employees of the Telegraph Department have contributed to the Post Office Guarantee Fund?

(ii) Will the Government be pleased to furnish a statement showing the amount spent from the Guarantee Fund for the benefit of the Telegraph employees divided into two classes, Indian and Anglo-Indian, since the amalgamation of the Telegraph Department with the Post Office?

(iii) Has there been any departure from the Rules of the Guarantee Fund framed at the start of the fund? If so, will the Government be pleased to state reasons for such departure?

(iv) Is it a fact that the Post Office Insurance Fund is working at a loss? If so, what is the amount of loss incurred last year, 1924?

(v) Will the Government be pleased to state whether travelling expenditure and medical fees incurred for purposes of the Post Office Insurances are borne out of the balance of the Guarantee Fund? If so, under what circumstances and under what authority?

(vi) Is it a fact that the subscribers are not consulted in disposing the balance of the Guarantee Fund? If so, will the Government be pleased to state its reasons for not so doing?

The Honourable Sir Bhupendra Nath Mitra: The information required by the Honourable Member is being compiled and will be supplied to him as soon as possible.

PAY IN THE CLERICAL TIME-SCALES IN THE POST OFFICE.

751. ***Mr. Amar Nath Dutt:** With reference to the reply given by Sir Geoffrey Clarke to my starred question No. 554 and subsequent correspondence from him, may I further inquire whether it is a fact that in

violation of the recommendation of the Postal Inquiry Committee to observe the time-scale in fixing pay of postal hands, an order has been issued to note in the Circle Gradation Lists seniority according to pay in the matter of promotion in the Selection Grades? If so, will the Government be pleased to state reasons for the same and are they prepared to rescind the orders?

Sir Geoffrey Clarke: There has been no violation of the recommendation of the Postal Inquiry Committee and the orders of the Government of India thereon. Pay in the clerical time-scales which is regulated by length of service is personal while pay in the selection grades is attached to specified posts. A time-scale official on promotion to a selection grade has therefore actually to take charge of a post to which selection grade pay is attached before he can count seniority in that grade.

POSTAL MOTOR-VANS IN THE BURDWAN DIVISION.

752. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether they intend to sanction non-recurring charge in the cost of three motor cars of the type which run between Calcutta G. P. O. and Howrah and Sealdah railway stations for plying in the Arambagh mail line for the dry season, in the Burdwan Division?

(b) Will the Government be pleased to state whether such sanctions will reduce to a half the permanent recurring charge for eight months in a year of about Rs. 300 per month in the main line between Burdwan and Arambagh? If so, are the Government prepared to take immediate steps for such sanction?

Sir Geoffrey Clarke: (a) Government have no such intention.

(b) A detailed investigation shows that the proposal would not be likely to result in any saving.

REFUSAL OF LEAVE ON MEDICAL CERTIFICATE TO POSTAL EMPLOYEES.

753. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state whether a circular has been issued to the Postal Supervising Officers to refuse leave to sick hands even though substantiated by qualified registered medical authorities? If so, will the Government be pleased to state the reasons for the same?

Sir Geoffrey Clarke: A Circular has been issued, the instructions in which are in accordance with the Fundamental Rules issued by Government.

OFFICIATING VACANCIES IN THE SELECTION GRADES IN THE BENGAL AND ASSAM POSTAL CIRCLE.

754. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state why the officiating vacancies in the selection grades in the Bengal and Assam Postal Circle in 1924, were mostly given to employees of the Eastern Bengal Range? Is it a fact that arrangements are made piecemeal without stating reasons? If so, why?

Sir Geoffrey Clarke: As a general rule local arrangements are made to fill officiating vacancies for short periods to avoid dislocation.

The reply to the latter part of the question is in the negative.

[APPOINTMENT OF MR. LESAGE AS POSTMASTER OF BURDWAN.

755. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether the transfer of Mr. LeSage to the Calcutta G. P. O. was due to any bad report of the Postmaster-General, United Provinces Circle? If so, how long was he kept at the Calcutta G. P. O. before being transferred to Burdwan and what special work if any has Mr. LeSage rendered in the Calcutta G. P. O. entitling him to the Postmastership of Burdwan?

(b) Was a vacancy at Burdwan anticipated before his transfer from another Circle to Calcutta G. P. O.?

(c) Is it a fact that Mr. LeSage gets his account works done by his subordinates and then copies the same from the subordinate's book?

(d) Will the Government be pleased to state the reasons for appointing Mr. O'Dell and Mr. LeSage as Postmasters?

Sir Geoffrey Clarke: (a) The Postmaster-General, United Provinces, recommended Mr. LeSage's transfer for a time to a Presidency Post Office to enable this officer to benefit by the experience which he would gain there. He worked as Assistant Postmaster, Calcutta G. P. O., from the 5th April to the 16th May 1924 and was then posted to Burdwan on his own pay in the interests of the service.

(b) No.

(c) Not as far as is known.

(d) Mr. O'Dell was transferred on equal pay from the Superintendents' line to the Postmasters' line as he was found not to be suited for the duties of a Superintendent. He is still on probation in the Postmasters' line, in which he has so far given satisfaction. Mr. LeSage has always been in the Postmasters' line.

Mr. Amar Nath Dutt: Will the Government be pleased to inquire whether it is a fact that Mr. LeSage gets his accounts work done for him by his subordinates?

Sir Geoffrey Clarke: I have no information on the subject.

Mr. Amar Nath Dutt: Will you please make inquiries?

Sir Geoffrey Clarke: No, Sir, I will not.

GRADUATES AND UNDER-GRADUATES QUALIFIED TO PASS THE EFFICIENCY BAR IN THE BURDWAN POSTAL DIVISION.

756. ***Mr. Amar Nath Dutt:** (a) Is it a fact that in the Burdwan Division all the graduates and under-graduates were held up at the second efficiency bar and unpassed hands given preference to? If so, will the Government be pleased to state the reasons for the same?

(b) Will the Government be pleased to state the number of graduates and under-graduates eligible and the number held up in the second efficiency bar and the number subsequently passed and the number still held up?

Sir Geoffrey Clarke: (a) The reply to the first query is in the negative. Those officials who are found fit to do so are allowed to pass the efficiency bar irrespective of whether or not they are graduates or under-graduates.

(b) Number eligible by length of service but held up as unfit—1 graduate and 3 under-graduates. Number subsequently declared as fit and passed—2 under-graduates. Number still held up as unfit—1 graduate and 1 under-graduate.

SWEETMEAT AND OTHER VENDORS AT RAILWAY STATIONS.

757. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether they propose to put a stop to the system of giving licences to the highest bidders for sale of sweetmeats and other food and drink as in vogue in the East Indian, Eastern Bengal and other Railways?

(b) Are the Government aware that the monopoly has resulted in higher prices and bad quality of refreshments? Is it a fact that in many cases better things are sold at a less price in the local bazar as for instance at Burdwan?

(c) Is it a fact that stale things which are injurious to health are often allowed to be sold in the railway stations where there is such a monopoly?

(d) Will the Government be pleased to state whether they propose to introduce the system of registered vendors being allowed to sell, the registration charge being commensurate with a fair turn up of vendors so as to stimulate healthy competition in prices and quality?

Mr. G. G. Sim: (a) and (d). It is not the practice of railways to auction licenses for the sale of sweetmeats and other food and drink at stations, and ordinarily a nominal charge only is made to vendors and contractors for such licenses.

(b) and (c). Government are not aware that such is the case. Vendors are bound by their contracts to supply good and wholesome articles at current rates.

LETTER IN THE *FORWARD* ENTITLED "BROWN vs. WHITE".

758. ***Mr. Amar Nath Dutt:** 1. Has the attention of the Government been drawn to a letter appearing in the *Forward*, Calcutta edition, dated 27th December 1924, headed "Brown vs. White"?

2. Will the Government be pleased to state whether any inquiry was made into the complaint and state what action was taken on the same? If the answer be in the negative, the reasons for not doing so?

3. Will the Government state whether a second class passenger having reserved sleeping accommodation for travelling at night on payment of the reservation fee is not entitled to the protection of his rights and advantages by the railway authorities as against those who have not reserved berths?

4. Will the Government be pleased to state whether the railway authorities are not bound to inquire on report into the grievances of second class passengers or of any passenger under the circumstances as mentioned in the letter?

5. If the answer be in the affirmative will the Government state what action the authorities concerned took on the complaint being made under the circumstances mentioned in the said letter?

6. Will the Government state what steps have been taken by the Government to prevent such occurrences in the future?

Mr. G. G. Sim: 1. Government have seen the letter referred to.

2, 3, 4, 5 and 6. Inquiry is being made and the Honourable Member will be informed of the result in due course.

DELIVERY OF MONEY ORDERS AND INSURED LETTERS IN CALCUTTA.

759. ***Mr. Kumar Sankar Ray:** Have the Government any information about and do they contemplate the removal of the great inconvenience caused by the delivery of money orders and insured letters to private houses in cities like Calcutta during office hours when the occupiers are usually absent from home?

Sir Geoffrey Clarke: Some complaints have been received. Government do not consider it necessary or desirable to alter the general delivery arrangements.

LATRINE ARRANGEMENTS IN SERVANTS' COMPARTMENTS OF THE PUNJAB MAIL TRAINS ON THE EAST INDIAN RAILWAY.

760. ***Mr. Kumar Sankar Ray:** Have the Government any information about and do they contemplate the removal of the great inconvenience caused to servants travelling in the Punjab mail trains of the East Indian Railway for want of latrine arrangement in the servants' compartments?

Mr. G. G. Sim: The Honourable Member is referred to the answer given to question No. 155 on the 23rd January, 1925.

RUPEES IN CIRCULATION ON THE 31ST MARCH AND FROM THE YEAR 1919 TO THE YEAR 1924.

761. ***Dr. K. G. Lohokare:** What was the amount of rupees in active circulation on the rupees census day or on 31st March of each year from the year 1919 to 1924 or 1925?

The Honourable Sir Basil Blackett: Figures for the years 1912 to 1921 will be found in paragraph 24 of the Report on the operations of the Currency Department for 1921-22. No later calculations have been made. The figures for 1919, 1920 and 1921 are 228, 260, and 233 crores respectively.

PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

762 ***Mr. Jamnadas M. Mehta:** (a) Has the attention of Government been drawn to the speech of Lord Inchcape at the meeting of the P. and O. Company in London on the 10th December 1924, regarding the wide disparity between English and Continental prices, British prices being as much as 30 to 80 per cent. higher than the continental?

(b) Is it a fact that orders for railway materials to which the said prices refer are still being largely placed by the High Commissioner and the authorities of the Company railways in England?

(c) Will Government also inquire of the High Commissioner why he continues to make large purchases in England in spite of the great disparity in prices referred to above?

(d) Is it true that some terms and conditions in the indents sent out from this country compel the High Commissioner to pay the much higher prices asked by British manufacturers?

(e) Will Government be pleased to call for a report on the subject from the High Commissioner?

The Honourable Sir Bhupendra Nath Mitra: (a) The reply is in the affirmative.

(b) and (c). The attention of the Honourable Member is invited to the instructions given by the Government of India to the High Commissioner regarding the policy he should pursue in the matter of the purchase of stores and which are contained in the letter from the Department of Industries, No. S.-360, dated the 22nd December, 1921, a copy of which was laid on the table of this House on the 18th March, 1922. The Government of India have no reason to think that stores are not being purchased in accordance with these instructions. The Honourable Member is no doubt aware that half-yearly statements prepared by the High Commissioner are regularly laid on the table of this House showing all cases in which the lowest tenders were not accepted by him in purchasing stores for India. Government are not responsible for making purchases of stores for Company railways, but no tender for stores can be accepted by their Home Boards without the prior approval of the Government Director, who is thus in a position to ensure, and does ensure, that all contracts are placed in the most favourable markets, having regard to price, quality, conditions of delivery and other relevant considerations.

(d) and (e). Cases have some times arisen in which the High Commissioner has been restricted by the indenting officer to a particular source of supply, and necessary instructions have been issued to all indenting officers to avoid this practice. In the opinion of Government no useful purpose will be served by calling for a report on the subject from the High Commissioner.

**LEVY BY THE GREAT INDIAN PENINSULA RAILWAY OF A PASSENGER
AND WHEEL TAX ON THE JUMNA BRIDGE AT MUTTRA.**

763. ***Mr. Jamnadas M. Mehta:** (a) Are Government aware that the G. I. P. Railway authorities are levying a wheel and passenger tax on those who use the Jumna Bridge at Muttra?

(b) If the answer to (a) be in the affirmative, will Government state when the said tax was first levied and why? Will Government state also why it is still continued?

(c) If Government have no information in the matter will they be pleased to inquire?

Mr. G. G. Sim: Inquiry is being made and the information received will be furnished to the Honourable Member.

WANT OF A SHED OVER THE ISLAND PLATFORM AT AJMER RAILWAY STATION.

764. ***Rai Sahib M. Harblas Sarda:** Are Government aware that the want of a shed over the island platform at the railway station at Ajmer causes great inconvenience and discomfort to the travelling public who have to go to Ajmer, to which city large numbers of Hindu and Moslem pilgrims from all parts of India wend their way throughout the year to pay their respects to the Durgah Khwaja Sahib or bathe in the Pushkar Lake; and are Government prepared to draw the attention of the authorities of the Bombay, Baroda and Central India Railway to this want?

Mr. G. G. Sim: Government are not aware of the inconvenience and discomfort complained of. Their policy is to leave it to the discretion of railway administrations concerned to provide sheds on platforms at stations where the traffic offering justifies such provision. A copy of this question and answer will, however, be sent to the Agent, Bombay, Baroda and Central India Railway Company, for such action as he considers to be necessary.

CONSTRUCTION OF THE BROACH-DAHEJ BRANCH OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

765. ***Mr. M. E. Makan:** Will the Government be pleased to state whether the scheme for the construction of the Broach-Dahej branch of the Bombay, Baroda and Central India Railway has been finally abandoned?

(a) if so, the reasons for doing so?

(b) if not, will Government be pleased to state how far the scheme has progressed?

Mr. G. G. Sim: The question of the construction of a railway from Samni *via* Dahej to Luwara is under the consideration of the Government, and depends on the results of the engineering and traffic surveys of the line which are expected shortly.

EXTENSION OF THE BROACH-JAMBUSAR LINE OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY TO KAVI.

766. ***Mr. M. E. Makan:** (a) Will the Government be pleased to state whether the scheme for extending the Broach-Jambusar branch of the Bombay, Baroda and Central India Railway to Kavi has been sanctioned by Government?

(b) If so, will the Government be pleased to state how far the scheme has progressed?

Mr. G. G. Sim: (a) No. A revision of the traffic prospects of the line has been ordered, and the results are awaited.

(b) Does not arise.

LAVATORIES IN THIRD CLASS COMPARTMENTS ON THE BROACH-JAMBUSAR
LINE OF THE BOMBAY, BARODA AND CENTRAL INDIA.
RAILWAY.

767. ***Mr. M. E. Makan:** Are the Government aware that there are no urinals or lavatories in the third class compartments of the Broach-Jambusar branch of the Bombay, Baroda and Central India Railway and that great hardship is caused to the passengers, especially females, on this account? Do the Government propose to remedy this complaint?

Mr. G. G. Sim: Government have no information and in view of the fact that the branch is only 30 miles in length do not propose to take any action.

PERCENTAGE OF INDIANS IN THE ALL-INDIA SERVICES.

768. ***Mr. M. E. Makan:** Will the Government be pleased to state the percentage of Indians serving in the All-India Imperial Covenanted Services of the Government of India according to the provinces to which they belong?

The Honourable Sir Alexander Muddiman: I will have the information collected and furnished to the Honourable Member.

PUBLICATION OF QUESTIONS AND RESOLUTIONS ONLY AFTER ADMISSION
BY THE PRESIDENT.

649. ***Mr. B. Das:** (a) Has the attention of Government been drawn to a note in the "Pioneer" dated 11th January stating that "a convention has been established by which questions and Resolutions framed by Members of the Indian Legislature are not given publicity at Delhi until they have been actually admitted"?

(b) Has such a convention been established? If so, will Government state when it was established and whether it was arranged with the approval of non-official Members of the Assembly?

Mr. President: The admission and disallowance of questions is placed by the provisions of Assembly procedure in the hands of Mr. President. The Governor General in Council has therefore no concern in the matter. I propose to answer this question in order to clear up doubts which appear to exist in certain quarters. A question, before it can be admitted, must satisfy the conditions laid down in the Rules and Standing Orders; and the Government of India have no concern with a question unless and until it is admitted. The Secretary to the Legislative Assembly, moreover, is only authorised to publish a question, *i.e.*, to place it on the Admitted List, when it has passed the scrutiny of the President. In the technical sense, therefore, publication only takes place when a question appears in the Admitted List. The convention referred to in this question clearly refers to this official practice: and it is somewhat misleading to suggest that any new departure has been made in "establishing" it. If any confusion has arisen over the matter, it is due to the fact that some Members of the Assembly give publicity to questions which they hope to ask before they have actually been admitted. Whether this ought to be regarded as an infringement of "privilege" is a question upon which I need not pronounce.

ELECTION OF THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President: I have to announce that the following Members have been elected to serve on the Public Accounts Committee:

Maulvi Muhammad Yakub,
Mr. H. G. Cocke,
Mr. Ahmad Ali Khan,
Dr. K. G. Lohokare,
Pandit Harkaran Nath Misra,
Mr. A. Rangaswami Iyengar,
Kumar Ganganand Sinha, and
Maulvi Sayad Murtuza Sahib Bahadur.

ELECTION OF THE STANDING FINANCE COMMITTEE.

Mr. President: I have further to announce that the following Members have been elected to serve on the Standing Finance Committee:

Nawab Sir Sahibzada Abdul Qaiyum,
Mr. W. S. J. Willson,
Mr. Darcy Lindsay,
Mr. M. C. Naidu.
Mr. R. K. Shanmukham Chetty.
Sardar Bahadur Captain Hira Singh,
Maulvi Abul Kasem.
Mr. Jamnadas M. Mehta,
Mr. Gaya Prasad Singh,
Raja Ghazanfar Ali Khan,
Mr. C. S. Ranga Iyer.
Mr. Devaki Prasad Sinha.
Mr. M. K. Acharya, and
Mr. B. Venkatapatiraju.

THE MATERNITY BENEFIT BILL.

Mr. President: The Assembly will now proceed to the further consideration of the motion moved by Mr. N. M. Joshi on the 30th January, 1925:

"That the Bill to regulate the employment of women in factories and mines and on those estates, to which the Assam Labour and Emigration Act, 1901, applies, some time before and some time after confinement, and to make provision for the payment of maternity benefit, be referred to a Select Committee consisting of Mr. L. Graham. Mr. A. G. Clow, Sir Purshotamdas Thakurdas, Seth Kasturbhai Lalbhai, Sir Campbell Rhodes, Mr. Darcy Lindsay, Dr. S. K. Datta, Mr. M. A. Jinnah, Khan Bahadur Sarfaraz Hussain Khan, Mr. Jamnadas M. Mehta, Dr. K. G. Lohokare, Mr. K. C. Neogy, Diwan Chaman Lall, Mr. B. Das, Sardar Gulab Singh, Mr. Devaki Prasad Sinha 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. N. M. Joshi (Nominated: Labour Interests): Sir, before I proceed with my speech I want to propose that the name of Mr. Chalmers should also be added to the Select Committee.

Sir, when on the last occasion my speech was interrupted by the adjournment of the House, I was explaining that my Bill proposes to prohibit the employment of women for six weeks after confinement. My Bill

[Mr. N. M. Joshi.]

also seeks to enable women working in industries mentioned in the Bill to leave their work without the fear of being dismissed about six weeks before the time of their confinement. There is obviously some difference made by me between the treatment of the periods before and after confinement. Sir, my Bill thus secures rest for women working in industries during the period when hard work will be very harmful to their health and to the health of their babies; but, Sir, the economic condition of the working class women is such that, unless we also provide that they and their babies shall get sufficient maintenance during the period of rest, they will not be able to enjoy that rest. The experience of countries that have by legislation prohibited the employment of women during this period without providing maternity benefit shows clearly that women may prefer to have some harm done to their health to allowing themselves and their babies to die of privation on account of not getting sufficient maintenance.

It is, therefore, necessary that when we secure rest for women during the period of confinement we should also at the same time make
 12 NOON. some provision to find sufficient maintenance in order that they and their children shall be able to maintain their health in good condition. My Bill, therefore, provides that during the period of enforced absence from work, women should be given some allowance. My Bill also provides that this allowance should be given out of a fund to be known as a maternity benefit fund instead of its being given by the employers directly. I feel, Sir, there is a danger in leaving the payment of allowances to these women to the employers and that danger can be avoided if the payment of the allowance is left to Government. I hope, Sir, when the Local Governments establish that fund they will take care that the contribution from the employers to the fund will not be fixed upon the actual number of cases, but that the contribution will be levied either on the value of the product of the industry or on the total number of women employed in that industry. Sir, this is in short the outline of the Bill which I propose to be sent to a Select Committee for detailed consideration. At present I do not propose that the prohibition of the employment of women and the provision of maternity benefits should extend to all industries in the country. My Bill seeks to restrict the operation of the Bill only to those industries which are regulated by the Indian Factories Act or by the Indian Mines Act or by the Assam Labour and Emigration Act.

Sir, I would like to make one thing clear at this stage. My Bill mentions the Assam Labour and Emigration Act. As far as I can understand, this Act can be made applicable by the Government of India to any part of India. I therefore think that when I mention industries regulated by the Assam Labour and Emigration Act I intend to include plantations throughout the country; but, Sir, if there is any doubt on this point—and the lawyers in this House are better able to judge of this question—it is possible to alter the section so as to bring in all the plantations under the provisions of my Bill. The plantations in Madras can be brought within the scope of this Act by applying the provisions of my Bill to those plantations which are regulated by the Madras Planters Act. I think, Sir, that my intention would be carried out when the Bill goes to Select Committee. I make it clear that I do not want to include only the plantations in Assam, but all the organised plantations in all parts of the country.

Sir, this question of the provision of maternity benefits has a long history. About five years back when the first International Labour Conference met at Washington, a convention was passed that the employment of women six weeks after confinement should be prohibited and women should be able to leave their work without fear of being dismissed six weeks before their confinement. The convention also provided for the granting of maternity benefits. The Government of India at that time thought that they had not fully considered this question and they were not prepared to accept that convention. The Government of India agreed in that conference to make a report on the question. After discussing that question here in India the Government of India made a report that they thought that the time for legislating on this subject had not come. But they expressed a hope that schemes of maternity benefit on a voluntary basis would come into existence in India. Sir, during these five years some schemes of maternity benefits on a voluntary basis have come into existence, and the experience of these schemes makes it quite clear that such a provision is of very great usefulness to the women engaged in the industries. I, therefore, think that whatever may have been the views of the Government of India some years back, having obtained the experience of maternity benefit schemes established on a voluntary basis they will be ready to approve of legislation for this purpose. With this object and being fully convinced that the Government of India as well as the employers in this country will be in favour of a scheme similar to the one which I have proposed in my Bill, I introduced my Bill in the last Simla Session.

Sir, at the time of introduction I requested the Government of India to circulate my Bill. They very kindly complied with my request and have circulated the Bill to the employers, to the Local Governments and to all others concerned. Most people have now sent in their views either to the Local Governments or to the Government of India. Sir, I have not yet got a copy of these views, but from the newspapers I find that there is great support, almost unanimous support, to the principle of my Bill. Sir, I do not wish to say that there is no criticism of the details—there is a good deal of criticism of the details of my Bill. But, Sir, after having read the reports in the newspapers, I can confidently say that there are no people who oppose the principle of my Bill, namely, that it is desirable to prohibit the employment of women some time after confinement and to give them leave some time before confinement and to give them maternity benefits during the period of their enforced absence. Sir, the points of criticisms are directed towards the details, and I do not wish to deal with the criticism at great length. But I would like to speak a few words on the main points of that criticism which are of a somewhat general nature.

Sir, the first point of criticism against my Bill is that, if my Bill is approved of and passed, and if a maternity benefit scheme comes into existence, there will be some burden placed upon the industries. Sir, I assure the Members of this House that the passing of my Bill will not place a great burden upon the industries. At present there are about 500,000 women engaged in the industries which are covered by my Bill. Experience has shown that in one year about 10 per cent. of these women will be entitled to maternity benefits, that is, about 50,000 women in a year will be entitled to maternity benefits. Sir, having studied the rate of wages in our country in the industries covered by my Bill, I can estimate the cost of the scheme involved in my Bill at about Rs. 15 lakhs per

[Mr. N. M. Joshi.]

year. Now, if we consider the number of women employed in the industries covered by my Bill, we shall find that the rate of increase in the wages of women will not be more than 4 annas per month. If we assess the contributions to be paid by the employers or the burden upon the industries covered by my Bill, I estimate, Sir, that if the value of the production of the industries covered by my Bill is one thousand rupees, the cost of the scheme will be only one rupee. The assessment, therefore, of the burden of my scheme upon the value of the production of the industry will be only its one thousandth part. Sir, Honourable Members will thus see that my Bill does not throw any heavy burden upon the industry. There is of course some burden, but it is very small indeed. Therefore, Sir, I feel that even if my Bill is passed, there will be no discouragement for employers to employ women. Employers employ women not because they are very philanthropic or that they want to do some good to the working class women, but because they find that women's labour is much cheaper than the labour of man. If a man gets Rs. 25 per month, a woman in the same place will get about Rs. 15 a month. The employer, therefore, finds it to his advantage to employ women, and as my Bill does not put a great burden upon the industries, as it does not increase the wages of women by any appreciable extent, the employment of women will not be discouraged even if my Bill is passed.

Then, Sir, it is also feared by some people that if maternity benefits are given to those women who give birth to children, employers may dismiss women as soon as they learn that a woman would become entitled to the maternity benefits. Sir, I do not think that the employers will do this, and secondly, I may say, Sir, that in my Bill I have provided that the maternity benefits should be given not by the employers directly but by the Government. This will prevent any employers, if there are any, who may try to shirk their responsibility by dismissing women when they find that they become entitled to a maternity benefit.

Then, Sir, I have also heard it said that if my Bill is passed women in the industries in which there are no maternity benefits may flock to the industries in which maternity benefits are given. Sir, if our organized industries which are covered by my Bill begin to get a large number of women for work, I think the employers would welcome such a result. At present there is a good deal of complaint that our industries suffer for want of sufficient labour, and if women workers are attracted to the industries in which maternity benefits are given, it will be a result about which the employers need not complain.

Sir, it is also said that some women after they become entitled to maternity benefits may join an industry which is covered by my Bill. I know, Sir, such a result may happen in a few cases. But, Sir, that result can also be prevented by some regulation making it necessary for women working in the industries covered by my Bill to put in some minimum period of service before they become entitled to receive the maternity benefits.

Then, Sir, there are a few other arguments. I have heard it said that in India such a scheme may not succeed as we have not got a sufficient number of women doctors. Sir, in my Bill there is nothing which compels a Local Government or employers to engage women doctors. Under

my Bill a woman will have to produce a certificate that her confinement will take place within about six weeks. If the woman cares to secure that rest and by taking advantage of the provision in my Bill, the responsibility of getting the certificate is hers. There is no responsibility upon the employer or upon the Government to find a doctor. I therefore think that the employers and the Local Government need not make much of the paucity of women doctors in our country. Moreover, Sir, I have got some experience of the working of the maternity benefit schemes at present established on a voluntary basis in the City of Bombay, and from my experience I can say that women workers do not hesitate to go to a male doctor for a certificate which is necessary according to the provisions of my Bill. Sir, the hesitation of women to get a certificate from a doctor belonging to another sex or race is not found in working class women; it is confined to women of other classes of people. I therefore think that the argument about the paucity of women doctors need not have any weight with us at all. As a matter of fact, the criticism is not against the main principle of the Bill; the criticism is directed against the method of giving the maternity benefits.

Sir, when I make my motion for committing the Bill to a Select Committee, I am only asking this House to support the principle of my Bill. I know, Sir, that I am not an expert draftsman. I am quite sure there may be some defects in my Bill. But, Sir, these defects can be remedied when the Bill is sent to a Select Committee where we can get the advantage of the expert advice of some Members of this House. Sir, I see on the agenda paper that there is an amendment in the name of the Honourable Member in charge of the Department of Industries and Labour. He is anxious that the Bill should be circulated. I have already explained to the House that the Bill has been circulated by the Government of India to the Local Governments. The Local Governments have circulated the Bill to the employers and to the organisations of working classes. Most of the organisations have already sent their views either to the Government of India or to the Local Governments. Therefore I was somewhat surprised when I saw the amendment standing in the name of the Honourable Member. It is possible that some Local Governments and some employers' organisations may not have yet expressed their views but if the Bill has been circulated and if all these organisations and the Local Governments had more than three months before them to consider the Bill, this House need not wait to receive their views. I know that the Government of Bombay, the province from which I come, have not yet sent in their views to the Government of India and I learn also that the Government of Bombay were waiting for the views of the Millowners' Association of Bombay. I was very glad to see that the Millowners' Association have recently sent in their views to the Government of Bombay. But, Sir, the Millowners' Association of Bombay could not send in their views to the Government of Bombay at an earlier date. Most of the Members know that the Millowners' Association of Bombay is now engaged in making a propaganda for the removal of the excise duty and naturally they did not find much time to consider a Bill like mine which is only intended to safeguard the lives of women engaged in the mills of Bombay. Moreover the Government of Bombay, you may know, are at present engaged in celebrating the beneficent activities of the Baby Week. I wish that the Government of Bombay had included in the programme of activities for the Baby Week the consideration of my Bill. I feel sure if they had

[Mr. N. M. Joshi.]

considered my Bill during the Baby Week they would have helped the cause of the Baby Week much better and more effectively. I therefore request this House to approve of my motion. Sir, there is one difficulty for me in opposing the motion of my Honourable friend, the Member in charge of the Department of Industries and Labour. He circulated the Bill as a matter of favour to me. He was not bound to do so and I cannot in fairness take advantage of his favour to oppose his amendment. I therefore appeal to him to withdraw his amendment and I assure him if he wants some time to secure the views of the Government of Bombay or any other Government we shall not call a meeting of the Select Committee till he is ready with views of the Local Governments and of the views of the Government of India. But I earnestly appeal to him to withdraw his amendment and allow my motion to be passed. But I cannot oppose his motion also.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Before the Honourable Member sits down, will he give us some indication as to what his attitude would be in regard to casual labour? I would remind him that in a province like Burma the bulk of the labour is casual and I would like to know what his attitude would be on that point.

Mr. N. M. Joshi: It is much better that the question should be discussed in the Select Committee. It is a matter of detail and I assure the Honourable Member that I am quite prepared to meet any reasonable views of the employers. They must be sure in their mind that, unless my Bill has the support of the Government of India, it has not the least chance of being passed by the Council of State. I am therefore bound to accept any reasonable amendment that may be made by the employers and that may be supported by the Government of India.

Mr. W. A. Cosgrave (Assam: Nominated Official): I desire to make some criticisms as regards this Bill which it is proposed to apply to the Assam tea gardens of which I have an intimate knowledge. I think that at the outset I should explain to this House what the opinion of the Assam Government is as regards Mr. Joshi's Bill. The Assam Government, while in the fullest sympathy with the principles of the Bill, consider that the Bill as drafted is both unnecessary and undesirable as far as the province of Assam is concerned. They think that if legislation is required the utmost that need be enacted would be the fixing of a minimum benefit, the utmost discretion being allowed to the Local Government to prescribe by rule of executive order the estates to which it should apply and the manner in which it should be enforced. In practice the Bill would then apply only to estates where maternity benefits are not given and the machinery required to work it will cost very little because it will hardly ever be necessary to enforce it. Now, Sir, speaking for myself before I make any criticisms as regards my Honourable friend Mr. Joshi's Bill, I would like to express my full sympathy with his disinterested motives in preparing this Bill which I know he has drafted entirely on account of humanitarian reasons. I cannot, however, from my knowledge of the Assam tea gardens think that the coolie women on these gardens will benefit if this Bill is carried into law. I make a personal explanation that I have some knowledge of the Assam tea gardens as I have served during the last 20 years as Deputy Commissioner of four of the Assam labour

districts, namely, Sylhet, Nowgong, Sibsagar and Lakhimpur. For the last four years I have been Deputy Commissioner of Lakhimpur district which contains in the Sadr sub-division alone about 120 of the most prosperous tea estates in Assam. Well, Sir, I hope I shall not offend the feelings of my friend Mr. Joshi when I record my deliberate opinion that this Bill as drafted will not benefit the women in the great majority of the tea gardens of Assam where women both before and after delivery now get ample concessions. I hope Honourable Members will not mind if I explain in some detail what sort of concessions are given on the Assam tea gardens. Now, the general practice in vogue on different concerns in the Assam valley is as follows. Leave is granted to women varying from 3 to 6 months in accordance with the wishes of the European medical officer and is invariably extended beyond six months whenever he considers it necessary. The pay and allowances to such women during their absence varies from half to full wage together with a bonus of from 4 to 10 rupees. Qualified Indian doctors reside on all the gardens and their work is supervised by European medical officers who generally see all pregnant women at least once a week. Medical attendance and medicines are supplied free of charge. There are in most gardens midwives who are also supplied free, but in some cases the women choose their own midwives from their own caste. Unlimited opportunity is given to women for nursing their infants during work. Such work is generally entirely optional to the mother, either in-door or out-door, and is always of a light nature occupying nearly two or three hours a day such as sorting or cleaning tea inside the factory during the tea season, or weeding outside in gardens at other times. Now, Sir, this is a general description of the concessions given, but I would like to give some information to this House as regards the concessions given by some of the large companies of many of which I have individual knowledge. Most of the companies for which I quote figures have tea gardens which I have personally inspected and I can vouch that the information is absolutely correct. The Budlabheta Company, which is a large company in the Lakhimpur District, give leave for three months before and three months after child-birth, with full pay for the whole period. Pay may be given for a still longer period according to the advice of the doctor. The Doom Dooma Company, another very large company in the Lakhimpur district, one of the most prosperous companies in that district, allows a similar period of leave, with five seers of rice a week free of cost and Rs. 1-8 a month in cash. The Pabbojan Company, which is also a more prosperous Company, is equally liberal. In the Jorhat Company, which contains about 15 tea gardens in the Sibsagar District, a pregnant woman gets three months' full pay and a bonus of Rs. 2 when the child is born, Rs. 2 when the woman goes out to work, Rs. 2 when the child is two months' old, and Rs. 4 when the child is one year old. The Consolidated Tea and Lands Company in Sylhet, which everybody knows is about the biggest tea company in India, grants three months' leave on half pay, with a bonus of Rs. 3 at birth and of Rs. 2 after 12 months. The Empire of India Tea Company give leave for three months before and three months after child-birth and a cash allowance of one rupee a week in addition to free milk supply from the garden hospitals. Now, Sir, in further amplification of these details I would like to read a letter written by Mr. Dawson, the Deputy Commissioner of the Darrang District in Assam, on the subject of Mr. Joshi's proposals. Mr. Dawson is a gentleman who has particular knowledge of Assam labour as he was the Secretary of the Assam Labour Inquiry Committee which published its report after visiting the whole of Assam in 1921-22. I think Honourable Members will agree with

[Mr. W. A. Cosgrave.]

me that Mr. Dawson's letter shows that while the female employees of tea gardens are being given ample concessions, the Companies are still further increasing the concessions. I will read Mr. Dawson's letter. This letter was written last July just after notice was given that Mr. Joshi was going to move this motion. I ought to explain one thing, that the Darrang District is a very important labour district in Assam and that it has about 130 tea gardens. He writes as follows:

"In the course of my tea garden inspections this year, however, I have noticed an increasing tendency to grant six months' leave on full pay to pregnant women. In at any rate one group of gardens a crèche system has been established. Infants are looked after by ayahs, while their mothers are at work. In my inspections I have paid special attention to the question of infant mortality and have asked managers to endeavour to secure an improvement in cases where there seems to be something wrong."

I submit for the consideration of this House that the extracts which I read from this letter and from these reports show that the lot of the expectant mother and of the cooly woman with a child on the Assam tea gardens is not such an unhappy one as Mr. Joshi would give one to understand from the statement of the reasons for his Bill. I venture to think, Sir, in the Statement of Objects and Reasons, at any rate so far as Assam tea gardens are concerned, Mr. Joshi is I may say begging the question. Mr. Joshi writes in his Statement of Objects and Reasons:

"There is no doubt that if women continue their long and arduous work in factories, mines and other organized industries even in an advanced stage of pregnancy and immediately after confinement, their health and the health of their children would not fail to suffer."

Now, Sir, I hope that I have established to the House that the employers of tea gardens in Assam treat the cooly women extremely liberally, and I may say that as far as I can see this Statement of Objects and Reasons cannot be held to apply to those women. Now, Sir, I mentioned that I was Deputy Commissioner of the Lakhimpur District for four years from 1920 to 1924. I went on leave in last March and it is a matter of the greatest regret to me that the visit of my Honourable friend, Mr. Joshi, to that district occurred a very short time after I left for England. I am quite certain that if I had been in that district at the time of Mr. Joshi's visit, I could have shown him some things that would have appealed to his tender heart. He mentioned the Baby Week in Bombay. I may mention that we had a Baby Week in Dibrugarh, and a large number of tea gardens within a five mile radius of Dibrugarh sent women and children in bullock carts to that Baby Show. I only mention this to show that even in far off Assam there are Baby Weeks held, and judging by Mr. Joshi's reference to the Baby Weeks in Bombay I think it right to refer to our Baby Weeks as additional evidence that employers of labour are not unsympathetic to coolie women. Now, Sir, it is a matter of great regret to me, as I say, that Mr. Joshi visited the Lakhimpur District after I had left for England. I notice that the pamphlet on Labour conditions in Assam which he wrote after his visit does not contain any mention of the important concessions given to expectant mothers and to mothers of children on tea gardens. I can only say this that Mr. Joshi did not get quite full enough information, and it is an additional matter of regret to me that I was not present, as I am sure Mr. Joshi would have made some very nice remarks in this pamphlet about the good way in which the cooly women are being looked after in the tea gardens.

Now, Sir, I would like to criticise in some points the text of Mr. Joshi's Bill. Mr. Joshi wants to leave all the details to be worked out by the Local Government. I would like to point out from my own knowledge of Assam how impossible I think it would be to give effect to this Bill in the tea districts. Now, Sir, Mr. Joshi in clause 8 of his Bill says that the Inspector of Estates shall have the same powers and duties for the purpose of sub-clauses (a) and (b) of clause 3, and clause 5 as they have and perform for the purpose of the Assam Labour and Emigration Act of 1901. It is quite possible that in this House there may be only a few Members with any definite knowledge of what the duties of an Inspector of Labourers are. In the Assam Labour Act, Act VI of 1901, many of the sections have been repealed, but the section under which the Deputy Commissioner as an Inspector of Labourers inspects tea gardens is still in force. I do not think it will be out of place, Sir, if I read out this section, so as to explain the instrument by which Mr. Joshi thinks he is going to carry out the work referred to in the Bill. Section 123 of Act VI of 1901 lays down:

"Any Inspector or Magistrate, or any person authorized by either of them in writing in this behalf, may enter and inspect all lands and houses wholly or partially used by or for labourers or by or for any other natives of India employed on any estate, and may require that all such labourers or other natives of India as aforesaid, or any particular class or classes of individual or individuals of them, shall be brought before him, and may make any inquiries which he thinks proper touching the condition or treatment of such labourers or other natives of India as aforesaid or any of them; and the employer shall be bound to comply with every requisition and to answer every inquiry so made to the best of his ability."

Now, as a parenthesis, I would like to point out to my Honourable friend Mr. Joshi that this section 123 under which District Magistrates have powers as Inspectors of Tea Estates only applies to the labour districts of Assam. If he is going to apply this Bill to tea gardens or coffee estates in other places such as Darjeeling, the Doars, Coorg, Mysore and other places, I presume that further legislation will be necessary on this point. But passing by that point, I would explain that the usual procedure in the Assam districts is that the estates which are healthy and are believed to be well managed are only inspected bi-annually. Now, Sir, taking the case of Lakhimpur district there are 120 tea gardens in the Sadr Sub-Division alone. That means that 60 tea gardens have to be inspected every year. The usual practice was that I took thirty of these 60 tea gardens and left 30 to be inspected by the Superintendent of Police who has the powers of an Assistant Inspector of Labourers. It was the most we could do to inspect healthy gardens bi-annually. May I ask Mr. Joshi if he will be able to explain how he expects these benefit funds to be worked by Inspectors of Labourers? How is the money to be collected? How is it to be distributed? Does he expect coolie women to come 50 miles to headquarters to draw the money, or is the money to be remitted from the Deputy Commissioner's Office by money order to the garden manager for distribution? As far as I can judge Mr. Joshi's attitude, he regards garden managers as rather suspect people. I doubt if he will like the money to be remitted by money order. It is quite impossible for gazetted officers to do this sort of work. There is no special staff in Assam for dealing with these labour questions. I presume Mr. Joshi would not like the money distributed by the police and it seems hardly the work for the village recorders who work under the Director of Land Records. I think, Sir, that Mr. Joshi will say "Approve of the Bill in principle, leave everything else to the Local Government to work out." I have already given the opinion of the Local Government that this Bill is both unnecessary and undesirable as regards the

[Mr. W. A. Cosgrave.]

province of Assam. Now, Sir, looking again at the Bill, Mr. Joshi provides in clause 3 of the Bill that a woman:

"(a) shall not be knowingly employed during the six weeks following her confinement;

(b) shall have the right to leave her work if she produces a medical certificate from a qualified medical practitioner stating that her confinement will probably take place within six weeks."

Mr. Joshi is going to make it compulsory under this Bill that no woman should work; even if she wishes to do so and if a woman does any work (Mr. N. M. Joshi: "After confinement"), she has the right to leave work if she produces a medical certificate that confinement will probably take place within six weeks (Mr. N. M. Joshi: "There is no compulsion.") Well, Sir, I would only quote the opinion of two of our most experienced tea garden doctors in Assam who are also personally known to me. One is Dr. Dodds Price, the greatest authority on Kala Azar. The other is Dr. McCombie of Dibrugarh. Both these doctors are firmly of the opinion that women of the cooly class are much fitter, and that their health remains much better if they are given light work up to practically a few days before confinement. As regards the benefit point of view Mr. Joshi seems to be going rather beyond what is considered advisable. Now, Sir, I hope I have made it clear to this House that in the first place women on the tea gardens are well treated, and I think, Sir, that as far as the Assam tea gardens are concerned it is unnecessary for Government to step in with paternal legislation when so much is already being done for the cooly women by the employers. I venture to think, Sir, that if compulsion is introduced, the tendency will be to give grudgingly the minimum upon which the law insists.

Mr. T. A. Chalmers (Assam: European): Sir, there is nothing in what Mr. Joshi has said that one cannot approve in principle. It is only when one comes to details that one finds it impossible to carry out these benefits through a Government agency. The difficulty arises in trying to apply rules and regulations that are meant for industries in the West, where very large numbers of women are concentrated in large factories and work long hours. These women have to be protected and for this reason the Washington Conference drafted these rules and suggestions. Now, that Conference did not propose—and no Conference that I know of has ever proposed—that maternity benefits should be distributed to agricultural women workers. If you are going to include agricultural workers you must have something similar to an old age pensions system, and give maternity benefits to all women workers.

(At this stage Mr. President vacated the Chair, which was taken by Mr. Deputy President.)

Now, I would like to point out that Assam tea gardens employ nearly half the people whom Mr. Joshi has mentioned as eligible for these benefits. That is to say, nearly a quarter of a million people are employed in Assam who are agricultural workers. A small proportion of women workers are employed in factories. In my own factory no woman is employed and gradually it will be found entirely unnecessary to employ women in tea factories. They work outside in the fields as in every other agricultural district. Mr. Cosgrave has already explained the actual benefits that these workers enjoy. They enjoy them for special reasons. The country is thinly

populated and therefore we have to make conditions which are attractive. We have to make conditions better than those in their own homes so as to induce people to work. It is for this reason that these benefits are voluntarily given. But that is quite a different reason to the one suggested by Mr. Joshi. It is not a question of long hours in industrial factories. Then we come to the actual benefit system. I will explain to you what the conditions are in my own gardens. We pay our people weekly. If a mother is expectant, she may of her own free will stop work. In due course she will come up for her benefit and her name will be registered. After that, although her home may be within two or three miles of the factory, we never see her again. But we know all her people, so her husband or some relation comes and draws the money weekly and that is the end of it. Now, under this scheme you propose to thrust the employer aside. You want to have nothing to do with the employer. You wish to introduce a Government system by which a Government servant will pay her direct. Now my factories and tea gardens are 45 miles away from the nearest Government office. Other factories are just as far, the distance varies from 5 to 100 miles. They are out in the jungle. How is a Government agency going to find out and recognise each woman who is entitled to a benefit? How are they going to be paid? The amount to be paid individually is a small one. Do you expect a Government servant to take a chest of rupees with him and distribute the money among the workers? It is in these details that you will find it impossible to agree to the principle of Mr. Joshi's Bill. We already give the benefits. It is on record and as Mr. Cosgrave has said, they will probably go on increasing. I do not believe that these benefits will be reduced. That is not the point at all. The point is that there is no method by which 2,50,000 women can receive their weekly doles through a Government agency. I would therefore ask this House to consider that point before applying these rules and regulations which are meant for industries where usually there is a Government officer on the spot. This Bill should not be applied to agricultural workers under present conditions.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I had no desire to speak on this motion. But as I have heard from my Honourable friend who is a Deputy Commissioner of some district in Assam,—Lakhimpur—it reminds me of some stories for I belong to a part of India which sends about one-fourth of the coolies who work in the Assam tea gardens, namely, Orissa. I have got many neighbours, men and women, who are now working on the tea gardens or have worked for some time in their lives in those gardens. As to the treatment which is accorded to them by their employers, it has never been satisfactory. I know of several stories which will corroborate what I have said, but this is not the place to relate them one by one. I may point out that I have had first-hand information from the coolies themselves. They are put under practical persecutions the night before the Deputy Commissioner comes to visit those parts, not to make any complaints before the Deputy Commissioner (*Mr. W. A. Cosgrave*: "Question?") Our coolie men and women are not like the labouring classes of advanced countries in Europe and America. They do not make any distinction between their employer who is a white man, and the Deputy Commissioner when he is also a white man. They are under the impression that they all belong to one class, and if they make any complaint, it will not perhaps be heard and more persecution will come upon them. This has been my experience. If any legislation is to be undertaken to protect the coolie men and women it is to be enacted in this House. I

[Pandit Nilakantha Das.]

have not gone into the details of the Bill like a lawyer, nor have I examined its provisions closely. I cannot say if, under the present circumstances, this Bill will benefit the labouring classes, or that they will get the minimum under this Bill, or whether they will not get even that at all. If the Bill is not to be enacted in this form or even delayed from that point of view, then I have nothing to say at all. But as to the treatment which is accorded to coolie men and women by tea planters in Assam, I am convinced from the stories that I have heard that the treatment is never satisfactory and any legislation which proposes to make the treatment better should be welcomed by this House.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I rise to support my friend, Pandit

1 P.M.

Nilakantha Das. My friend on the other side said the Bill was based on humanitarian grounds; but that women and other labourers in Assam were treated properly. Whether they were treated properly or not is another question. But I do not see how he can take any objection to the enactment of the Bill as applied to Assam only. The motion that has been moved is not to take the Bill into consideration, but simply to have it referred to a Select Committee, where all these details regarding the matter can be threshed out. I am therefore at a loss to understand why any objection should be taken to this motion at this stage and I therefore support it.

***Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I should like to make one or two observations with a view to elicit the exact attitude of Government in regard to legislation of this kind. Honourable Members will say that this Bill is one of those matters reserved for provincial legislation, but subject to Indian legislation. Well, Sir, Labour is not a subject which has been placed in this category. Sir, the Honourable the Home Member, when we were discussing the Bill relating to Hindu Religious and Charitable Trusts of my Honourable friend, Sir Hari Singh Gour, made statements which made us very uneasy. He said that we were really trenching on the sphere of provincial legislation, and he said he would deliberately divide the House to find out the attitude of this House in regard to questions which were reserved for provincial legislation, but which are also stated to be subject to Indian legislation. Sir, this Bill is one of that character. Not only this, yesterday we had another Bill of the same character, the Cotton Ginning and Cotton Pressing Factories Bill, which was initiated by the Government of India and which was submitted to this House for consideration. May I ask the Honourable Member, Sir, what the attitude of the Government of India is in regard to this class of legislation, and whether they have any consistent and uniform attitude in this matter? (Mr. N. M. Joshi: "What is your attitude?") Sir, a great deal has been said about provincial autonomy, and you, Sir, have been twitted with a desire of urging provincial autonomy in one breath and contradicting your own views by urging legislation in this Assembly in regard to Hindu religious trusts. Even the Government of India, Sir, seem to be in exactly the same position. Yesterday we had the spectacle of a provincial subject brought forward in this Assembly on the motion of the Government of India, and

* Not corrected by the Honourable Member.

here we have Mr. Joshi again bringing forward another measure, which is certainly within the sphere of the provincial Legislative Councils. I therefore would like to know what really is the attitude of the Government in this matter, and whether they are themselves sincere in saying that we non-officials are trying to interfere in provincial matters. That is my first point.

Sir, in regard to this legislation I understood from the speech of my Honourable friend, Mr. Joshi, that the financial clauses of this Bill will impose the whole obligation of finding these maternity benefits on the employer, and I should like to know if that is correct. I should also like to know whether this Bill will impose any obligation on the Provincial Governments.

Mr. N. M. Joshi: That depends on the Local Governments. If it is a contribution by the employers, the burden will be shouldered by the employers. If they choose to spend the money out of the public treasury, they may do so.

Diwan Bahadur M. Ramachandra Rao: I am glad my friend has made that position quite clear. He says it is left to the Local Governments whether they will undertake a part of this burden, or whether they will shift the whole of the maternity benefits on to the employer. The Bill as drafted is not quite clear, and if this Bill is going to impose any financial burden on the provinces, that is really a matter in which the provinces should be consulted, and that makes it all the more necessary that this Bill should not be adopted by this House without the opinions of the Local Governments and the public. Sir, having said this, I must at the same time say that the Bill has my entire sympathy so far as its object goes. I see that the Honourable Member from Assam has raised very many practical difficulties in the working of this measure, and I feel exactly the same difficulties. What is the machinery by which this benefit is to be distributed? In Great Britain the matter is on an entirely different footing. I think there is adequate machinery there on account of the working of the National Health Insurance Acts, the Old Age Pensions and similar Acts, and therefore the question of distributing this benefit, the question of undertaking the necessary inspection, is entirely on a different footing. But here there is no elaborate machinery, and it is not to be found in this Bill. Therefore, Sir, on all these grounds I think we must have much more information of the exact bearings of this measure.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): Sir, I do not want to take the time of this House over a Bill concerning which I believe there is a consensus of opinion in this House that it should be supported at least in principle, if not in detail. The only objections that have been raised to this Bill come from the Honourable Mr. Cosgrave on the one side, and the Honourable Mr. Chalmers on the other, and are supported in a half-hearted measure by the Honourable Diwan Bahadur Ramachandra Rao. His objections were rather indefinite objections, but the objections raised by the Honourable Mr. Cosgrave have got to be met. He says, according to what he has stated before us, that there is a case made out for the Assam capitalist, the Assam tea garden planter, that he treats his workers so well that there is no necessity for a measure of this kind being placed on the Statute-book. I am afraid that that *ex parte* statement of his cannot be taken as gospel truth by this House. It is no

[Mr. Chaman Lall.]

doubt very imposing to hear that the employers in Assam give their women employees maternity benefits in the shape of half-pay wages for three months, or even six months, very imposing indeed to hear that the woman can sit at home for three months or six months and draw her wages to the extent of 50 per cent. and do no work. But what are those wages? What is the total extent of those wages? How much in money value do those wages come to, even half-pay for six months? I hold in my hand the Imperial Gazetteer of India and I read there (page 65) that male coolies on the gardens usually earn from Rs. 4 to 5 a month, and women about a rupee less. Rs. 3 a month, Sir, are the wages of women employed in the tea gardens of Assam, and if you reckon their wages for three months, it is nine rupees, and what is it the employer gives them? Rs. 4-8, as maternity benefit. Let us say they give them Rs. 9, which is full pay for three months, what is that sum

Mr. T. A. Chalmers: May I ask the Honourable Member what year he is quoting? Those figures are ten years out of date.

Mr. Chaman Lall: I am very glad Mr. Chalmers has raised that question. I am quoting from the Imperial Gazetteer, new edition, 1908 (Laughter.) But does he want the latest figures? I will give him the latest figures. I hold in my hand "Prices and Wages, 1923" and what is it I read there? Cachar Sadr Tea plantations, daily wages paid to women, Rs. 4-4-8. (An Honourable Member: "Monthly.") Monthly wages. And what are these wages, what do they include? Here is a note appended and it says that these wages are calculated on the wages earned by the total number of coolies on the books during the months of September and March, including *ticca*, diet, rations, subsistence allowance and bonus per head. What is this *ticca*?

Mr. W. A. Cosgrave: Sir, may I point out to the Honourable Member that the figures he has given are calculated on the total number of coolies on the books. The real way of seeing how much a cooly earns is to see the figures calculated on the average daily working strength. If he will look at the next column he will see that the figures are quite different. The Cachar Sadr figures are:

				Rs.	A.	P.
For men	...	...	...	6	10	8
For women	...	...	...	4	9	3
For children		...	...	2	13	9

calculated on the total number of coolies on the books; but calculated on the average daily working strength it works out to:

				Rs.	A.	P.
Men	...	...	...	8	6	2
Women	...	...	...	6	10	0
Children	...	...	...	4	1	6

Mr. Chaman Lall: How very handsome—Rs. 6/10/0. Calculated for one and a half months it comes to roughly Rs. 9 as three months' half pay—a very handsome figure indeed to give any woman as maternity benefit! You come to this House and say that this is such a satisfactory state of affairs that you should not pass a measure applicable not only to

Assam but to the whole of India. But even if these employers give this handsome relief, even if these philanthropic gentlemen consider they are treating their women very well, why should they object to a Bill being passed which would make it compulsory for them to give this benefit to their women instead of its being given at the sweet will of the employer?

Mr. T. A. Chalmers: Sir

Mr. Deputy President: Does the Honourable Member wish to speak on a point of order?

Mr. T. A. Chalmers: I did not object to the principle of the Bill.

Mr. Deputy President: Mr. Chaman Lall was not referring to the Honourable Member in particular.

Mr. Chaman Lall: I am glad, Sir, you have understood I was not referring to Mr. Chalmers in particular. As a matter of fact, his speech I commend to the House; he agrees to the principle; but what I object to are the representatives of these Assam employers who come down here. (*An Honourable Member:* "And the Government"). I do not agree with my Honourable friend, Mr. Joshi in including the Government, for the simple reason that I hope now that Sir Bhupendra Nath Mitra is in charge of this particular Department he will see that the measure before us is placed on the Statute-book. I would remind the Honourable Member of what was said in this very House on the 6th of June 1924 in reply to Mr. Joshi's question. Mr. Joshi asked:

"Will the Government be pleased to state whether they or any of the Local Governments have made any efforts to persuade large employers of labour to introduce voluntarily schemes for maternity benefits in their industrial undertakings? If so, will they be pleased to state what these efforts were? If not, why not?"

There was also another question by Mr. Joshi to which a joint reply was given by Sir Bhupendra Nath Mitra who said:

"The question was examined by the Government of India some three years ago at various meetings between their officers and Chambers of Commerce, Employers Associations, factory owners, and others interested in the question. It was also discussed informally at a conference in Simla with representatives of Associations concerned with the welfare and medical relief of women and children. As a result of these discussions, the matter was brought to the attention of Local Governments who were asked to express their views in regard to the encouragement of voluntary systems of maternity benefits. Most Local Governments expressed their willingness to endeavour to persuade employers to start voluntary schemes for this purpose. The Government of India will ask Local Governments for further information on the subject, as desired by the Honourable Member."

All that I suggest therefore is this. The Honourable Member is pledged, I believe, to support the principle of a measure of voluntary relief. What we are asking him to do is to pledge himself to support a measure of compulsory relief in the case of women employees throughout India. The number of these women employees is not very large. But the objection has been raised by the Honourable Mr. Chalmers supported by Diwan Bahadur Ramachandra Rao that there are difficulties in the way of working this particular measure. Well, Sir, I think there is a very old saying "Where there is a will there is a way." If you start discussing the difficulties you will get nowhere. Almost every civilised country in the world to-day has a measure of this kind on its Statute-book. and are we to be asked by the representatives of the capitalists that we should not come into line with the rest of the civilised world in this matter?

Mr. W. A. Cosgrave: Sir

Mr. Deputy President: Does the Honourable Member wish to speak on a point of order?

Mr. W. A. Cosgrave: I only wish to say I am not a representative of the capitalists here. I am a representative of the Assam Government.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I should not have intervened in this debate if I had not been provoked to do so by my Honourable friend, Diwan Bahadur Ramachandra Rao, who asked me a question as to why I made certain remarks in connection with this House interfering with provincial legislation. Well, Sir, my answer is a very simple and short one and will not detain the House very long. If the Honourable Member will look at Part II of Schedule I of the Devolution Rules and will look at entry 23, he will see "Religious and Charitable Endowments"; and if he will turn to Schedule III and if he will look at item 15 he will again see "Religious and Charitable Endowments". Religious and Charitable Endowments, as he will gather from looking at the entries in the Devolution Rules, are in the first place provincial subjects, and, in the second place, they are transferred subjects, and, in the third place, they are not subject to Indian legislation. The Bill which is before the House, as I understand it relates to welfare of labour. Welfare of Labour will be found in entry 26, sub-entry (g), of Part II of Schedule I, and Welfare of Labour is there made subject to legislation by the Indian Legislature. That, Sir, is my answer.

Diwan Bahadur Ramachandra Rao: May I ask the Honourable Member whether this Bill could have been introduced in the Provincial Legislature?

The Honourable Sir Alexander Muddiman: With sanction, certainly.

Mr. Deputy President: I do not think this discussion should be converted into a debate on a point of law.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, we have been told that in the opinion of a certain Provincial Government in this country this Bill is both unnecessary and undesirable. It is unnecessary because in the tea gardens not only of Assam but also of certain parts of Bengal ideal arrangements prevail for looking after women. May I, Sir, for the benefit of the Honourable Member who has given expression to that opinion of the Provincial Government, quote from a document which is issued by the Government of India in the Department of Industries and Labour—Bulletin No. 31 by Dr. Curjel who is evidently a medical authority of some repute. At page 27 of that pamphlet, describing the conditions in the tea gardens the doctor says

Mr. A. G. Clow (Industries Department: Nominated Official): May I ask for information, Sir, whether what the Honourable Member proposes to read relates to Assam or to any area not covered by this Bill?

Mr. Devaki Prasad Sinha: I never said that it relates to Assam; I said it relates to Bengal.

Mr. A. G. Clow: I submit, Sir, that we are not dealing with Bengal tea-estates.

Mr. Devaki Prasad Sinha: The Bill itself covers all; and since my Honourable friend who spoke on behalf of the Assam Government mentioned the tea gardens in Darjeeling and some other parts of Bengal I think the portions of the report which I am reading have some relevance to this question. The learned doctor comments as follows:

"The doctors employed on tea estates rarely possess a registerable qualification, the salary offered being too low to attract better trained men."

Further on the report says:

"It was said that women workers on the estates will not go into hospital, but the hospitals mentioned were in many cases open wards and there was no provision for the nursing and protection of women patients."

A little further down it is said:

"On most tea estates there were a certain number of plains women who acted as *dais* when required. Their fees were lower than those charged near Calcutta, but usually not less than one rupee was paid. An indication of the economic value of women's labour on tea gardens was the fact that in many cases the same fee was paid to *dais*, whether the child was male or female. Some of these *dais* were relatively cleanly in person, and had fairly successful results, others were dirty, and deaths occurred among the mothers attended. *Dais* regarded abnormal cases as foredoomed to die."

Then the report says:

"Women workers on tea estates took their infants with them on the gardens, the baby being carried in a basket slung across their shoulders."

Mr. A. G. Clow: May I ask your ruling, Sir, on a point of order? The estates to which this Bill relates are purely within the confines of Assam. The Honourable Member is reading a very able bulletin relating to tea estates in Bengal.

Mr. Deputy President: I do not know where the Honourable Member (Mr. A. G. Clow) has got the idea that it relates only to Assam. Under clause 2, "estate" no doubt means an estate as defined by the Assam Labour and Emigration Act, 1901. I think I also had a similar idea, but on reading carefully, he will find that the Act operates throughout the country as regards factories and mines.

Mr. A. G. Clow: The Act, Sir, applies to British India; but the estates referred to, I think I am right in saying, are entirely within Assam.

Mr. Deputy President: I think that what Mr. Sinha has been quoting is perfectly relevant.

Mr. Devaki Prasad Sinha: Thank you, Sir. Now with regard to the desirability of a measure like this, my Honourable friend has quoted the opinion of a certain doctor who is supposed to be an expert in Kala Azar. I wish, Sir, that that doctor had confined his researches into the domains of Kala Azar only. There are much better authorities than the doctor in question who have pronounced in unmistakable terms the necessity of measures such as those proposed in my friend, Mr. Joshi's Bill. I shall read to the Assembly again from the same extract which I quoted before, because I believe that since it is published under the authority of the Government of India it will carry some weight with the officers of the Government of India: It says at page 3:

"It is better for the health of mother and child, if women workers do not undertake industrial work for six weeks before and after confinement; and following the recommendations of the International Labour Organization, legislation has been introduced in some countries to make such abstention from work compulsory."

[Mr. Devaki Prasad Sinha.]

Sir, I understand that, out of the total number of countries that are signatories to the League of Nations covenant, there are not more than two or three countries that have not introduced measures of this kind. To say that there are difficulties in the way of accepting proposals like this is to mention the old, old argument, that is used against all such beneficent measures. There are difficulties; nobody doubts there will be some cost incurred in providing for maternity benefits. Nobody says that it can be done without any cost or labour. But the whole question that this House has to decide is this: whether the benefits that would accrue from this measure to the community as a whole will be commensurate with the cost which will be involved in giving effect to this proposal, and whether the demands that are made upon the representatives of the people by this aggrieved section of the community are demands which ought to go unnoticed. Sir, my Honourable friend from Madras who is unfortunately absent from his place has raised some technical objections that have been answered by the Honourable the Home Member. He has also mentioned that in this matter those bodies or communities that have to pay ought to be consulted and their opinions taken into consideration. Sir, I wish the suspicions and the honest doubts of my Honourable friend had arisen in this House on so many other occasions when we discussed the numerous proposals for levying indirect taxes on the poor working classes in this country. To suggest that any extra expenditure involved in working this scheme would be resented by any Local Government is, I submit, to doubt the human sentiments of the members of those Local Governments. I believe, Sir, I am right in presuming that at this hour of the day there are very few men, holding advanced views on matters social, who would doubt the utility of this measure. The only thing that has to be considered is how to work it out, and for this the best solution would be to go into Select Committee. With these words I support my Honourable friend, Mr. Joshi.

Mr. W. S. J. Willson: Sir, there appears to be some misunderstanding as to the attitude which such classes of employers as I represent adopt in regard to this matter. Because Mr. Chalmers said that he was in sympathy with the "objects" of the Bill it appears to have been taken for granted that we were in sympathy with the "principle" of the Bill. That is exactly not the case. We are so much in sympathy with the objects of the Bill, that we have already put them into operation since a very long time! but we are opposed to the principle of the Bill at this stage. When I asked Mr. Joshi how he would apply it to provinces like Burma, where the bulk of female labour is casual, and is not employed on estates and so on, you remember the wavering answer that Mr. Joshi gave me. It plainly showed that the Bill, and the effects of the Bill, had not been thoroughly thought out and threshed out and he would like this House to commit itself to the principle of the Bill before it has any idea how Mr. Joshi would propose to deal with casual labour. I think, Sir, the remarks which fell from Mr. Cosgrave, who showed a wonderful knowledge of the labour conditions in his own province, and from Mr. Chalmers, were probably news to a great many Members of this House who probably had no idea that so much is done, not only for employees generally, but for women in particular. Sir, the interests that I have to represent here are so large that I should weary the House beyond measure if I attempted to take you

into the details of other industries, such as the jute mills, the cotton mills, the coal mines and so on. But I can assure you, as a general statement, that similar concessions are given in all the big industries of India. I am sorry to note the absence of the Honourable Member who represents the cotton industries on the Bombay side, or he might like to give you his figures in detail.

There is one point, however, that I do wish to make and that is this: when you get an Honourable Member like Mr. Chaman Lall, rising in this House, as he did the other day on the other Bill (Weekly Payment of Wages) and saying that the interests of employers and employees are diametrically opposed. I cannot allow it to pass. That of course is the kind of statement that this House is accustomed to hear from Mr. Chaman Lall. He bases his remarks usually upon some witticism or sharp retort which might score a point in a debating society, but cannot be expected to go down in this House. If Mr. Chaman Lall had ever been an employer on anything like a large scale, he would know, as all my friends who are employers know, that the interests of the employer and the employee are practically one, that is to say, that no employer would be so foolish as to cut his own throat by giving either less wages than other people in the same industry give, or by withholding reasonable, small and not too expensive concessions which will add to the happiness and contentment of his labour force, which it is one of his most

Mr. Chaman Lall: I do not want to interrupt the Honourable Member, Sir; but may I remind him that that is exactly what the lion said to the lamb in the fable—that their interests were identical.

Mr. W. S. J. Willson: It is one of his greatest objects to keep his labour force together.

Then, Sir, Mr. Devaki Prasad Sinha quoted some remarks of Dr. Curjel to which I should like to read an extract, only a short one, from a letter that I received the other day from the Dooars:

“Three years ago the British tea gardens in the Dooars all commenced voluntarily to give maternity benefits, and now all estates in Assam, Cachar, the Dooars and Darjeeling have adopted the system, with the exception of a few Indian controlled gardens. Pregnant women in the Dooars receive a month's pay before confinement, and for two months after the birth—whether they are workers or not. The labourers are entirely free, under no agreement, and earnings are so good that a man who works well, namely for three quarters of the month, is able to keep his wife in the house.” (That is without working.)

“A bonus of one rupee a month is paid after her first two children—to induce the mothers to bring the babies in one morning for the manager's inspection,—for 8 months before delivery, and all anæmic women, or sickly women, or those with babies who are not flourishing receive sick (full) pay until they are well. Milk is provided free for all sick infants, including mothers who require it. Bottles properly cleaned and prepared are issued every morning at the dispensary for any babies whose mother is unable to feed them properly herself. Medical attendance is given (that is free too) and the British doctor is called in for any difficult case of delivery. I defy any one in India to produce a plumper, healthier batch of children than my crop of this year.” (Laughter).

Sir, I may tell the House that every manager is proud of the number of children born on his estate:

“The birth rate is 67.5 in the year 1923 three times that of the death rate. That is evidence, I think, of content and prosperity.”

[Mr. W. S. J. Willson.]

I submit again, Sir, that that is what all wise and prudent employers of labour endeavour to achieve amongst their staff.

Now, one of the other points we object to is this. Mr. Joshi's Bill in its present haphazard form proposes that the amount, which as I say most of the industries do pay, should be handed over to Government, so that in fact the people who pay it are not going to get the benefit of it. You are to pay for these things and your staff are not to get them and you are not to have the benefit of contented labour. That is one of our principal reasons for opposing the Bill.

Then, Sir, another point which as usual I have to take serious exception to in Mr. Chaman Lall's remarks is that, in the first place, he attempted to trail across this House, a rate of wages some 16 years old, and had he not been promptly pulled up over it by Mr. Chalmers, he might have, I am afraid, left it as a wrong impression on the House. But of course he is too clever not to have a second shot in his locker if he is challenged. What I want the House to understand is this that, although the figures actually paid in the tea gardens do not sound high compared with what is paid in places like Bombay and Calcutta, they are, in fact, so sufficient that the people will not do enough work for them to earn more. I had the other day before me the figures of a tea estate in the Dooars, and I found that not more than 55 per cent. of the labour was working at all. This money goes so far in agricultural districts where they have so much given to them free houses, free medical attendance and so much as already stated that is free, that the money is enough for them. They could have more if they wanted to. . . .

Mr. Chaman Lall: May I ask the Honourable Member if he will let us have the statistics in respect of absenteeism due to sickness?

Mr. W. S. J. Willson: I will let him have a copy of the whole Report if he wants it.

Mr. Deputy President: I may inform the Honourable Member that he need not make way unless a point of order is taken.

Mr. W. S. J. Willson: Sir, you find exactly the same thing in the coalfields where free houses, free medical attendance and so much free is given. It is because, as I said, that so much is already given (I am not going to put it to the House that it is purely a philanthropic work—it is not pure philanthropy but it is economically sound) it is advisable for the man, who pays for these wants, to see that his own staff get the benefits and that therefore labourers come to him and stay with him. That is where the principle of Mr. Joshi's Bill breaks down.

In regard to the difficulties of administration, my friend Mr. Cosgrave has very ably dealt with them and I do not propose to refer to them again, but I do think enough has been said so far, that we should not commit ourselves, and my Chambers of Commerce emphatically do not and will not commit themselves, to the principle of this Bill. They are so much in sympathy with the objects which the Bill has in view that they already confer these benefits themselves.

I did not intend to speak quite so early in this debate, because I was waiting to support the amendment that the Bill should be circulated.

Mr. A. Rangaswami Iyengar and Sir Hari Singh Gour: I move, Sir, that the question be now put.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. Deputy President in the Chair.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, I beg to move an amendment to the motion now before the House. My proposal is that the Maternity Benefits Bill be circulated for the purpose of eliciting opinion thereon. I am compelled to move this amendment in spite of the appeal made to me this morning by my friend Mr. Joshi as the trend of the discussion in this House and the reasons which I shall proceed to set forth later on indicate that the course which I now propose cannot be avoided in the interests of this House. I am sure that every one in this House has listened with considerable interest to Mr. Joshi's vigorous advocacy of a certain class of wage-earning women in India. About the basic object of his Bill there can be very little doubt. I am not sure, however, that every one of us is as fully impressed as Mr. Joshi about the utility, or the practicability, under present day conditions in India of the precise measure which he has placed before us. In the Statement of Objects and Reasons appended to the Bill, and also in his speech here this morning, Mr. Joshi mentioned that his Bill seeks to carry out some of the proposals contained in the Draft Convention passed at the first International Labour Conference held at Washington in 1919. The Bill actually reproduces some of the provisions of the Draft Convention concerning the employment of women before and after child-birth. The other day in introducing in this House the Trade Unions Bill I observed that enactments produced in this House should be Indian Bills designed with ample knowledge and recognition of Indian conditions, and that they should not be mere imitations of measures adopted in other countries to suit different conditions. I find that the Right Honourable Sir Montagu Barlow, a former Labour Minister of England, has expressed a similar opinion in the course of a special interview granted to a newspaper representative at Calcutta. Mr. Joshi's Bill furnishes a good illustration of the dangers and difficulties we are likely to fall into by a blind imitation of measures adopted in other countries. As a matter of fact Mr. Joshi is fully aware that the Washington Conference of 1919 realised that the provisions of the Draft Convention relating to the employment of women before and after child-birth could not be introduced in India in the conditions prevailing in the country, and instead of asking the Government of India to ratify the Convention they accordingly supplemented the Draft Convention by the following Resolution:

“ That the Indian Government be requested to make a study of the question of the employment of women before and after confinement, and of maternity benefits, before the next Conference.”

The Government of India examined the question in 1920-21 in consultation with the Provincial Governments and they came to certain conclusions which were reported in due course to the International Labour Office at

[Sir Bhupendra Nath Mitra.]

Geneva. These conclusions were as follows: In the first place compulsory abstinence from work could not under existing conditions be legally enforced. If the attempt were made, women who were refused admittance to regulated factories would easily obtain work in non-regulated factories, or in agriculture. Further, employers and inspectors would find it almost impossible to enforce this provision. The existing system of birth registration in India was not sufficiently accurate for the purpose in view. In the second place, the right to leave work six weeks prior to confinement would be dependent on the production of a medical certificate. Indian women would be most unwilling to obtain such certificates except from women doctors. The small number of qualified women practitioners in India made such a proposal quite impracticable. In the third place, the opinion of Local Governments was on the whole against the institution of a compulsory levy for the grant of pecuniary help during the period of absence from work due to an advanced state of pregnancy or confinement. Lastly, it was found that women who absented themselves from their work in consequence of advanced pregnancy or confinement did not find any difficulty in being reinstated when they were fit to resume work, and there was therefore no practical need for legislating in the matter. Now, Sir, Mr. Joshi this morning did not explain to us whether conditions in India had now changed since the time when this report was made.

Mr. N. M. Joshi: I did not approve of this report at all.

The Honourable Sir Bhupendra Nath Mitra: That is a different matter. He said something about medical certificates, namely, that in Bombay women workers would not object to get medical certificates from male doctors. I am afraid that is not the position in all parts of India. One Local Government has definitely stated that the production of the medical certificate was one of the items of the Bill which it would be impossible to work. Mr. Joshi, we found out this morning, has no clear ideas yet as to the source from which his proposed maternity benefits are to be met. His Bill apparently contemplates that they should be met by the levy of some form of contribution from the employers; but in reply to a question from my friend Diwan Bahadur Ramachandra Rao he seemed to suggest that Local Governments might also make contributions from provincial funds. Then again Mr. Joshi's Bill does make no specific provision about the machinery by which the doles to be paid under his scheme are to be distributed. I trust that this House will recognise from what I have said, and also from the trend of the debate this morning, that the measure before us is one of considerable complexity, and that it is not so simple as Mr. Joshi makes it out to be, though it may be a simple process to copy out in a Bill some of the provisions of a particular Convention of the Washington Conference of 1919. And I have no doubt that this House will agree with me that it cannot be expected to proceed to deal with a measure of such complexity and importance, until it has been given the widest publicity and the House is in possession of the opinions on it of the various parties affected by its provisions, as well as of the Local Governments who under our existing constitution are primarily responsible for the welfare of labour. In introducing his Bill in this House last September, Mr. Joshi himself seems to have fully recognized the need for circulation and he asked Government to obtain the opinions of the Local Governments on it. The Government of

India accordingly circulated the Bill to Local Governments at the beginning of October last. Some of the more important Local Governments have, however, been unable by now to obtain all the local opinion they have invited on the measure, and we are still awaiting the replies of the Governments of Bombay, Bengal and the United Provinces. The replies so far received reveal that the measure proposed by Mr. Joshi bristles with difficulties in regard to its practical operation. Three of the Local Governments of Governors' Provinces have indeed gone so far as to express the opinion that the measure is unnecessary so far as their provinces are concerned, and that they should be excluded from its operation if the Bill is passed by the Central Legislature. The subject is accordingly one which would require the most careful consideration on our part, and for this purpose it is important that the Bill should be circulated for opinion.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, when I listened to the speech of the Honourable Member from Assam, Mr. Cosgrave, he created two impressions on my mind. One was that Assam was full of angels and that it was the best place in the world to live in. Another was that I almost thought, although it is not possible, that I might become a coolie woman in Assam. Then, Sir, when I listened to my friend, Mr. Chaman Lall's blood-curdling account of the tyranny of the employer over the employes. I thought it was a bad world. Then when I heard my friend Mr. Willson, I again acquired a certain amount of equilibrium and I thought that the employers were not quite so bad as they were painted by Mr. Chaman Lall. But all this, Sir, is beside the question. The question really before the House is this. Is this problem one which requires solution by legislation or not? That is the question. Sir, Mr. Willson said that the very principle of this Bill and the very object this Bill seeks is the one that the employers are trying to carry out. Now, Sir, he knows perfectly well, it is an old, old story, we know it perfectly well, and Mr. Willson himself admitted that after all what the employers are doing, they are not doing as philanthropists; they are doing it because it is in their own interest. We know perfectly well that there is the interest of the employer, and there is the interest of the employee, and we know, it has been an age-long cry, that the employer has always taken advantage of the employee, and it cannot be left to parties not equally pitted against each other. The time does come in every country when it cannot be left to the sweet will and the good wishes of the employer to solve this problem. The Legislature has got to step in, and I congratulate my friend, Mr. Joshi, on having introduced this Bill; and I have not heard a single speech which has made out a case that this principle of his Bill should not, if possible, be given effect to. But a far more difficult question is, how to give effect to that; and, Sir, I have read this Bill as carefully as I could and I am not satisfied with the provisions of this Bill. I am not satisfied that a Bill of this character will achieve the object that Mr. Joshi has at heart. This is a question on which we require a great deal more information, and an important and serious question as it is, we must also have little more patience if we are going to deal with it in an effective manner. Now, Sir, to draw the attention of my friend, Mr. Joshi, let us see how sketchy this Bill is, and I will give you only one instance. The main thing which we require is the fund, because that is really the crux of the whole business. How are you going to create this maternity fund? How does he propose to do it? He himself has not got a very clear idea.

[Mr. M. A. Jinnah.]

But his Bill, I may point out to him, leaves it to—what?—to the rules being made. Clause 7 says this:

“Every Local Government shall make rules for the establishment of a Maternity Benefit Fund; for fixing the amount of contribution to be paid to it by each factory or mine or estate; for the collection of the contributions and for the management and safe custody of the fund.”

And when these rules are made, they will have to be carried out. Supposing a Local Government, we will say Bengal, makes rules and under those rules Mr. Willson is required to contribute Rs. 10,000 to this Maternity Benefit Fund. When that rule is made, how is that going to be enforced under Mr. Joshi's Bill? (Mr. Devaki Prasad Sinha: “Certificates will be issued.”) Mr. Willson might then say, “I am not going to pay”.

(At this stage Mr. Deputy President vacated the Chair, which was taken by Mr. President.)

But where is the provision in the Bill to enforce the Rules? The provision in the Bill is this—the penalty, is this that if you do not comply with any rule or any clause of this Bill, the penalty is Rs. 500—and I am sure that Mr. Willson would prefer to pay Rs. 500 to paying Rs. 10,000. That is the difficulty. Therefore, Sir, we must have a proper well-considered scheme. We must elicit opinions, and we must give far more attention and far more careful examination to this question and then allow this Bill to go to a Select Committee. I do not wish to take up the time of the House.

The other question which I want to emphasize is that which was raised by Mr. Chalmers very rightly and also by Mr. Cosgrave. You have to set up an enormous machinery for the purpose of carrying that benefit to those women to whom you intend to give it and who will require this support which is the main object of this Bill. In Assam alone you have got 250,000 women workers—that is what I understood. But this Bill is dealing with India. Now how is that to be done? You must therefore carefully consider what machinery you are going to set up. Sir, I do not wish to take the time of the House any more, but I certainly agree at least on this occasion with the Government and I therefore support the motion for the circulation of this Bill for further opinion.

Mr. A. Rangaswami Iyengar: I move, Sir, that the question be now put.

Mr. N. M. Joshi: Sir, in the present temper of the House, I do not wish to speak for more than five minutes. I congratulate myself upon the sympathy and support which my Bill has received at the hands of the Members of this Assembly. I know, Sir, that my Honourable friend, Mr. Willson, stated that he fully sympathised with the object of the Bill but he opposed the principle of the Bill. Sir, I cannot conceive any man sympathising with the object of the Bill but not sympathising with the principle of the Bill. My objects and principle, Sir, are practically the same here. The principle of the Bill is to prohibit the employment of women some time before and sometime after confinement and to give them maternity benefit during the period. If you sympathise with this you sympathise with the object of the Bill as well as the principle of the Bill. I know, Sir, that my Bill may be considered to be defective in details. As a matter of fact the criticism is that there are very few details in my Bill. But, Sir, in this matter I followed the very good example of the Government of India Act,

by which the Government of India themselves work to-day. I have left many things to be done by rules and I have left the details to be worked out by the Local Governments by rules. I also wanted to satisfy my Honourable friend Mr. Ramachandra Rao. I knew, Sir, that the welfare of labour is the business of Local Governments and it is for that purpose I left the details to be worked by Local Governments and have not entered them here in this Bill. There is not much other criticism, except what my Honourable friend, the representative of the Assam Government, said. He said that the Government do not think the Bill to be necessary, because the planters are already giving maternity benefit. Sir, I knew that the planters in Assam were giving some kind of maternity benefit and therefore I expected the Assam Government not to oppose it. I thought when the planters in Assam are giving maternity benefit, not only should the Assam Government support my Bill but it should insist that the other industries also should have such a regulation. Sir, I passingly reciprocate my regret with my Honourable friend that I did not meet him in Assam when I went there. I also reciprocate his regret that I did not make mention of the maternity benefit scheme to the planters in my small article. He ought to have remembered that when I was

3 P.M.

writing an article I was not writing an encyclopædia. Sir, I do not wish to deal with the other points of criticism, because on the whole I feel that there is much support for my Bill. I have already explained, for the reasons which I have also stated, that I cannot oppose the amendment put forward by the Honourable Member in charge of the Department of Industries and Labour. I leave the matter in the hands of the House.

Mr. President: The original question was :

“ That the Bill to regulate the employment of women in factories and mines and on those estates, to which the Assam Labour and Emigration Act, 1901, applies, some time before and some time after confinement, and to make provision for the payment of maternity benefit, be referred to a Select Committee.”

Since which an amendment has been moved :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

The question is :

“ That the Bill be circulated for the purpose of eliciting opinions thereon.”

The motion was adopted.

THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadian): Sir, I beg to move :

“ That the Bill further to amend the Special Marriage Act, 1872, be referred to a Select Committee.”

In introducing this Bill I stated the short point with which it is concerned. Honourable Members will remember that on that occasion I pointed out that the Special Marriage Act, III of 1872, lays down in section 2, clause (3) that “ each party must if he or she has not completed the age of 21 years, have obtained the consent of his or her father or guardian to the marriage.” In 1872, Honourable Members will remember, we had no special enactment regarding majority. That was passed in 1875. (*Mr. M. A. Jinnah*: “ You had the personal law.”) You had the personal law but the personal law was indefinite and those who had it were mostly excluded from the Act. The Indian Majority Act was passed in 1875 and

[Sir Hari Singh Gour.]

referring to the previous discussion on the subject which culminated in the Act III of 1872, I find that the age of 21 was fixed in this Act, being the age of majority under the English law; all persons below the age of 21 being treated as minors; and as it was an Act which did not affect Hindus, Muhammadans, Parsis, Jains, Budhists and the rest, the personal law of majority, to which my friend Mr. Jinnah refers, was necessarily out of the question. It dealt with persons who were not affected by the personal law. Now, Sir, in 1875 the Indian Majority Act fixed the age of majority at 18 years, with the result that persons desiring to marry between the ages of 13 and 21 and having no father alive cannot marry at all under the provisions of this Act. They are majors and consequently they cannot have a guardian appointed under the Guardian and Wards Act and they must obtain the permission of the guardian before they can marry under this Act. I therefore submit that this anomaly which exists on the Statute-book must be eliminated and my short Bill is intended to remove it.

I find, Sir, a motion tabled by the Honourable Mr. Tonkinson that the Bill be circulated for the purpose of eliciting opinions thereon. I will listen to him as to what reasons he has to give in support of circulation, and, if I find his reasons are cogent, I shall accede to his motion; otherwise I shall ask this House to take this Bill to the Select Committee. I have already got the personnel of the Select Committee and if my motion is accepted I will disclose the names.

I move, Sir, that the Bill be referred to a Select Committee.

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, I move:

“That the Bill further to amend the Special Marriage Act, 1872, be circulated for the purpose of eliciting opinions thereon.”

My Honourable and learned friend has already explained the provisions of his Bill. I need only say that whereas now under clause (3) of section 2 of the Special Marriage Act before any marriage can be solemnized under that Act it is necessary, if either of the parties is under the age of 21 years, that that party shall have obtained the consent of his or her father or guardian to the marriage, my Honourable friend proposes to substitute for this provision a provision that such consent should not be required unless one of the parties is a minor within the meaning of section 3 of the Indian Majority Act. Sir, this Bill, if enacted, may effect a desirable improvement in the law. Or perhaps a more correct appreciation would be that my Honourable friend has pointed to a provision in the law which requires examination and perhaps some amendment but not that amendment which is proposed in this Bill. It is not my purpose now, Sir, either to contest or to endorse either of those alternatives. All I wish to show and all that it is necessary for me to show, is the desirability of delaying the passage of this Bill until the communities affected by it shall have had an opportunity of expressing their views upon the change of the law which the Bill seeks to effect. Now, my Honourable friend has explained the purpose of his Bill in his Statement of Objects and Reasons. There he says:

“It is therefore clear that the Special Marriage Act of 1872 has long required to be amended so as to bring its section 2 (3) in conformity with the provisions of the Indian Majority Act, since with the statutory fixation of the age of majority in this country at variance with the English law, that section which followed the English law required also to be amended. Since the provisions of the Special Marriage Act have

recently been enlarged by the enactment of Act XXX of 1923, representations have been made that its provisions cannot be availed of by persons between the ages of 18 and 21 owing to this anachronism in the law which requires to be rectified."

That is, my Honourable friend suggests that he has found an anachronism in the law. I suggest, Sir, that this House should pause for some time before accepting a view that an anachronism has existed in the law for the half century which has elapsed since the Indian Majority Act became law. I would like, Sir, in the first place, to invite the attention of the House to the Preamble to the Indian Majority Act. That runs as follows:

"Whereas in the case of persons domiciled in British India, it is expedient to prolong the period of nonage . . ."

That is to say, the Indian Majority Act, generally speaking, increased the age of majority, or, in other words, the period of legal infancy. Now, the suggestion of my friend is that, because 18 years is now, generally speaking, the age of majority, the provision regarding 21 years in section 2 of the Special Marriage Act is unsuitable and that it became so as soon as the Indian Majority Act was passed. But surely, Sir, in that case, if this view is correct, it was even more unsuitable still before the Indian Majority Act was passed and when the Special Marriage Act was passed three years before in 1872 until when the age of majority was less. In the second place, I should like to invite the attention of Honourable Members to the provisions of clause (a) of section 2 of the Indian Majority Act. That clause provides:

"Nothing in the Indian Majority Act shall affect the capacity of any person to act in the following matters."

One of these matters is marriage and another is divorce. I remember, Sir, the learned discussion which took place in this House on the 15th of September last when the law of majority as affected by the Indian Majority Act was explained by my learned friends Mr. Neogy and Mr. Jinnah. If, Sir, the Indian Majority Act does not—and this is clearly the case—affect the capacity of any person to act in marriage, I would submit that it is by no means clear that it is advisable to amend the law, at any rate, exactly in the manner proposed by my learned friend. Why, Sir, should we include in a law relating to marriage a reference to an Act which expressly does not relate to marriage? I would like in this connection to invite the attention of my learned friend to another Act dealing with marriage, which was passed seven years before the Special Marriage Act was passed in 1872. I refer to the Parsi Marriage and Divorce Act of 1865. Under section 3 of that Act:

"no marriage contracted after the commencement of this Act shall be valid unless in the case of any Parsi who shall not have completed the age of 21 years the consent of his or her father or guardian shall have been previously given to such marriage."

(*Sir Hari Singh Gour*: "Amend that also".) Now, Sir, if the Special Marriage Act became an anachronism when the Indian Majority Act was passed, then the provision in this Act also became an anachronism at the same time. (*Sir Hari Singh Gour*: "It did.") But that, Sir, is not the view of the Bombay High Court, as will be seen from the case reported in Indian Law Reports, Bombay Series, Volume XVIII, at page 367. They were dealing then with a case of divorce. But, of course, the law in relation to divorce is exactly the same as it is in the case of marriage. In that case the girl was more than 18 years of age but less than 21 years of age. The Bombay High Court held that the Indian Majority Act did not apply to her and they said definitely: "I am satisfied, therefore, that the defendant is an infant." I would also remind the House that the Indian

[Mr. H. Tonkinson.]

Majority Act, in cases to which it applies, only fixes the age of majority of persons domiciled in British India. The Special Marriage Act, on the other hand, is not confined only to persons domiciled in British India. That, I would suggest, is another reason why we should not lightly assume that the age of majority under the Indian Majority Act is the age which should be prescribed for the purposes of this clause of section 2 of the Special Marriage Act. My Honourable and learned friend has referred in his Statement of Objects and Reasons to the enlargement of the provisions of the Special Marriage Act which was effected by the enactment of Act XXX of 1923 for which he himself was responsible. I would suggest to this House that the enlargement of the provisions of the Act which affects people who profess the Hindu, Buddhist, Sikh or Jaina religions is another reason why, before we approve of this amendment of the law, we should know whether it is an amendment which is acceptable to the communities affected. It will be remembered that the amending Act had a stormy passage through the first Assembly. Many Members of the orthodox section of the Hindu community were, I think I am correct in saying, strongly opposed to the provisions of the Bill. The fact that it is now required, Sir, that before the marriage of persons can be solemnised under the Act the parties must either have completed the age of 21 years or have obtained the consent of their fathers or guardians may possibly, I submit, be held by the people who objected to the expansion of the scope of the Act to be a very desirable safeguard which should not be abandoned. I do not think it is necessary for me to say much more in support of my amendment. I should like, however, to refer to some other classes of persons who may be affected by the Bill. It will be remembered that the Special Marriage Act applies to persons neither of whom profess the Christian, or the Jewish or the Muhammadan or the Parsi religions, and it further applies to persons both of whom either do or do not profess the Hindu, Buddhist, Sikh or Jaina religions. Suppose we leave for the moment people who profess the Hindu, Buddhists, Sikh or Jaina religions, and let us take the case of a person who professes to fail to come within the other categories. If such a person wishes to be married under the Special Marriage Act, it is necessary for him to make a declaration that he does not profess the Christian, Jewish or other religion, as the case may be. Now, broadly speaking, the Bill proposes to provide that persons of between the ages of 18 and 21 years, whether they have fathers or guardians or not, shall be able to be married under the provisions of the Act without the consent of their fathers or guardians. Assume, Sir, a Christian or a Parsi or a Jewish or a Muhammadan father with a daughter of between the ages of 18 and 21. That daughter, Sir, might be prepared to declare that she was an agnostic and did not profess any of these religions, and then, Sir, she would be able to be married under the provisions of this Act if it is amended as proposed by my Honourable friend. That is to say, Sir, she would be able to get married under this Act and all the safeguards that have been laid down, in the case of a Christian, in the Christian Marriage Act, in the case of a Parsi in the Parsi Marriage and Divorce Act, all these safeguards will be swept away. I submit, Sir, there can be little doubt, in the case of this Bill, it is desirable, before the amendment of the law which is proposed to be carried into effect by this Bill is made, that it should be circulated for the purpose of eliciting opinions on the Bill, for the purpose of eliciting opinions as to whether any amendment of the law is desirable, and for the purpose of eliciting opinions as to what form that amendment,

if any, should take. Should it be, Sir, an amendment of the law on the lines of the Bill now before the House, or should it take some other form altogether? I move my amendment.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, I am afraid the speech of my friend Mr. Tonkinson has made the issue very clouded. He has gone into all sorts of things except the real point. The real point which I want to put before the House and Mr. Tonkinson as one of the Members of the House, and it is the real point of difficulty,— I am not standing up here as a warm supporter of this Bill, but I do realise the difficulty, is this. The Special Marriage Act applies in the case of a person who is not a Hindu, a Muhammadan, a Buddhist, Christian, Jain, etc., but happens to belong to some other class which cannot come under this description, and we know that the class for whom this Act was intended is that class particularly, namely Brahmos. Well, Sir, take the case of a Brahma girl. If she is under 21 and her father is alive, then there is no doubt that with the consent of her father, she can be married, provided she is above 14. But now we will assume for the moment that just a day before she attains her majority of 18, or we will say on the very day that she attains the age of 18, her father dies. If her father dies, can that girl get married under the present law until she is 21? That is the question. She cannot. Why not? Because, according to the Indian Marriage Act and the Guardian and Wards Act, you cannot appoint a guardian. She is a major. And under this Act she cannot marry until she is 21. That is the point which I want the House to understand.

Diwan Bahadur T. Rangachariar: The point existed all along.

Mr. M. A. Jinnah: Of course it existed all along; that is the very reason why Sir Hari Singh Gour has brought the Bill before you to consider it. This is not the answer at all. Many things have existed all along. Therefore what? Therefore allow it to continue? Don't you want any advance? (*Diwan Bahadur T. Rangachariar*: "Not in this.") You don't, but, Sir, a Hindu girl can marry at the age of 18. (*Diwan Bahadur T. Rangachariar*: "In the usual form.") But this Act is not intended for Hindus. The Hindu girl has got that liberty, and the Muhammadan girl has got that liberty, and probably also in the case of Christians. It is only Parsis and that class which come under this Statute; those are the only two communities. A Christian girl is not governed by the Majority Act, she is a minor until she is 21. (*Mr. Tonkinson*: "If domiciled in British India.") No, I am talking of English law. It is no use citing a bad instance to support one. Because you have got bad law with regard to the Parsis, because you have got bad law with regard to the domiciled Christians, therefore continue this Act? Is that the argument? I want this House to understand, is there or is there not a real difficulty? Of course if you wish to get further opinions from people who might be affected I have no objection at all, and I quite see the importance of it. The importance of it is this, that probably this Legislature may have to deal with the Act which governs the Parsis; this Legislature may have to deal with another Act which deals with domiciled Christians; but all I want to say to the House is this, that it is a very serious difficulty because you say to a girl, because her father is dead when she happens to attain the age of 18 she cannot get a guardian because she is a major and yet she cannot marry until 21. Of course if you think it a good thing, by all means allow this law to continue.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Sir, I move that the question be now put.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir far from the Honourable Mr. Tonkinson's speech causing any confusion, I am afraid my Honourable friend Mr. Jinnah has confused himself over the issue. After all my Honourable friend has forgotten it is a special marriage for which my Honourable friend Dr. Gour is legislating. Nobody is prevented from marrying according to the laws which apply to each community, whether under the age of 21 or above the age of 21. If they marry according to the usages of the community, this does not stand in the way at all. It is where they want to depart from the ordinary customs applicable to the community to which they belong, and they want to contract a special marriage for which this facility is created, that the Legislature has taken care to provide that there shall be sound judgment before the contract is entered into. The whole object of having the age of 21 is to prevent impulsive people from getting into unhappy connections or rather connections which may turn out to be unhappy in future, so that they may have time to think, they may have mature judgment, before they contract the special form of marriage. That being the whole object, I do not see any injustice is done—what is the harm done to the girl or the boy if they are made to wait for another three years? If they contract according to the usual form, then there is an end of it; there is no question of contract at all, other people decide it for them and they conform to the customs of the community and the community approves of it.

As regards the Brahmos, they have never complained. This Act has been in existence since 1875. From 1875 up to now have any of them complained on account of this so-called anachronism or injustice? On the other hand, Brahma parents themselves will welcome the existence of such a safeguard. The very fact that there has been no demand for such legislation is ground why we should take opinion thereon. I therefore heartily support the motion that opinion be taken thereon.

Mr. E. H. Ashworth (United Provinces: Nominated Official): Sir, with reference to the remarks made by the speaker before last I only wish to draw attention to one big principle of law which seems to have been forgotten in discussing this proposed Bill. In the Statement of Objects and Reasons it is stated that:

“Consequently under this Act if a person completes his 18th year but is below 21, and has no father alive or parent to give his consent, he cannot marry at all. He cannot obtain the consent of his guardian because he can have no guardian on attaining his majority, nor can he get one appointed for the purpose of obtaining his consent . . .”

It seems to me to have been forgotten that there is a very broad principle of law that the law compels nobody to do what is impossible. If therefore it be allowed that it is impossible for a person in this situation to obtain a guardian, I think there can be no doubt that the necessity of obtaining the consent of that guardian would not be considered one that was incumbent by the courts.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): I am sure, Sir, that Honourable Members in this House have by this time realised that my Honourable friend Sir Huri Singh Gour is fast becoming the Manu of the twentieth century; but unfortunately, Sir, his codifications are practically confined either to special

marriages or to minor girls, and in this instance at any rate he has not realised that his interest in minor girls is in conflict with his interest in special marriages.

Sir, in the Statement of Objects and Reasons one sentence is liable to be misconstrued as meaning that a person who is above 18 years of age but below 21 and has no guardian cannot marry at all. He cannot marry under the Special Marriage Act; and I am afraid my Honourable friend Mr. Jinnah confused the issue when he said that a Hindu girl who is above 18 years of age but below 21 cannot marry

Mr. M. A. Jinnah: I never said that. I said the reverse.

Mr. R. K. Shanmukham Chetty: I beg your pardon. She can marry, but Parsis and Christians cannot marry.

Mr. M. A. Jinnah: And Brahmans.

Mr. R. K. Shanmukham Chetty: But the point is this. The Special Marriage Act was enacted to give facilities to these persons who were born in the Hindu, Christian, Jain or Buddhist religion and who wanted to contract a marriage outside their community. The Special Marriage Act was intended to give facilities to such persons. Now a Hindu girl who is above 18 years of age and below 21 cannot marry under the Special Marriage Act as the Act stands at present. That fact I am afraid has been overlooked by my Honourable friend Mr. Jinnah (*Mr. M. A. Jinnah*: "Who said that!") A Hindu girl above 18 years of age and below 21 can only marry according to the rites of the Hindu religion and within her own community, she cannot marry outside her community and take advantage of the Special Marriage Act. Now by incorporating the amendment now proposed by Sir Hari Singh Gour you take away that disability; you allow a Hindu girl as soon as she has completed her 18th year to marry outside her community if she pleases. Well, Sir, my Honourable friend Mr. Rangachariar opposed Sir Hari Singh's motion from the orthodox point of view. I look at it from the social reform point of view. The tendency in modern countries is to prolong the period of legal infancy and thereby protect minors from these risks. Now the direct effect of this Bill will be to lower the period of legal infancy; and I ask Sir Hari Singh is that a reform in the right direction? I say from the social reform point of view we have to think carefully before we say "Yes" to that proposition.

Sir Hari Singh Gour: Sir, when I listened to the speech of the Honourable Mr. Tonkinson I felt that he had set out to support my Bill since the reasons that he has given support the measure in the strongest degree possible. As I pointed out, when this Act of 1872 was enacted, they incorporated this clause from the English law which lays down that in the case of a person below 21 years of age the consent of the father or of the guardian is necessary to marriage. They took it bodily from the English law and they put it in Act III of 1872. Sir James Stephen, who was in charge of the Bill succeeding Sir Henry Maine, pointed out in the minute which preceded the enactment of Act III of 1872 that that was his object, namely, that in the case of minors below 21 years of age, the consent of the father or of the guardian should be required as under English law. The English law of majority was then applicable in this country to persons not subject to the Hindu or Muhammadan law of majority, and as this Act excluded Hindus, Muhammadans, Parsis and others, from the operation of the Act it became

[Sir Hari Singh Gour.]

therefore necessary to embody and incorporate the English clause relating to majority in this Act. But then followed the Indian Majority Act of 1875 and on consideration of the English and the Indian law it settled the age of majority not at the age of 21 but at the age of 18; and if the discussion on the Indian Majority Act is referred to, Honourable Members will find the reason given was that in a tropical country persons attained their majority much sooner than they did in colder climates. When the Parsi Marriage and Divorce Act of 1865 was enacted, when Act III of 1872 was enacted, they had no Indian Majority Act to guide them and consequently the framers of the two Acts followed the English law of majority and the clause to which I have adverted found its place both in the Parsi Marriage and Divorce Act of 1865 and the Act of 1872. But then came, as I have said, the Indian Majority Act of 1875; and the point that I want to make, which I made on the last occasion and which has entirely escaped the Honourable Mr. Tonkinson, is this. Then came another enactment, the Guardians and Wards Act and it is laid down in that Act that persons who attain the age of 18, being majors, cannot have a guardian appointed under the Guardians and Wards Act. The position therefore created by the combined passage of Act III of 1875 and the Guardian and Wards Act is this: that if a person has completed the age of 18 years and wishes to go to the District Judge and asks him to appoint him or her a guardian, the court will say "You are now a major and we have no jurisdiction to appoint a guardian." Very well. Being a *sui juris*, on the completion of the 18th year, a person is competent to make a valid contract. He goes now to the Marriage Registrar and the Honourable Mr. Ashworth has pointed out the absurdity which this Act creates—he goes to the Marriage Registrar and says "I am 18 years and a day of age and want to marry." The District Registrar looks to section 2(3) of the Act and says "Have you got your father alive?" He says "No, my father is dead." "Very well," he says, "then you get a guardian appointed and as soon as the guardian comes and speaks for you I shall marry you." I cannot get a guardian appointed; I cannot get a guardian appointed because I am on the completion of my 18th year; being a major the District Judge has no jurisdiction to appoint a guardian to a person who is not a minor. Then comes the question: he has no guardian, he cannot have a guardian appointed, and he cannot have a natural guardian, because a minor alone can have a natural guardian and not a person who has attained the age of majority. Now, Sir, the position therefore is this: he wants to marry and he wants to marry under the Special Marriage Act. I shall presently deal with my friend, Diwan Bahadur Rangachariar and his impulsive subject. I am at present dealing with the main question—a difficulty which does not seem to have been visualised by many Members of this House including the author of this amendment. Now, Sir, between the ages of 18 and 21 a person who wishes to marry under the Special Marriage Act, becomes, therefore, incompetent to marry. When the Act of 1872 was enacted it was then declared to be the right of every man to marry and if a person came within the Act and said "I am not a Hindu, I am not a Muhammadan and the rest, but still I wish to marry," it is up to the Legislature to provide for a form and procedure by which he could get married. Now, is it the policy of the Legislature that a man between the ages of 18 to 21 who wishes to marry under this Act should not be competent to marry? That is the question and that is the anomaly that has been created by the Indian Majority Act and the Guardian and Wards Act; and I have stated it as clearly as I could in the Statement of Objects and Reasons and I am surprised that the question

has not been adverted to in the sense in which I have stated it by the Honourable Mr. Tonkinson who moved his amendment. He, however, recognises that there is a difficulty and his solace was that it is not merely a difficulty to which persons subject to the Special Marriage Act were liable, but it is equally a difficulty to which persons subject to the Parsi Marriage and Divorce Act of 1865 were liable. In other words, the Honourable Mr. Tonkinson said that it is not only one Act which creates an anomaly—there are two Acts—and the difficulty exists not only in the Act of 1872 but equally in the Act of 1865. That is what we lawyers call an argument *a fortiori*; if you have got two bad laws, that does not make one good law; that is a very good ground for the Honourable Mr. Tonkinson to move the Government to bring that law in line with the present law. But that is no reason for resisting the short Bill which I seek to pass through this House.

Then, he passed on, in a speech which I cannot but characterise as a special pleading, to other objections; and as I will proceed to show to this House, his other objections are far worse than the first two objections to which I have just now adverted. He said that by the passage of Act XXX of 1923 the provisions of this Act had been considerably enlarged and because they have been enlarged therefore this anomaly to which I have adverted must remain at any rate for the time being on the Statute-book till we have consulted public opinion. Now, let me for a moment advert to the enlargement of the provisions of the Act of 1923. That Act deals with a separate part and an alternate part to Act III of 1872. It leaves Act III of 1872 unaffected, but makes certain supplementary provisions to enable persons who still profess the Hindu, Buddhist, Jain and Sikh religions to marry by making a declaration to that effect. Now let me put to my friend the Mover of the amendment this proposition. Supposing a person who wishes to make that declaration, that is to say, a declaration under Act XXX of 1923, goes before the Registrar and says "I, Sir, am a Hindu; I wish to marry; I have completed my 18th year and I wish therefore to marry." My friend says the Indian Majority Act does not affect Hindus because the Act itself says that questions relating to marriage and others will not be affected by the Indian Majority Act. Well, Sir, I therefore go before the Registrar and say "Here is a man who has completed his 18th year; he is a Hindu, wishes to declare that he is a Hindu and he wishes to marry." The District Registrar says "you are not subject to the Indian Majority Act; you are therefore subject to the Hindu law"; and the Hindu law of majority according to the Shastras is anything between 14 and 16 years; that is to say there is no fixed law of majority; in Manu and Yagnavalkya and the later Smritikaras different ages are given as the ages of descretion for doing various *samskaras*, and I will for the sake of compendiousness of expression say that the Hindu age of majority is either 14 or 16. Very well, Sir. He goes to the Registrar and say "I am a Hindu, I have therefore attained the age of majority because I am 14 or 16 years of age; I therefore wish to marry; I am not subject to the Indian Majority Act." The Registrar looks at clause 6 and he says "The fact that you are a Hindu does not affect me at all. Under this clause I cannot marry you unless you have completed 21 years." The fact that there has been an enlargement of the provisions of Act III of 1872 has made the provisions of this Act worse, not better, because under Hindu law a man between the age of 14 and 16 is entitled to marry apart from the Indian Majority Act.

Diwan Bahadur T. Rangachariar: According to the customs of each community.

Sir Hari Singh Gour: Wait please. I am dealing with you next. Under the Hindu law a man between the ages of 14 and 16 becomes a major, and therefore he has attained the age of majority under his personal law. What right have you then to prevent him from getting himself married? You have given him the right to declare that he is a Hindu; you have given him a right to marry under the Act. What right have you then to prevent him from getting married? That is a question which my Honourable and learned friend on the other side has not even adverted to. The fact that there has been a recent enactment, Act XXX of 1923, has made the position of persons trying to get married under this Act worse than it was before that enactment was passed.

I now pass on to the impulsive argument of my Honourable and learned friend Diwan Bahadur Rangachariar. When my Bill culminated in Act XXX of 1923, I never found a more consistent and vigorous opponent than my Honourable friend Diwan Bahadur Rangachariar, and when he found that the race was over and the battle was won, I must confess that he was one of those who applauded the victory.

Diwan Bahadur T. Rangachariar: May I say a word, Sir? It is that when all the fangs had been pulled out, I supported the serpent.

Sir Hari Singh Gour: Well, Sir, new fangs have grown to that serpent, and it will sting orthodoxy badly.

Now, Sir, I pass on to my Honourable and learned friend's argument. It is this. Here is an Act which gives you a special right to marry, and consequently you must abide by the special conditions of that Act if you wish to marry at all, otherwise come to us and we will marry you under our Hindu or Muhammadan or any other religious law.

Diwan Bahadur T. Rangachariar: Are you a Hindu?

Sir Hari Singh Gour: Yes, but not of the type to which my Honourable friend belongs.

Now, Sir, my answer to my Honourable friend's argument is this. He is cutting at the very root of the principle which underlies Act III of 1872. That Act was enacted in the interest of persons who demanded a marriage not of the idolatrous character which then prevailed, but who said "we wish to marry not under the Shastric law but under the statutory law". And my Honourable and learned friend's argument that you can marry under the Shastric law is no answer to the policy which, I submit, culminated in the Act of 1872. Do you or do you not recognise the right of every person to marry under this Act if he comes under the provisions of this Act? If you do, then what right have you to create these artificial barriers which stand in the way of marriage which I have pointed out? That is my answer to my learned friend Diwan Bahadur Rangachariar.

Then, Sir, Mr. Ashworth has pointed out the real difficulty. He says that when the District Judge finds that these provisions of the law cannot be complied with, he will marry you in spite of the provisions of that law, because no law can make a person do what is absurd and impossible. That is an absurdity of law from which I am trying to wrest this House. I am trying to bring the provisions of this Act in consonance with the modern statutory law which prevails in the country.

Then, Sir, it has been said by my friend Mr. Shanmukham Chetty, a social reformer—a fact of which I shall take due cognisance, because it is a revelation to me that he is a social reformer and still is opposed to my Bill—he tells us that social reform must proceed slowly. Well, Sir, *festina lente* is his maxim.

Mr. R. K. Shanmukham Chetty: On a point of personal explanation, Sir, I did not say that social reform must proceed slowly. My friend Dr. Gour himself has been bringing in a good deal of legislation to increase the age of discretion, and here he is trying to reduce it. I say it is against the principles of social reform. The principle of social reform is to increase the period of legal infancy for purposes of marriage.

Sir Hari Singh Gour: I never thought that my friend would say anything so bad as he has just now made out. I was trying to put a very fine complexion upon his statement. I now see that his social reform consists in prolonging the age of indiscretion of people and he thinks that the age of indiscretion and nonage should be raised from 18 to 21 years, and that is his social reform. Well, Sir, I make a present of that argument to my friend, and all that I can say is that that is not my conception of social reform and certainly not the conception of the majority of the Members of this House.

Mr. R. K. Shanmukham Chetty: I take notice of that.

Sir Hari Singh Gour: Well, Sir, I have thus pointed out that there is really no difference of opinion in principle between me and the author of this amendment. He recognises the anomaly. All he says is, give us a chance to consult somebody, because somebody may have objections. I can well understand the sort of objections that will be raised. The objections that will be raised outside are the objections to which we have listened just now. I wish, Sir, somebody had got up and said. "This is the objection to your Bill and therefore it should not go to a Select Committee". I have not heard a single objection of that kind. On the other hand, all the objections or reasons given in the guise of objections, are reasons which support my Bill, and I therefore feel confident that the dilatory motion of my Honourable friend Mr. Tonkinson will not be acceded to and that this House will enable me to take this Bill to a Select Committee.

Mr. H. Tonkinson: Sir, I desire to say just a few words in reply to the remarks of my Honourable and learned friend. In moving my amendment, Sir, I designedly did not say anything against the principle of this Bill. It was not necessary for me to do so. All that it was necessary for me to show was the desirability of circulating this Bill for the purpose of eliciting the opinions of the communities affected by it; and particularly it seemed desirable to decide whether the amendment proposed in this Bill is the most suitable method of getting rid of any anomaly, if there is an anomaly, in the existing law. Not one of the suggestions which I have made as reasons for eliciting opinions upon this Bill has really been seriously contested. I was quite aware, Sir, of the point to which my Honourable friend Mr. Jinnah referred, and that, Sir, is the reason why in speaking on my amendment I definitely said that it is quite possible that my Honourable friend Dr. Gour has directed attention to a provision in the law which may require amendment. But the Bill goes far beyond the amendment necessary for that. The anomaly which my learned friend has referred to relates to a case when the parties have no father. You must remember that if there

[Mr. H. Tonkinson.]

is a father living, with the consent of that father marriages can be made under the Special Marriage Act. The only anomaly which my Honourable friend suggests that there is at the present time in the law is when there is no father. Well, my sole object is to show that it is desirable that we should elicit opinions upon the best method of amending the law to remove such an anomaly, if it is an anomaly. There is no one who has spoken on the motion who has really contested the advisability of circulating the Bill for eliciting opinions except the Mover of the motion for referring it to a Select Committee. Mr. Jinnah in fact did not contest the desirability of taking the course which I have indicated in my amendment.

Mr. President: The original question was:

“That the Bill further to amend the Special Marriage Act, 1872, be referred to a Select Committee.”

Since which an amendment has been moved:

“That the Bill be circulated for the purpose of eliciting opinions thereon.”

The question I have to put is:

“That the Bill be circulated for the purpose of eliciting opinions thereon.”

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): At the request of several of my Honourable friends I do not wish to introduce this Bill this session. I therefore beg to withdraw it.

THE HINDU TRUSTS (VALIDATING) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): I beg to move for leave to introduce a Bill to declare
 4 P.M. the rights of Hindus to make settlements of property by way of trust in favour of their families, children and descendants.

I may point out that in drafting this Bill I was inspired by the example of my friend the Honourable Mr. Jinnah who carried a similar Bill in the late Imperial Legislative Council, which was, however, applicable only to Muhammadans. I have stated very fully in the Statement of Objects and Reasons the reasons which impelled me to draft this Bill. I recognise that a great deal can be said on both sides and if my motion is acceded to, I shall certainly move next that the Bill be circulated for the purpose of eliciting opinion thereon. Therefore, for the present I rest content by asking you to give me leave to introduce the Bill.

The motion was adopted.

Sir Hari Singh Gour: I introduce the Bill.

THE INDIAN MEDICAL DEGREES (AMENDMENT) BILL.

Mr. Kumar Sankar Ray (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I ask for leave to introduce a Bill to amend the Indian Medical Degrees Act, 1916.

Local Legislatures have enacted laws before for registering medical practitioners and also to make provisions for the recognition of titles granted by different institutions. This power of recognising the grant of titles had been taken away from the local Legislatures and vested in the Governor General in Council by the Indian Medical Degrees Act. Medical administration is a provincial subject and the granting of titles has been also made a provincial subject under the Reforms Scheme subject to legislation by the Indian Legislature. My Bill proposes to place this power in the local Legislatures in order to bring it into conformity with the object of the Reform Act and I therefore ask for leave to introduce the Bill.

The motion was adopted.

Mr. Kumar Sankar Ray: I introduce the Bill.

THE SPECIAL LAWS REPEAL BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): I beg for leave to introduce a Bill to repeal certain special enactments supplementing the ordinary criminal law.

This is a very simple measure and I trust that the Home Member will not oppose it. I believe a convention has been established, in this House, not to oppose motions for leave to introduce Bills unless those motions are absolutely and obviously absurd, and, believing this, I do not wish to inflict any speech on this House, but I should like to mention the Regulations and the Acts which I seek to repeal by this Bill. They are:

The Bengal State Prisoners Regulation, 1818.

The Madras State Prisoners Regulation, 1819.

A Regulation for the Confinement of State Prisoners, Bombay, 1827.

These are the three Regulations which I seek to repeal. Now come the Acts:

The State Prisoners Act, 1850.

The Punjab Murderous Outrages Act, 1867.

The Prevention of Seditious Meetings Act, 1911.

These are the three Acts and the three Regulations which I seek to repeal by this small measure. The House will remember that in March last it adopted a Resolution almost by an overwhelming majority in favour of a recommendation to the Governor General in Council to take steps to repeal all the repressive laws standing on the Statute-book. That was in March last year. Then I waited till the May session. I thought Government would bring in some measure in pursuance of the recommendation

[Mr. V. J. Patel.]

of this Assembly. I did not notice any motion on behalf of the Government made by the Home Member in this House and I thought it my duty therefore to undertake the work which ordinarily should have been undertaken by the Home Member. In September I had my Bill, but it could not be reached although it was ballotted. I do not think it is necessary to make a speech on this motion because I think my friend the Home Member will not oppose the measure.

The Honourable Sir Alexander Muddiman (Home Member): Speaking generally, I should not rise to oppose a motion for leave to introduce a Bill but when the policy of the Government is definitely laid down it is clear that I must do so. In this case, as my Honourable friend pointed out, this House passed a Resolution last March recommending the repeal of these laws. That Resolution was opposed by the then Home Member for various reasons. I was not then a Member of this House. I have read the debate with care but it seemed to me that the main argument put forward by my predecessor is this, that there were then conditions existing in India which did not justify the Government surrendering the weapons in their hands unless they were assured of something in the shape of compensatory safeguards. Now my Honourable friend said that this is a short Bill but it is very comprehensive and the Statement of Objects and Reasons is also as short as the Bill itself. The Acts he deals with fall into three classes. They are the three Regulations which are practically identical; Those Regulations enable the Executive Government to detain without trial. That is one class. The next Act is an Act by itself, the Punjab Murderous Outrages Act. The third is the Prevention of Seditious Meetings Act, 1911. Now I propose, as I understand my time is very short on this occasion, to deal very briefly with the last but one on his list, that is the Punjab Murderous Outrages Act. I was somewhat puzzled to understand why that Act is particularly included in this measure. I could have understood the inclusion of the three Regulations and of the State Prisoners Act: they go together, they are the power of the executive to detain without trial. But the Punjab Murderous Outrages Act is an Act which mainly was devised to protect the servants of the King from murderous attacks by fanatics. (*Mr. V. J. Patel*: "Servants of the Queen".) But I imagine, now the King—unfortunately the Queen has passed away. It was not entirely devoted to that point, but certainly was mainly. It provides for a speedy trial, it enables special punishment to be inflicted in the case of attempts, it enables the punishment of death to be inflicted for an attempt at murder. But when I read the Act more carefully, I found which I suppose the Mover had really in mind was section 12 of the Act which gives the Lieutenant Governor of the Punjab the same powers in regard to the confinement of any persons charged with or suspected of an intention to commit the offences punishable under the Act as are given to the Governor General by any law relating to State prisoners. Now, Sir, what are the offences contemplated by the Act? They are attacks by persons who are fanatics, and I put it to this House that unless you are prepared to lay down the proposition that under no circumstances and under no conditions are persons to be restrained, surely there can be no clearer cases for restraining men without trial than restraining a fanatic who is known to be likely to commit an outrage of this kind. I am surprised that the Honourable Member should have thought that that stands on the same footing as the other Acts; but I imagine that is why he included it. We have consulted the Punjab Government regarding

the repeal of this law, and they are opposed to it. I suppose my Honourable friend would equally object to the provision which is now contained in the Regulations relating to the North-West Frontier Province, that is to say, he would withdraw such little protection as the law can give to those officers of Government who daily and hourly are risking their lives for the safety of India, in India's passes in the north, liable at any moment, at any moment I say, to murder. Would you withdraw the little protection that is contained in this legislation because the principle is the same? (Mr. V. J. Patel: "Bring them to trial".) Bring them to trial? We may probably be able to bag him after he has killed his man. That is my answer to the motion in so far as it relates to the Punjab Outrages Act. Now as for the Seditious Meetings Act, which is the last on my Honourable friend's list, in his short and comprehensive Bill, that, Sir, is not at present in force anywhere. (Mr. A. Rangaswami Iyengar: "Why not repeal it?") Does the Honourable Member think that the country is in a condition when it may not be necessary? (Mr. A. Rangaswami Iyengar: "Certainly.") He does think so? I regret the information at my disposal does not lead me to the same conclusion. (Mr. A. Rangaswami Iyengar: "You do not give it to us".) I will, if the Honourable Member will wait for a minute.

I now turn to the main attack, which is the attack on the Regulations. Sir, I have said in this House and I say it again that I do dislike these Regulations exceedingly myself; I do not like this power of confining men without trial. It is a power that can be found fault with, it is a power in connection with which you can refer to "*lettres de cachet*" and can call up to memory the days of Louis the XI and make a splendid speech. It is much easier to make a speech on the other side than it is in defending it, but remember this that it is the one executive power that is retained in the hands of a Government which has to deal with 300 million people, a Government which has seen during the last few years outbreaks of the most remarkable description. I regret very much there is not present in this House the official Member from Madras; I see on another occasion the Member from Madras referred to the use of the Regulation in connection with the Malabar outbreak. It appears to have been of use, it was not only of advantage to the peace of the country but it was actually to the advantage of the persons against whom it was used. However, he is not here, I regret to say and I leave the point. My Honourable predecessor emphasized the condition of Bengal. Well, he prophesied accurately when he told the House what might happen, and I have told the House what has happened since then. I will not repeat it, I shall have other occasions for addressing the House over the point, indeed I have already addressed the House at considerable length. I see that the third point he emphasized was the danger of external movements outside India, the danger of assistance to the terrorist or revolutionary movements in India from outside. Well, Sir, I will say frankly that before I assumed my present office I had not been connected with the Government for some time, I had not been in touch, and when I came in I was rather inclined to pooh-poo the idea that this sort of thing existed. I remember reading Sir Malcolm Hailey's speech and I remember wondering to myself whether the danger was not a little overrated. I have no doubt now it was not. A prosecution was instituted which has brought home to me and I hope to this House the real danger of the position. Well, Sir, the Government of India took the course, which I believe to be the right course, because I should always be inclined to follow wherever possible the same

[Sir Alexander Muddiman.]

course. The Government had detained two men under Regulation III of 1818. Those men were subsequently brought to trial, as I hope wherever possible such persons will always be brought to trial. They were tried and convicted, and the conviction was upheld on appeal by the High Court of Allahabad. The judgment of that Court disposes of any doubt as to the foreign connection of some of the destructive movements in this country. It is perfectly clear from a judicial finding of the greatest authority that the danger is there, and we must guard against it. I have quoted this case also because I think it establishes the point that the Government of India always wish to prosecute wherever possible for substantive offences. As to the nature of the propaganda I will read a paragraph which was quoted by the Judges of the High Court who heard the appeal to which I have referred. They said,—this is a quotation from a paper discovered in connection with that case, it runs as follows:

“Mass action thus begun will develop into organised agrarian strikes, into food riots, the plunder of corn-stocks and assaults upon large estates with the idea of confiscation. The down-trodden peasantry must be made conscious of their right to live like human beings and our propaganda should be aimed at making them understand that they should conquer this right by militant action. Such action, properly organized on a large scale, will arouse them from their age-long mental and spiritual slavery, and make them conscious of their own might. Reactionary pacifism must be repudiated. What burst out spontaneously at Gorakhpur, Rae Bareilly, Chauri Chaura, Malabar, Central India and what is going on in the Punjab, must be developed by every possible means. Peasant revolts should spread like wildfire from one end of the country to the other. We must formulate our programme to correspond to the economic interests of the masses, then go forward boldly with that programme till we reach our goal.”

That, Sir, was quoted by the Judges in their judgment. I will read, Sir, to the House with your permission the finding of the Judges on the question of the conspiracy. In finding the conspiracy established the Bench which heard the appeal used the following words:

“Whilst the conspiracy had for its principal object the overthrow of British rule in this country, the conspirators looked even beyond this, Exhibits 9, 9A, 11, 12, the pamphlet ‘What do we want’ and many other documents set out clearly what they aimed at achieving and how they hoped to achieve it. British rule, Government by upper and middle class Indians alike were to be swept away, and the confiscation of property was to be wholesale. A ‘People’s Party’ was to be the initial step, having a public programme designed for their betterment which in no way offended against the law. Within that apparently harmless body ‘illegal’ activities were to be prosecuted by an inner party consisting of ‘all the revolutionary nationalists.’ Violence and destruction of property were to be encouraged and conflicts to be precipitated. At the propitious moment, resources and armed help were to come from the ‘Universal revolutionary party’, i.e., the Communist International. Throughout the whole of this fantastic scheme no calculation is made of, no thought apparently given to, the forces which British and Indians alike would array against an enemy bent on their common destruction. In the event of the overthrow by force of arms of the British Government, the revolutionaries proposed to sweep away all Indian political groups and Labour organisations which did not come into line.”

These are not the words of a Member of Government. They are the words of Judges and when I read that I was greatly impressed, and I hope the House will be impressed too. I cannot believe there is anybody, whatever his politics may be, in this House who looks forward to India obtaining her freedom by the overthrow of the existing social system and wading—I say wading—through a river of blood to a bank which you will never reach. That was what appeared from the judgment of the case which I have read to you. And if that is true, if we are having this class of interference in Indian affairs, I submit that is a good ground for maintaining in the hands of Government every power they possess. I would ask the House to remember this. Again, what do I find on my table this morning? What is this?

Have Honourable Members seen this? This pamphlet, "The Revolutionary" which has been circulated far and wide, not only in Bengal, not only in Allahabad, not only in Cawnpore, in Amritsar, in Lahore, trying as always to get at the young, to place it in the hands of students, wherever possible.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): May I tell the Home Member that I also got a copy of the beautiful pamphlet here?

The Honourable Sir Alexander Muddiman: Did the Honourable Member say that he was circulating it?

Mr. C. S. Ranga Iyer: I find nothing objectionable in that pamphlet.

The Honourable Sir Alexander Muddiman: I will read an extract from that pamphlet to the House and the House shall judge. It is a long pamphlet, but it contains the following passage towards its end:

"But this revolutionary party has deliberately abstained itself from entering into this terrorist campaign at the present moment even at the greatest of provocations in the form of outrages committed on their sisters and mothers by the agents of a foreign government,"—

Nothing is more calculated to inflame young people than this (Mark that "Sisters and Mothers"):

"simply because the party is waiting to deliver the final blow. But when expediency will demand it the party will unhesitatingly enter into a desperate campaign of terrorism when the life of every officer and individual who will be helping the foreign rulers in any way will be made intolerable, be he Indian or European, high or low."

And that is the pamphlet I am told is unobjectionable.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): May I ask one question? What proof is there that this pamphlet has not been manufactured by other than revolutionaries?

The Honourable Sir Alexander Muddiman: Do you suggest that it has been manufactured by me or by the police?

Mr. Bipin Chandra Pal: Not by you or by people whom you call the police. But we have had on the statement of Sir Reginald Clarke that there have been *agents provocateur* in your service in Bengal and elsewhere and all the world over there have been *agents provocateur*. These things have been dumped on you.

The Honourable Sir Alexander Muddiman I repudiate that, I repudiate in the strongest terms the insinuation against the Government and against myself.

(Mr. Bipin Chandra Pal rose to speak again.)

Mr. President: Order, order. Honourable Members will have an opportunity of fully ventilating this subject when the Bill proceeds to its next stage. This is only introduction.

The question is:

"That leave be given to introduce a Bill to repeal certain special enactments supplementing the ordinary criminal law."

The Assembly divided:

AYES—50.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Alimuzzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Chaman Lall, Mr.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Hans Raj, Lala.
 Hyder, Dr. L. K.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kolkar, Mr. N. C.
 Lohokare, Dr. K. G.

Malaviya, Paudit Madan Mohan.
 Mehta, Mr. Jannadas M.
 Misra, Pandit Shambhu Dayal.
 Murtuza Sahib Bahadur, Maulvi Sayad.
 Mutalik, Sadar V. N.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Shamla.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Sadiq Hasan, Mr. S.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Shams-uz-Zoha, Khan Bahadur M. Singh, Mr. Gaya Prasad.
 Sinha, Kumar Ganganand.
 Venkatapatiraju, Mr. B.
 Vishindas, Mr. Harchandrai.
 Yakub, Maulvi Muhammad.

NOES—40.

Abdul Mumin, Khan Bahadur Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Bhoire, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chalmers, Mr. T. A.
 Clarke, Sir Geoffrey.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Duval, Mr. H. P.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hira Singh, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.
 Makan, Mr. M. E.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra Nath.
 Muddiman, The Honourable Sir Alexander.
 Muhammad, Ismail, Khan Bahadur Saiyid.
 Raj Narain, Rai Bahadur.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V. Visvanatha.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

Mr. V. J. Patel: I introduce the Bill.

Mr. C. S. Ranga Iyer: Sir, with your permission, I think I should make a statement. After the quotation that was read out by the Honourable the Home Member, I think that the pamphlet that he mentioned is different from the pamphlet that I saw yesterday and I quite agree with the Honourable the Home Member that the passage that he read out must be deemed to be objectionable.

THE INDIAN COINAGE (AMENDMENT) BILL.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Coinage Act, 1906. Thanks to the remarks made by the Honourable the Finance Member in moving his Bill for amendment of the Indian Paper Currency Act which was passed only yesterday, I do not think I need detain the House with any further remarks in asking for leave to introduce this measure of mine. I believe that the Honourable the Finance Member and the other Honourable Members who took part in the discussion gave sufficient information to the House as to the nature of the Bill that I submit to the House. Sir, I beg to move for leave to introduce it.

Sir Campbell Rhodes (Bengal: European): Sir, I beg in a few words to oppose this introduction. Just a week ago when we were discussing currency matters my friend the Mover referred to a conversation which, he said, we had had at our first meeting, in which I asked him whether a certain committee on which he was sitting had already written its report. I am glad, Sir, my friendship with the Honourable Member is of such very long standing that the incident has escaped my memory. But it is so like something that I might have said that I am quite prepared to accept the Honourable Member's word for it. I had hoped to hear from the Honourable Member in introducing this Bill his reasons for introducing it after the Resolution that has been passed asking for an inquiry. For, Sir, it seems to me that he has gone a step further than my old jocular remark. He not only suggests that our report should be settled before the committee is appointed by this Bill he wishes to enshrine it on the Statute-book. I oppose this Bill on the ground, firstly, that the matter is distinctly *sub judice* until we see when and how the committee is appointed and the nature of its report. My second ground which is one of much more serious import is the ground that exchange at the present moment is in the neighbourhood of 1s. 6d. and that, if this Bill is carried now, it will cause the utmost dislocation of trade. In the Statement of Objects and Reasons there is no statement or explanation as to how we are to get back from a rate of 1s. 6d. to 1s. 4d. I had great sympathy for the Honourable Mover the other day when he said that he was not altogether responsible for this *impasse* and that, if the Bill had been taken into consideration when he first put it in, the difficulty would not have been so great. But the difficulty would have existed even in September last. And the difficulty, even though he is not altogether responsible for it, still remains. In the absence of any explanation, Sir, as to how we are to get back from 1s. 6d. to 1s. 4d., I think the introduction at the moment is likely to have a very serious effect on the financial conditions in the country. To my mind, it will only be possible to stabilize the rupee at some price which is near or slightly above the price of the moment. It is a well known fact that if you fix the barrier rather above the existing level, the financial and economic conditions of the country will gradually work up to that level. But if you fix it below that level, and as much as 2d. below that level, you will certainly have a very serious crisis. The importers who have not fixed their engagements for their purchases will have a serious grievance against this House and against Government if they find that they are landed suddenly in an undeserved loss of 13 per cent. We know, Sir, from the recent history what the effect of action by the Government on the exchange market has been, the wholesale repudiation of contracts, the enormous numbers of failures, and the large losses from which, as I said the other

[Sir Campbell Rhodes.]

day, many of the Indian mercantile firms and European mercantile firms suffered and have not yet recovered. I think, Sir, that my Honourable friend is ill-advised in bringing this Bill forward at this moment after that Resolution was passed last week. I therefore regret I have to oppose it.

Mr. President: The question is:

“That leave be given to introduce a Bill further to amend the Indian Coinage Act, 1906.”

The motion was adopted.

Sir Purshotamdas Thakurdas: Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Penal Code.

The reasons for this Bill have been given in short in the Statement of Objects and Reasons. All that I want by this Bill is that the punishment for sedition should not be transportation or rigorous imprisonment, but only simple imprisonment. I commend the example of the Finance Member to my friend the Honourable the Home Member, not to oppose the introduction of this small measure. We know the political history for the last five years has amply proved that men charged with sedition and convicted of the offence have been invited to take part in the Government of various countries, and indeed in some cases they have been entrusted with the sole administration of their countries. That being so, I would request the Home Member not to be harsh on persons charged with sedition, and allow this Bill to go through.

The Honourable Sir Alexander Muddiman (Home Member): Sir, my Honourable friend having introduced a Bill that proposes to deprive the executive Government of all powers outside the ordinary law, now proposes to reduce the penalties inside the law. I do not propose to deal with this matter at length now because I am not prepared to take a division or to press the matter at this stage, but I must at any rate make it quite clear that, in allowing the Bill to be brought in, I am in no way committing myself to the Bill.

The motion was adopted.

Mr. V. J. Patel: Sir, I introduce the Bill.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move for leave to introduce a Bill to explain certain provisions of the Transfer of Property Act, 1882.

Honourable Members will see from the Statement of Objects and Reasons that the object I have in view is to define the meaning of the word “attestation.” This has been the subject of previous debates in this House, and a subject of very keen controversy in this country. Judging from the tone of the speeches in the House on the last occasion,

I think the House was in favour of some change in the meaning of the word "attestation," and the only question was one of form. I suggest that the simplest way of effecting the change is to insert a clause in the interpretation clauses of the Transfer of Property Act, and I have ventured to do so. I, Sir, move for leave.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE LAW OF PROPERTY (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, the next Bill I wish to introduce is a Bill to remove certain doubts as to the right of a person to effect a transfer of property otherwise than as provided by the Transfer of Property Act, 1882.

The Bill is intended to restore the provisions of section 54 and other sections of the Transfer of Property Act to their normal place in the Statute-book. Honourable Members will find that section 54 of the Transfer of Property Act lays down that in the case of immovable property of over Rs. 100 in value, sale can only be effected—I wish to emphasize the word "only"—by a registered instrument. In a long series of cases it was laid down by the Indian High Courts that a sale could not be effected otherwise than by the execution of a registered instrument. And that was also the view of their Lordships of the Privy Council in two cases to which I have referred in my Statement of Objects and Reasons. But in a recent case their Lordships of the Privy Council seem to have held (I do not say they have held) that the sale may be effected otherwise than by the execution of a registered instrument. And their Lordships referred to such a thing as part performance, and the *actings* of the parties. Now this pronouncement of their Lordships has given rise to a crop of litigation in this country, and a long series of cases in conflict with the previous decisions of the High Court will be found set out in column 2 of my Statement of Objects and Reasons. I do not wish to weary this House beyond saying that there is a sharp conflict between the various High Courts as to what this pronouncement of their Lordships and of the Privy Council at variance with their Lordships' previous statements of law, really means; and I think it is up to the Legislature to make its own meaning clear. At a subsequent stage I shall expatiate upon the subject further than the few words I have spoken on this occasion. For the present I beg for leave to introduce my Bill.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE INDIAN ARBITRATION BILL.

Mr. Harchandrai Vishindas (Sind: Non-Muhammadan): Sir, I move for leave to introduce a Bill to consolidate and amend the law relating to arbitration in British India.

I have explained the reasons for the introduction of this Bill in my Statement of Objects and Reasons, and I shall be as brief as possible in my present explanation. In 1899 an Arbitration Act was passed, but applied only to certain localities, especially seaport towns and mercantile

[Mr. Harchandrai Vishindas.]

cities. Then in 1908, when the latest Civil Procedure Code was being passed, Sir Lawrence Jenkins, who was a prominent member of the Select Committee, stated that they were going to detach the arbitration law from the main part of the Civil Procedure Code and insert it in a schedule, at the same time expressing the hope that at no distant date the whole law of arbitration would be brought together in one homogeneous whole. The present state of things is that for the last 16 years there has not been any move on the part of Government. Just as Mr. Patel said that when he found the Government were not responding to the call of the Assembly to repeal repressive laws, he was obliged to bring his Bill, so when I found that Government did not realize the hope expressed by Sir Lawrence Jenkins for years, I have started this measure, which ordinarily should have been started by the Government themselves. I may briefly explain that in this Bill all the provisions which should exist in an Arbitration Act have been brought together. For instance in the present Arbitration Act there is no provision according to which witnesses could be summoned and their attendance enforced, but I have made that provision in this Bill corresponding to the provision in the English Act. Then there are certain alterations in the present law of arbitration necessitated by circumstances. For instance under the present Arbitration Act, as soon as an award is passed, without waiting for the period within which objections could be filed by the objecting party, the successful party can enforce the award by a decree. I have therefore inserted a provision that no such execution proceedings should be taken until the expiry of the period for objecting to the award and, when such an objection has been raised, until it is disposed of. Then there is another thing. My Arbitration Bill extends to the whole of British India which is not the case with the present Arbitration Act. For these reasons, Sir, I beg for leave to introduce the Bill.

The motion was adopted.

Mr. Harchandrai Vishindas: I introduce the Bill. One thing more, Sir. I wish to propose under Standing Order 38, if it is not objected to by anybody, that the Bill be circulated to elicit public opinion, if there is no objection by Government or anybody to that proposal; I mean, so that the matter may be hurried on. Under Standing Order 38 at page 24 of the Manual.

Mr. President: I would suggest the Honourable Member give notice of that: it can be taken at the next meeting.

THE INDIAN PAPER CURRENCY (AMENDMENT) BILL.

Sir Purshotamdas Thakurdas (Indian Merchants Chamber; Indian Commerce): Sir, I beg to move for leave to introduce a Bill further to amend the Indian Paper Currency Act, 1923.

When, Sir, on my last motion I restricted my remarks to as few as I possibly could, I thought I was doing something which the House needed very much and which they would appreciate; but, Sir, this day has been a day of not a few surprises in this House. First in the morning we began by discussing maternity and then came on to special marriages. After lunch the Honourable the Home Member, who is generally so sweet and amiable all round, spoke with a heat and passion which many of us in

this House had not seen. Following closely upon that came my Honourable friend from Calcutta breaking what I consider to be all the canons of courtesy due not only from one Member of this House to another but from one merchant to his brother merchant. He got up and opposed my first Bill and I assure you, Sir, he took me absolutely by surprise. I will henceforth know in what quarter to expect opposition, if not from the Government; but I was confident of the feeling prevalent in the House and I felt quite sure the House was bored by what it had heard on subjects on which more would have been heard at later stages of the respective Bills. My Honourable friend from Calcutta however had some other motive and that motive is clear and I beg to expose it to the House for whatever it is worth. He was trying to lay the foundation-stone of the opposition which I am to get in a dispassionate consideration of the subject-matter of these Bills. I do not wish to complain. Every one has a right to act in full discretion in the interests—what he considers to be the best interests—of himself and his community; but I should have thought that at least the courtesy which has been extended to every Member of the House would not have been denied from one brother merchant to another, specially when it is well known that the ideas of both our constituencies are not always recognised to be the same as far as the requirements of India are concerned. I do not wish, Sir, to deal at any further length with the remarks that fell from the Honourable Member who chose to oppose my Bill, without a word of notice to me. He complained that I had introduced my Bill with very few words. I beg, Sir, to repeat the same and I would ask him again to oppose the introduction of this Bill and to refuse it the courtesy which this House has extended up till now to every Bill except the Bill with which the Honourable the Home Member dealt with only a few minutes back to-day. I do not wish to take any more time of the House. I see now the direction from which the breeze of opposition to my Bill is going to blow strongest, and I will put my Bills before the House at the proper time as may strike me best. I, Sir, beg to apply for leave to introduce the Bill.

The Honourable Sir Basil Blackett (Finance Member): Sir, I ask your leave and the leave of the House to make an explanation with regard to the position of Government in this matter because I think it undesirable that the position of Government should be misunderstood. I had no intention of speaking on either of these two Bills. They are both for the same purpose, namely, the fixation immediately of the value of the rupee at 1s. 4d. gold. I thought it desirable that the introduction should not be opposed so far as the Government are concerned so that we might have a full discussion of this matter when the next opportunity came. I do not wish the absence of opposition from the Government at the first stage to be taken for a moment to mean that the Government attitude towards this Bill is not one of opposition. I believe the Bill to be premature in that it is most undesirable that we should rush in as yet and finally fix what is to be the ratio between the rupee and gold in the future currency system of India; and I believe further that the arguments for 1s. 4d. or some other figure have to be considered in the light of experience we have not yet got before us, that the time to fix the figure has not yet come, and that any attempt to fix the figures at 1s. 4d. now would be an attempt, if I may be pardoned by the last speaker, to fix the rupee in furtherance of the supposed interests (as he thinks) of his particular community, if I may quote his words, I hold that the interests of the consumer and of the Indian public as a whole have to be taken into consideration, and that if we were to fix the rate now it would have to be another rate. But the

[Sir Basil Blackett.]

time has not yet come for fixing the rate. As it is undesirable that there should be any idea abroad that the Government are likely to favour this Bill, I got up to say this, and I thank you, Sir, and the House for giving me the opportunity. I do not oppose the introduction of the Bill.

The President: The question is:

"That leave be given to introduce a Bill further to amend the Indian Paper Currency Act, 1923."

The motion was adopted.

Sir Purshotamdas Thakurdas: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, I beg to move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898.

By this Bill I propose to do away with racial distinctions provided in the Criminal Procedure Code to some extent. Under certain sections of the Criminal Procedure Code, special privileges in the matter of criminal trials have been accorded to inhabitants of British Colonies and Europeans and Americans. My Bill does not touch British Europeans. My Bill touches British Colonials and non-British Europeans and Americans. In the first place, there is absolutely no reason why, in spite of the fact that Indians are treated as an inferior race in the British Colonies, we should allow these special privileges to British Colonials. In the second place, with regard to non-British Europeans and Americans unless in their own countries they give similar privileges to Indians by their own law there is absolutely no reason why we should allow these special privileges to these people. As to British Europeans we are absolutely helpless, so I do not wish to say anything about them. I move my Bill.

Mr. Darcy Lindsay (Bengal: European): Sir, I wish to oppose the introduction of this Bill. I am sorry to cross swords with my Honourable friend Mr. Patel, but I really must appeal to him not to press his amendment of the section of this Act which was brought into operation only two short years ago in a spirit of compromise. I was a Member of the old Assembly and well remember the full discussion we had on this very point which is now being raised. At that time there was perhaps greater bitterness against the Colonies and against America than is now the case. Yet in the face of that this House rose to the occasion and instead of retaliating as they were in a position to do against the attitude of exclusion that is so rightly resented, the clause in the Bill was accepted, thereby setting an example of toleration that drew forth nothing but praise. I think the House held the view that it would be more dignified not to exclude people of any particular colony from the benefits and privileges secured under the Act, merely because India was denied justice and this noble example must in time bear good fruit. I cannot do better than quote from my Honourable friend, Diwan Bahadur Rangachariar, a member of the Racial Distinctions Committee, as to what he had to say on the subject. In the debate on the 19th February 1923 on this very point my Honourable friend said:

"I was at first inclined myself to quarrel with the view taken by the Secretary of State in respect of this position, given to the Colonials, but on reflection I thought it would be better that this country, uncivilised as it may be considered to be by these

barbarians elsewhere, might at least teach them a lesson, teach them a lesson in magnanimity, teach them a lesson that we can rise above passions and prejudices and if not thereby correct those people, at least enlist the sympathy and support of our European friends in this country and in Britain in all our legitimate fights which we are putting up in other directions in the Colonies."

Sir, these prophetic words were fulfilled in the deputation to His Excellency the Viceroy a few days ago which included four of my Colleagues here who were in full sympathy with the views expressed in the memorial and most gladly offered their support. Then, let me quote His Excellency, Sir Malcolm Hailey, then the Honourable Sir Malcolm Hailey. In his powerful appeal when he moved that the Bill be passed he stated:

"I honestly believe that we can now prove that Indians value the assistance of the Europeans resident in India as partners in the development of their administrative and political problems; that we can equally prove—and this perhaps is equally important—that Europeans on their part realise that it is necessary for them to assure India that they are prepared to take a real interest in the development of purely Indian questions. I think we can prove that and if we can do so we are all the happier in the occasion and the time. For it was only one brief year ago when a section of Indian politicians, numerous if mistaken, and persistent if pernicious, were preaching as the cardinal article of their faith racial animosity and racial hatred. We can show to the world that the better India, the India which will count in the future will have none of that, that such feelings do not represent in any sense the real characteristics of the better Indian mind; we can show that the course of India's political progress is not going to be blighted and marred by a persistence of racial animosity."

Sir, I may be old fashioned, but I am convinced that it is the spirit of tolerance rather than an aggressive policy that will gain for India all she most desires and that progress towards responsible government will be the more speedy.

To explain my point, is it not a fact that in the House to-day there is a very different spirit to this time last year when suspicion was all too much in evidence? We have now got to know one another and find, as we have, that we have many views in common and by exercising tolerance to each other's views and convictions there is the greater gain to India.

It is pin-pricks such as this amending Bill and, if my friend Mr. Neogy will permit me to say so, racial matters that benefit neither
 5 P. M. community such as his recent Bill to amend the Railway Act, that tend to put the clock back; and as a good friend of India I say with all earnestness, show more toleration in such matters.

Another point is, would the House be wise from sentimental reasons, or I should rather say resentment at what is felt to be an injustice to India, to make an invidious distinction between European British subjects other than Colonials and Europeans or Americans, so far as concerns the privileges of trial by their peers? To me it is a gesture that I deplore and which at the present time may well cause grave injury to certain references of vital importance to India that are now under consideration. Looked at from every aspect the moment, to say the least, is most inopportune to bring up racial questions; and I may add that, in view of the settlement arrived at in this House in 1923 after full debate, it appears to me that to now break the settlement would almost amount to a breach of faith.

It is on these grounds, Sir, that I venture to suggest to my Honourable friend, the Mover, that it would be a gracious act on his part and receive support from many Members of the House, if he were to ask for leave to withdraw the Bill.

Mr. President: The question is:

“That leave be given to introduce a Bill further to amend the Code of Criminal Procedure, 1898.”

The Assembly divided.

AYES—49.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Ahmad Ali Khan, Mr.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Alimuzzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Chaman Lall, Mr.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Hans Raj, Lala.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kelkar, Mr. N. C.

Lohokare, Dr. K. G.
 Malaviya, Pandit Krishna Kant.
 Mehta, Mr. Jamnadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Ramachandra Rao, Diwan Bahadur M.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Sadiq Hasan, Mr. S.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shams-uz-Zoha, Khan Bahadur M.
 Singh, Mr. Gaya Prasad.
 Sinha, Kumar Ganganand.
 Venkatapatiraju, Mr. B.
 Vishindas, Mr. Harchandrai.
 Yakub, Maulvi Muhammad.

NOES—41.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Ajab Khan, Captain.
 Ashworth, Mr. E. H.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chalmers, Mr. T. A.
 Clarke, Sir Geoffrey.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Duval, Mr. H. P.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hira Singh, Sardar Bahadur Captain.
 Hudson, Mr. W. F.
 Hussanally, Khan Bahadur W. M.
 Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.
 Makan, Mr. M. E.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Purshotamdas Thakurdas, Sir.
 Raj Narain, Rai Bahadur.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwar Bahadur C. V.
 Visvanatha.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sekes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

Mr. W. J. Patel: Sir, I introduce the Bill.

THE SPECIAL LAWS REPEAL BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, I beg to move that the Bill to repeal certain special enactments supplementing the ordinary criminal law be taken into consideration.

Sir, I have already pointed out to the House that I have introduced this Bill in pursuance of the Resolution which was passed in this Assembly in March, 1924. As Government failed to give effect to that Resolution, as they have failed to give effect to so many other Resolutions of this Assembly, I have been constrained to bring this Bill.

In the first place, I should like to clear one point, and it is this. My Honourable friend the Home Member expressed surprise at my introducing in this Bill, the repeal of the Punjab Murderous Outrages Act. I will explain to this House why I have included that Act in this Bill. The House will remember that when the Repressive Laws Committee was appointed this particular Act was not included in the reference to that Committee, but those who will examine that Act will have no difficulty in seeing that the Act is on a par with the other repressive measures on the Statute-book. The title of the Act is "An Act for the suppression of murderous outrages in certain districts of the Punjab". Then the Preamble says:

"Whereas in certain districts of the Punjab fanatics have frequently murdered or attempted to murder servants of the Queen and other persons, and whereas the general law of the country is not adequate to suppress those offences; It is hereby enacted as follows."

Then it mentions the offences to which the procedure mentioned in the Act shall be applicable. Section 2 of the Act says:

"Any fanatic who shall murder or who shall, within the meaning of the Indian Penal Code, section 307, attempt to murder any servant of the Queen or other person, shall, on conviction thereof, be punished either with death or with transportation for life, and all his property shall be forfeited to Government."

Then the procedure for trial is prescribed. According to that procedure, there are to be no committal proceedings as in the ordinary criminal trials. Then there is to be no appeal to the High Court or to any Court for the matter of that. The trial is not to take place in the ordinary way, but it is to take place before a Sessions Judge, or before the Commissioner of the Division in whose jurisdiction the offence is said to have been committed. So the Commissioner of the Division can take cognisance of that offence and sentence the offender to death and there is to be no appeal against that conviction. Then again if the accused person applies to the Court for examining certain witnesses, it is entirely left to the Commissioner or the Sessions Judge, whoever may be the presiding authority, to summon those witnesses or not. The presiding Judge might say that he refuses to summon the witnesses on the ground of delay or any such cause. So there are no committal proceedings, there is no appeal and the trial is to be before the Commissioner of the Division, who as a matter of fact is an executive officer.

You can hardly distinguish these provisions from the first part of the Ordinance which we were discussing the other day, the Bengal Ordinance, but the worst part of the affair is that power is given to the Lieutenant Governor to confine any person for any length of time without giving any reasons and without bringing the offender to trial. That is exactly the

[Mr. V. J. Patel.]

second part of the Bengal Ordinance which we were discussing the other day. See section 12 which says:

"The said Lieutenant Governor shall have with respect to the confinement of any person charged with or suspected of an intention to commit any offence punishable under this Act the powers which are vested in the Governor General of India by any law regarding the confinement of persons charged with or suspected of such offences and the provisions of any such law shall *mutatis mutandis* be applicable to all cases in which the Lieutenant Governor shall proceed under the authority of this section."

That means that the Lieutenant Governor may direct the arrest and imprisonment of any person within the jurisdiction of his authority for any length of time without bringing the offender to trial. This is the most objectionable feature of that Act. So I see no distinguishing feature between the Bengal Ordinance which we were discussing the other day and this particular Act. In fact the first part of this Act is on a par with the first part of the Bengal Ordinance and this important section 12 and the sections following are on a par with the second part of the Bengal Ordinance and I do not know why my Honourable friend expressed surprise at the inclusion of this particular enactment in this repeal Bill. I hope I have explained why I have included this Murderous Outrages Act in the Bill.

Now, with regard to the Bengal Regulation III of 1818 and with regard to the identical Regulations in Madras and Bombay, the position is this. Under the Bengal Regulation III of 1818, we have known to our cost a number of respectable and distinguished public men imprisoned without giving any cause and without bringing them to trial. My friend Mr. Bipin Chandra Pal quoted an instance only the other day where men in high public life, whether they were extremists or moderates, and one of them was a moderate of moderates, were arrested under this Regulation and kept in confinement for a long time and it was ultimately found out that these people were absolutely innocent. By the Madras and Bombay Regulations the power which is given to the Governor General under Bengal Regulation III of 1818 has been given to the Governor in Council in each province. I will merely read the warrant which is to be issued by the Governor General in Council to the officer to whom that warrant is directed and compare it with the warrant of commitment to be issued by the Governor in Council to the officer to whom it is to be directed. The warrant of commitment shall be in the following terms:

"To

So-and-So. (Here insert the officer's designation).

Whereas the Governor General in Council for good and sufficient reasons has seen fit to determine that So-and-So should be placed under personal restraint at such and such place you are hereby required and commanded in pursuance of that determination to receive the person above-named into your custody and to deal with him in conformity with the orders of the Governor General in Council and the provisions of Regulation III of 1818."

The Warrant of Commitment in regard to Madras Regulation II of 1819 is this:

"To

So-and-So.

Whereas the Governor in Council for good and sufficient reasons has seen fit to determine that So-and-So shall be placed under personal restraint at such and such place you are hereby required and commanded in pursuance of that determination to receive the person above-named into custody and deal with him in conformity with the orders of the Governor in Council and the provisions of Regulation II of 1819."

A similar warrant of commitment in almost identical terms is to be issued by the Governor in Council in Bombay. There is absolutely no question that all the three Regulations are framed on the same lines and for the same purpose. For reasons which need not be made known, for reasons which are good and sufficient in the opinion of the Governor General in the one case and in the opinion of the Governor in the other, any person however high and however exalted is to be taken into custody by the executive and committed to prison for any length of time without being brought to trial. Then the fourth Act which I propose to deal with is the State Prisoners Act of 1850. That Act is a supplementary Act. As a matter of fact certain doubts having arisen as to the place where the persons dealt with under these three Regulations were to be imprisoned, this particular enactment was found necessary. The title of the Act is:

"An Act for the better custody of State prisoners."

This Act has been declared to be in force in the whole of British India except the scheduled districts. The Preamble to the Act says:

"Whereas doubts have been entertained whether State Prisoners confined under Regulation III of 1818 and the Bengal Code can be lawfully detained in any fortress, jail or other place within the limits of jurisdiction of any of the supreme courts established by Royal Charter and it is expedient that such doubts should be removed and the powers under the said Regulation extended to all the territories under the Government of the East India Company, it is hereby enacted as follows: . . ."

So this Act is really a supplementary Act to the three Regulations that I have referred to. If the three Regulations are to be repealed, this also ought to go along with them. About the Seditious Meetings Act, it is not necessary for me to say anything. My Honourable friend the Home Member has also stated that it has not been found necessary to apply it for some time past. The Act was enacted as a temporary measure and from time to time it has been extended. This law also disfigures the Statute-book of this country. When these Regulations were passed, there was no Indian Penal Code. The Indian Penal Code came into existence years after these Regulations were enacted and yet we find that these Regulations are there. It is high time that the Government should consider the desirability of repealing these Regulations. My Honourable friend the Home Member says that, considering the present situation in Bengal and other parts of the country, it is desirable that the executive should have these powers. I say, Sir, that the position of some of us is absolutely clear. You cannot by these repressive measures put down the national movement. You cannot by these measures put down anarchy. You have got to realise that it is repression that has brought about this state of things in the country. People ask for certain rights, they carry on legitimate political activities, and you adopt repressive methods to try to suppress those political activities, with the result that discontent goes underground, coming up again at any moment in a different form. So if anything is responsible for the present state of affairs in Bengal and in other parts of the country, it is the policy adopted by the Government in dealing with the legitimate aspirations of the people of this country. If factories of bombs are there, if people take to revolutionary methods, it is the Home Member and his Department that are responsible and not the leaders of the people. (*A Voice*: "And his over-zealous subordinates.") Yes, I should have said "and his over-zealous subordinates". I accept this correction. So it comes to this that these bombs are manufactured in the Home Department of the Government of India and not in any city or town or village of Bengal. They go from this Department to Bengal and other parts of the country. Let the Government

[Mr. V. J. Patel.]

deal fairly and squarely with the legitimate political aspirations of the people and you will have no anarchy. We have told you so repeatedly. My Honourable friend, Mr. Bipin Chandra Pal, who I am glad is here to-day, had told you the other day that in 1906 and the following years you tried to suppress the legitimate political activities for securing the amendment of the partition of Bengal, with the result that there were anarchy and revolutionary crimes. So it is proved beyond doubt that these revolutionary crimes and conspiracies come into existence because of the repressive policy of the Government. What are you doing for the last five years? You have been ruling this country by repression,—repression of the worst kind; there is no other way by which you think you can govern this country. It is my firm conviction that, unless you give up these methods, you cannot expect to drive away anarchy from this country. I want to be plain. The fact is there. It is proved beyond doubt that anarchy is the outcome of your repressive policy, and it cannot be combated by more and more repression, you are moving in a vicious circle. Do you think that the very thing that gives birth to anarchy will kill anarchy? Do you believe it? As a matter of fact it is repression that has brought about this state of affairs in the country and you are now saying that by further repression you will kill the anarchy. My friend, the Honourable the Home Member, said the other day that by means of the Defence of India Act and Bengal Regulation III of 1918 Government were able to extirpate anarchy in Bengal between 1908 and 1912. How is it that he sees it now? How is it that he complains that there is anarchy in Bengal? For the time being it subsided; the germs were there, they would not vanish so long as the policy of Government remains unaltered. Take to conciliation and things will improve. Government would not yield. My friend, Pandit Motilal Nehru, moved a Resolution last January for a round table conference. We said, "let us put our heads together and devise means to do away with this state of affairs." Mr. President, you will remember that that Resolution, although passed almost by an overwhelming majority, was ignored by Government and a whitewashing Committee was appointed the report of which has not yet seen the light of day. The Budget time is approaching, the Honourable the Home Member does not make up his mind yet to place the report of that Committee before this House, and he does not say whether he is going to put it before this House in this Session or not. In reply to certain questions the other day what he said was this, "yes, the report is ready, and it will be placed before this Assembly". But when? When that question was asked, he said he could give no undertaking under the circumstances if the Budget is thrown out by the Assembly, the responsibility will be that of the Home Member and of nobody else. Coming back to the Bengal Ordinance and the Bengal Regulation which you have recently so freely used in Bengal, what do we find? Why did not you consult the leaders of the people? You should have taken at least some leaders of the people into your confidence. I do not see why you did not consult the Legislature. There is absolutely no reason why you could not have come to the Legislature. One strange argument used by the Home Member the other day in the debate on the Bengal Ordinance was that six high officials were aimed at by these conspirators but he would not give the names. Why, may I ask? Is there any reason? Were you afraid that these people who were aimed at would go to their would-be assassins and tell them, "Well, we are the people aimed at, please come and kill us"? What is the idea? Why do you keep back the names of people who, you thought, were aimed at?

The Honourable Sir Alexander Muddiman (Home Member): Does the Honourable Member really want to know, or is it a rhetorical question? If the Honourable Member *really* wants to know, I will tell him. I did not tell you because if I disclosed the names, deductions would immediately be drawn and the information would reach the terrorists. I should like to make this point quite clear. I did not want to give it because it would assist the plans of those who wished to murder these men. If you disclose details like that where an attempt has been made known to us, you put them on the trail of knowing that there are 3 or 4 or 5 or 6 men who could have given away the secret, and only 3 or 4 or 5 or 6 men. These things are not discussed in the market place. If you disclose the fact of attempts, by a process of elimination—our police officers will tell you that is correct—the man who revealed it is found out and that man is killed, or is in danger of being killed. That is my point.

Mr. V. J. Patel: I regret I am unable to understand the explanation of the Home Member. I again ask, was it in the interests of the persons who were aimed at? If so, how would it harm them if you gave the names. From any point of view, I could not possibly understand how you were justified in not telling this Assembly who those persons were who were aimed at. However, that is another story. (*Pandit Shamlal Nehru:* "I think the Home Member notes that with approval?") But we are not discussing the Bengal Ordinance at present, we are discussing Bengal Regulation III of 1818 and the identical Regulations in Madras and Bombay. But before I pass on to them I should once again emphasise one point. I have already told you that you may have some—though I do not admit that—you may have had some justification for not coming to the Assembly and placing all your cards before this Assembly, though from my point of view it is absolutely against the spirit of the Constitution that you should not have come before this Assembly. Still it was open to you to invite leaders like my friend, Pandit Motilal Nehru or Mr. C. R. Das or Dr. Besant for the matter of that and placed before them the whole case and taken counsel with them. You should have told them, "Here we are faced with this situation, what is your advice? Do you advise the Viceroy to issue an Ordinance under section 72 of the Government of India Act? What is your advice under the circumstances?" Why should you not have done it? You will not consult the leaders of the people, you will not consult the Legislature, and you issue an Ordinance of that character. Is there any country in the world where one single individual has got such unlimited and extraordinary powers of issuing an Ordinance of that character, which empowers the executive to imprison any person at any place for any length of time without giving reasons and without bringing him to trial?

Sir, coming to the Regulations, I venture to submit that they are not laws duly passed. You may say that they are laws in the sense that they were passed by some authority duly empowered in that behalf. That may be so, but they were not passed by the Legislature, the elected Legislature of this country. They are merely decrees of the executive. There is absolutely no doubt about it. As a matter of fact, in one of the Regulations I find it stated that it was passed by the Vice President-in-Council. Probably in those days the Government of India had the power to issue Regulations and Acts and under those powers these Acts were passed. We say, "If you want certain powers, come to the Legislature, we will consider each case on its merits and give you the necessary powers if we are satis-

[Mr. V. J. Patel.]

fied that those powers are really needed in the interests of the country, not in your interests." If you want to continue your rule by the force of these repressive laws, by all means do it. I do not know how long you can do so. No country in the world is governed by repression for all time. It is therefore necessary for you to retrace your steps. Times are changing. The whole world is watching you, watching the administration of this country, and it is absolutely necessary that the sooner you make up your mind the better for you and for us. You must remember that we are not children. We understand your game. We know that you make use of these repressive Regulations and Acts simply for the purpose of continuing your rule. There is absolutely no other reason. Why do you interfere with the legitimate political activities of the country and complain of anarchy afterwards? As a matter of fact if you had not interfered with the non-violent non-co-operation movement in the year 1921 by imprisoning 40,000 of my countrymen, probably you would not have seen anarchy to-day and the country would have progressed in an orderly manner and you would have yielded to the great movement. But no, yielding means so much less power for you and conceding so much power to the people of the country, whether it is legitimate political agitation by way of Resolutions in this Assembly; or constitutional obstruction; or non-violent non-co-operation; whatever it is, if it goes against your grain, if it interferes with the exercise of your powers, if in the slightest degree it tends to lessen your power, you would not brook it. You would at once make use of your Regulations and your repressive laws and all sorts of things. It is not that you want merely to exterminate anarchy from this country. You want to suppress the national aspirations of the people of this country, the natural desires of the people of this country. That is the reason why you are making use of these Regulations. Was there anarchy in connection with the non-violent non-co-operation movement in 1921? No, it was an absolutely non-violent movement. But yet, what did you do? Because we as a protest against your administration boycotted the visit of the Prince of Wales, who was coming to this country, you resorted to the provisions of the Seditious Meetings Act and the Criminal Law Amendment Act and imprisoned so many of our countrymen; but the movement was perfectly constitutional, the movement was perfectly non-violent. (*Voices: "Bombay, Chauri Chaura."*) It is very well to say all that. There was no anarchy there. Any day you would prefer open rebellion to anarchy. What Indian would not like to have Swaraj if it can be had by force? But we know it is impossible for us to have Swaraj of the kind we want by force, and that is the reason why we are opposed to the use of it and we have taken and will continue to take to non-violent methods. Non-violence is our policy, because we believe it is impossible to get Swaraj by violence. We hate anarchy. We detest anarchy as much and perhaps more than you do, because anarchy gives you an opportunity of putting down the legitimate national movement and legitimate national activities. It is not in our grain to encourage anarchy; we detest anarchy; everyone in this hall detests anarchy. There is absolutely no doubt about it, but more so we because it gives you a handle to put down the legitimate activities of the people of this country. That is why we do not want this power to be in your hands. You misuse it, you abuse it. You do not consult us before you use it. You gave us a constitution which is a sham. You consult us when you like and you ignore, nay, defy us when it does not suit you. Is it possible, Sir, to adjourn this debate at this stage?

Mr. President: I thought I was giving the Honourable Member his innings now.

Mr. V. J. Patel: Some of my friends are very anxious to get away and they ask me to reserve my remarks for reply

Mr. President: If Honourable Members who want to get away, would refrain from provoking the Honourable Member, they might get home sooner.

Mr. V. J. Patel: I think I will reserve my remarks by way of reply. I move formally that the Bill be taken into consideration.

Mr. President: The question is:

"That the Bill to repeal certain special enactments supplementing the ordinary criminal law be taken into consideration."

The debate was adjourned.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th February, 1925.

ERRATUM.

In L. A. Debates, Vol. V, No. 6, page 347,
last line, *for* the words "do contemplate" *read*
"do not contemplate."

LEGISLATIVE ASSEMBLY.

Wednesday, 4th February, 1925.

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

QUESTIONS AND ANSWERS.

WORKING HOURS FOR GOODS CLERKS ON THE NORTH WESTERN RAILWAY AT KARACHI AND THE TRANSIT OFFICE AT HYDERABAD.

769. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state what are the working hours fixed per day for goods clerks on the North Western Railway at Karachi and the Transit Office at Hyderabad?

(b) Is it a fact that several goods clerks of the Bunder Goods Office at Karachi and the Transit Office at Hyderabad are at any time of the year required to work more than 10 hours per day without any extra remuneration?

(c) If the reply to (b) is in the affirmative, are Government prepared to order these goods offices to be closed at proper hours or order the payment of extra wages for extra work?

Mr. G. G. Sim: (a) Nine working hours per day divided into two periods with an intervening recess of one hour have been fixed for goods clerks on the North Western Railway at Karachi. So far as the Hyderabad Transit Office is concerned clerks are 12 hours on duty the work being intermittent. It is proposed to reduce this to 8½ hours per day actual work.

(b) Yes. Occasionally the goods clerks have to work more than 10 hours a day when closing accounts or in a sudden rush of traffic.

(c) Goods offices are punctually closed. The strength of the staff is fixed so as to limit work ordinarily to 10 hours a day as a maximum and payment of extra wages is not therefore justified.

HOLIDAYS OF GOODS CLERKS ON THE NORTH WESTERN RAILWAY.

770. ***Mr. Harchandrai Vishindas:** (a) Will Government be pleased to state if goods clerks working in big goods offices like Karachi, who have to do work of correspondence, accounts, etc., are given any other public holiday (except Sunday, Christmas Day and Good Friday), as enjoyed by clerks doing such work in the Port Trust, His Majesty's Customs and other commercial offices?

(b) If not, are Government prepared to ask the Agent, North Western Railway, to give this question his early consideration?

Mr. G. G. Sim: (a) and (b). Clerks working in goods offices are given as holidays the days notified as "*Dies Non*" in the Tariff on which goods work is suspended. It is not known what holidays the Port Trust, His

Majesty's Customs and other commercial offices give their men. But for the reasons explained in the reply given to question No. 2169 asked by the Honourable Member on the 18th September 1924 it is impossible to grant all public holidays to goods clerks working at Karachi and other similar stations.

ALLEGATIONS OF ILL-TREATMENT OF HIS WORKMEN BY THE LOCO. FOREMAN, KOTRI LOCO. SHED, ON THE NORTH WESTERN RAILWAY.

771. ***Mr. Harchandrai Vishindas:** (a) Are the Government aware of the fact that the Loco. Foreman, Kotri Loco. Shed on the North Western Railway, was accused by the North Western Railway Union, Karachi Branch of having beaten and abused some of the workmen and that at the inquiry held into the case the foreman confessed that he had on occasions resorted to beating and abuse in order to get work out of them?

(b) Are Government prepared to ask the Agent, North Western Railway, to take action against the foreman in question?

Mr. G. G. Sim: (a) and (b). The Government have ascertained the facts from the Agent. He reports as follows:

"The Karachi Branch of the North Western Railway Union did accuse the Loco. Foreman of Kotri of having beaten and abused some of the workmen employed under him. An inquiry lasting about a week was held at which it was ascertained and admitted by the foreman that on a few occasions he had allowed his temper to outrun his discretion and has been guilty of harsh treatment in his endeavour to get the staff to help him in dealing with an unusual and difficult situation arising out of the floods from the river Indus when the oil fuel installations were inundated. But there was no evidence to substantiate the charge of wholesale beating or abusing.

The circumstances were taken fully into consideration and the foreman was warned against action of the kind."

Mr. Harchandrai Vishindas: Is it not intended to give some deterrent punishment so as to prevent future offences of this kind?

Mr. G. G. Sim: As I have said, the case is a peculiar one. The whole of the installations were inundated and there was risk of the whole installation being destroyed. In these circumstances in his anxiety to save Government property the foreman lost his temper and treated some of the workmen harshly. The Agent considered that the matter would be sufficiently met by warning against recurrence of action of this kind.

Mr. Harchandrai Vishindas: What about the other charges about immoral conduct and bribery? Have they been disposed of?

Mr. G. G. Sim: The reply to that is contained in the answer to question No. 772.

ALLEGATIONS AGAINST THE LOCO. FOREMAN, KOTRI LOCO. SHED, ON THE NORTH WESTERN RAILWAY.

772. ***Mr. Harchandrai Vishindas:** (a) Are Government aware of the fact that very serious charges of bribery and immoral life were brought into evidence during the inquiry held into the Kotri Loco. Shed grievances against the Foreman, Kotri Loco. Shed?

(b) Are Government prepared to take any action in the matter?

Mr. G. G. Sim: (a) and (b). The Government have ascertained that the charges referred to by the Honourable Member were found, on investigation, to be baseless.

DISMISSAL OF FIVE WORKMEN EMPLOYED IN THE CARRIAGE WORKSHOPS
AT KARACHI ON THE NORTH WESTERN RAILWAY.

773. ***Mr. Harchandrai Vishindas:** (a) Will the Government be pleased to state whether the facts in connection with the lock-out of the carriage shops at Karachi on the North Western Railway have been brought to the notice of the Government?

(b) Will the Government be pleased to state whether it is a fact that the Works Manager, Karachi, dismissed five out of over one hundred signatories to the appeal addressed to him complaining of some rules believed by the signatories to have been introduced by the chargeman?

(c) Are the Government aware of the fact that they were dismissed at the suggestion of the chargeman and the Loco. Foreman on the ground that they were agitators?

(d) Is it a fact that the Works Manager gave an undertaking in writing to the North Western Railway Union, Karachi Branch, to the effect that if the five workmen dismissed were not proved guilty of agitation the chargeman and Loco. Foreman would be taken to task?

(e) Will the Government be pleased to state whether at the subsequent inquiry held the five men dismissed were proved to be guilty of unlawful agitation?

(f) If the answer to (e) is in the affirmative, will the Government state the alleged agitation put up by them?

(g) If the answer to (e) is in the negative, were the chargeman and Loco. Foreman taken to task for false report and the five men who were dismissed re-instated?

(h) If not, why not?

Mr. G. G. Sim: (a) As the men refused to do any work after entering the workshops the shops were closed until they gave a promise that they would work after they entered the shops.

(b) The Agent reports as follows:

"Five men were discharged from the service for inciting the staff against their chargeman; for framing an unfounded appeal against the chargemen and forcing men, who neither knew its contents nor had any grievances, to sign it; for defying authority and discipline and endeavouring to breed discontent amongst the men; for insubordination and truculence towards the General Foreman and Works Manager."

(c) They were discharged as a result of an official inquiry held by a gazetted officer.

(d) The Agent reports that he has no information, but is making inquiries.

(e), (f), (g) and (h). Do not arise.

Mr. Harchandrai Vishindas: Were not the other 95 men guilty of the same offence as the five dismissed men? There were a hundred signatories?

Mr. G. G. Sim: The five were discharged for framing an unfounded appeal and forcing the other 95 to sign it.

STOPPAGE OF THE PRIVILEGES OF AN ASSISTANT STATION MASTER AT
KOTRI ON THE NORTH WESTERN RAILWAY.

774. ***Mr. Harchandrai Vishindas:** (a) Are the Government aware of the fact that an assistant station master of Kotri railway station on the North Western Railway was asked to be on duty though he was suffering from diarrhoea and that on his refusal to take the risk of collision, etc. by coming on duty his privileges have been stopped?

(b) Are the Government further aware of the fact that in reply to a representation on the subject by the North Western Railway Union, Karachi Branch, the D. T. S., Karachi, wrote "there are ways of preventing diarrhoea as a temporary measure available to all of us" ?

(c) Are the Government prepared to see that justice is given to the assistant station master whose privileges have been stopped?

Mr. G. G. Sim: (a), (b) and (c). Government have no information and must leave matters of this nature to the discretion of the local authorities.

OIL FOR LOCOMOTIVES ON THE NORTH WESTERN RAILWAY.

775. ***Mr. Harchandrai Vishindas:** (a) Will the Government be pleased to state the amount of oil issued to a driver on the North Western Railway for different types of engines for a trip of 100 miles?

(b) Are the Government aware of the fact that almost every driver purchases oil from the shed?

(c) Is the amount received by this extra issue of oil to drivers accounted?

(d) If not, do the Government propose to inquire into this at an early date?

Mr. G. G. Sim: (a) The number of pounds of oil allowed per 100 miles varies according to the services and the sections of the line on which the locomotives are employed. It would not be possible to state the amount of oil allowed for each type on each section without explaining the reasons therefor, which are highly technical and the preparation of the statements would entail heavy expenditure of time and labour.

(b) No oil is issued to drivers on payment at the sheds.

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

* APPRENTICES IN THE PAREL WORKSHOPS.

776. ***Mr. N. C. Kelkar:** With reference to my question (starred) No. 36 put and answered on 22nd January, will Government state the number of apprentices that were admitted to the three classes of them, at the Parel workshop during the last five years?

Mr. G. G. Sim: The number of apprentices admitted during the last five years in the three classes is as follows:

Class	A	...	...	...	...	54
	„	B	...	...	...	19
	„	C	...	...	...	25

HOUSING OF INDIAN TROOPS AT RAZMAK.

777. ***Mr. S. C. Ghose:** (a) Has the attention of the Government been drawn to the article of the *London Daily Telegraph* and quoted in the *Calcutta Statesman* of the 15th January under the heading "Army Grievances at Razmak"?

(b) What is the number of Indian troops now stationed at Razmak?

(c) Are the Indian troops and followers housed in tents of inferior quality?

(d) If the above allegation is true, do the Government propose to take steps to house Indian troops under more humane conditions in the biting cold of Razmak?

(e) What kind of accommodation is provided for English troops?

Mr. E. Burdon: (a) Government have seen the article in the *Statesman*, referred to by the Honourable Member.

(b) The total number of Indian troops actually at Razmak at present is 5,430. In addition, there are 768 followers.

(c) About half the Indian troops are still housed in tents, which are of the usual Government pattern provided by the Indian Ordnance Department for the use of the army.

(d) A project to build huts for half the full garrison has been sanctioned, but it is not anticipated that this project will be completed before March, 1927.

The troops living in tents are provided with fire-places or stoves and a sufficient daily allowance of fire-wood is issued to them as well as to followers.

(e) British troops number 1,002. They are mainly housed in huts, but some are in tents. There are 160 British officers in tents. It may be of interest to the House if I state what the sick rate at Razmak was in the six months—July to December 1924. The sick rate was lower than the sick rate at Dera Ismail Khan in each of these six months and in the cold weather months to which my Honourable friend has principally drawn attention the sick rate at Razmak was considerably lower than the rate for the whole of India.

PUBLICATION OF CERTAIN BOOKS UNDER THE EDITORSHIP OF THE DIRECTOR OF PUBLIC INFORMATION.

778. ***Mr. S. C. Ghose:** (a) With reference to the six books published by the Oxford University Press under the general editorship of Mr. Rushbrook Williams, Director of Public Information, in the series entitled "India of To-day," will the Government state if the cost of printing the books was borne by the Government of India?

(b) If the answer is in the affirmative, will the Government state what was the cost?

(c) Will the Government state the name of the author who has written the book on "Indian Emigration"?

The Honourable Sir Alexander Muddiman: (a) The answer is in the negative.

(b) Does not therefore arise.

(c) The answer is in the negative.

DEPUTATION OF CAPTAIN BATTY TO MEET THEIR ROYAL HIGHNESSES
PRINCE AND PRINCESS ARTHUR OF CONNAUGHT AT ADEN.

779. *Mr. S. C. Ghose: (a) Will the Government state what was the necessity of sending Captain Batty, Military Secretary to His Excellency the Viceroy, to Aden to meet Their Royal Highnesses Prince and Princess Arthur of Connaught?

(b) What was the cost of sending him to Aden?

(c) What is the approximate expenditure liable to be incurred by the Government of India for the visit of Their Royal Highnesses?

Mr. Denys Bray: (a) To enable His Royal Highness' Military Secretary to join the Royal Party on their arrival within the Indian Empire.

(b) A 1st class return passage between Bombay and Aden.

(c) Approximately Rs. 20,000.

I may explain that Captain Batty was actually A.D.C. to His Excellency the Governor of Burma and was attached as Military Secretary and was not, as stated in the question, Military Secretary to His Excellency the Viceroy.

APPOINTMENT OF SYED SHAHABUDEEN TO THE OFFICE OF THE DIWAN
OF DARGAH SHAREEF, AJMER.

780. *Shaikh Mushir Hosain Kidwai: Is it a fact that Syed Shahabuddeen, the nephew of the last Diwan Sharfuddeen Ali Khan and brother of Diwan Ghayasuddeen Ali Khan of the Dargah of Ajmer submitted a memorial to the Viceroy and Government of India complaining that he has been arbitrarily stopped by the executive authorities of Ajmer from being appointed to the office of the Diwan of the Dargah Shareef, that his *Dastar Bundi* was not allowed and permission to lodge a civil suit was refused and appealing to the Government of India for redress. If so, will the Government be pleased to state if the permission for a civil suit has been granted, if not on what grounds? Can the office of the Diwanship of the Dargah Shareef be regulated by the Ajmer Regulations?

APPOINTMENT OF AN OUTSIDER TO THE OFFICE OF THE DIWAN OF
DARGAH SHAREEF, AJMER.

781. *Shaikh Mushir Hosain Kidwai: Is it a fact that the executive authorities of Ajmer installed, by summary proceedings, an outsider who had been away from Ajmer since generations past who was never recognised to belong to the Diwan family, against the wishes of the Diwan family and of the late Diwan himself as well as against the demand of the general Muslim public and sahebzadagan at Ajmer and *Ulama* and *Mashaikh* abroad?

EJECTION OF THE LADIES OF THE DIWAN FAMILY OF AJMER FROM
THEIR ANCESTRAL RESIDENCE.

782. *Shaikh Mushir Hosain Kidwai: (a) Is it a fact that the ladies of the Diwan family of Ajmer have been disrespectfully ejected with the help of the police under executive orders of the authorities from their ancestral residence without any order from the civil or criminal court, and have they been thus made homeless seeking shelter in the Durgah?

(b) Is it a fact that the above-mentioned ladies have been refused permission to file a civil suit to establish their right of residence and maintenance?

RIGHT OF SYED SHAHABUDEEN TO THE OFFICE OF THE DIWAN OF
DARGAH SHAREEF, AJMER.

783. ***Shaikh Mushir Hosain Kidwai:** Is it a fact that the late Diwan of the Dargah of Ajmer himself made a will in favour of Syed Shahabuddeen, and accepted during his life in a written statement the latter's right to the office of the Diwanship of the Dargah Shareef, yet the executive authorities have summarily ignored and defied the wishes of the late Diwan and negatived the appointment made by him?

Mr. Denys Bray: The information is being collected and will be communicated to the Honourable Member in due course.

UNSTARRED QUESTIONS AND ANSWERS.

ESTABLISHMENT OF A RATES TRIBUNAL.

77. **Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state at what stage is the consideration of the question for the establishment of a Railway Rates Tribunal as recommended by the Acworth Committee?

(b) From the correspondence so far that took place between the Government of India and the Secretary of State will the Government be pleased to state the main objections, if any, to the recommendation of the committee or the reasons for the delay in carrying it out?

(c) Are the Government aware of the public grievance against the general practice of the Railway Board, fixing the maxima and minima of railway rates and exercising no further control?

(d) Will the Government be pleased to state when do they expect to arrive at a definite decision on the subject?

Mr. G. G. Sim: (a), (b) and (d). The Secretary of State's reply to Government's proposals has recently been received and is under consideration.

(c) Yes, Government are aware that there is a considerable public opinion that the present arrangements for the control of rates are not sufficient.

ELECTRIFICATION SCHEMES ON THE SOUTH INDIAN AND OTHER
RAILWAYS.

78. **Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state what are the schemes on hand or under contemplation for the electrification of railways in India?

(b) Since I last interpellated in the Assembly how far has the consideration of the question for the electrification of the South Indian Railway for the Madras suburban traffic progressed?

(c) Will the Government be pleased to lay on the table of the House a statement as to the general aspect of the scheme, i.e., estimated capital expenditure of the scheme and the probable returns expected from it if the scheme materialises?

(d) Will the Government be pleased to state whether it is a fact that the question of the construction of a high level tract in the Madras city for the South Indian Railway line forms part of the scheme of the South Indian Railway remodelling in Madras?

Mr. G. G. Sim: (a) The Secretary of State has sanctioned schemes for the electrification of the Bombay suburban local services of the Bombay, Baroda and Central India Railway between Church Gate and Borivli, and of the Great Indian Peninsula Railway between Victoria Terminus and Kalyan including the Harbour Branch and Mahim Chord.

The following schemes for the electrification of railways in India are under consideration:

(i) *Great Indian Peninsula Railway.*—Main lines from Victoria Terminus to Kalyan, and from Kalyan to Poona and Igatpuri.

(ii) *East Indian and Eastern Bengal Railways.*—Suburban lines of Calcutta, and the lines from the Bengal and Bihar and Orissa coal fields to the port of Calcutta.

(iii) *South Indian Railway.*—Madras to Tambaram.

(b) Proposals and estimates for the electrification scheme are under preparation by the South Indian Railway.

(c) and (d). Pending the receipt and examination of the proposals and estimates for the electrification scheme it is not possible to give answers to these questions.

ANNUAL TRIPS TO INDIA BY THE BOARD OF DIRECTORS OF THE SOUTH INDIAN RAILWAY.

79. **Haji S. A. K. Jeelani:** (a) Is it a fact that the Board of Directors of the South Indian Railway are permitted to take yearly trips to India by turns? If so what is the object underlying such trips, who bears the expenses, and what does the cost of the trip per head come to?

(b) Is it a long standing practice or a new innovation, if it is latter, will the Government be pleased to state the reasons for the same?

Mr. G. G. Sim: (a) Directors of Indian railway companies are deputed by their respective Home Boards, with the approval of the Secretary of State, to visit India on the business of their companies. They draw, subject to the Secretary of State's sanction, a fixed sterling rate of £100 a month from the date of leaving England to the date of return plus first class return passage and travelling expenses incurred in India. Their expenses are borne by the respective railways.

(b) It is a practice of long standing.

RELIEF OF DISTRESS CAUSED BY FLOODS IN SOUTHERN INDIA.

80. **Haji S. A. K. Jeelani:** (a) Will the Government be pleased to state the action that the Government of India had taken in co-operation with the Government of Madras for rendering relief to the distressed people in the flooded areas in Southern India?

(b) What is the amount of loan applied for by the Government of Madras, for the specific purpose of rendering relief to the flood-affected areas, and what is the amount actually granted by the Government of India?

(c) Besides the grant of loan have the Government of India in any way assisted the Government of Madras by any independent contributions not recoverable from the latter?

(d) Will the Government be pleased to state the amount of balances standing to the credit of the Government of Madras, under "Famine Insurance Fund" at the time of the floods and what are the balances now?

(e) Will the Government be pleased to state whether under the Devolution Rules, Local Governments are authorised to spend any portion of the Famine Insurance Fund for repair and reconstruction of protective irrigation works, destroyed by the recent floods and for granting loans and affording relief to distressed agriculturists?

(f) Have the Government of India any information that the Government of Madras have drawn upon the Famine Insurance Fund for the purposes of spending on the items mentioned above?

Mr. J. W. Bhore: (a), (b) and (c). The attention of the Honourable Member is drawn to the reply given to Mr. S. C. Ghose's starred question No. 605 at the meeting of the Legislative Assembly, held on the 2nd February 1925.

(d) The balance standing to the credit of the Fund at the time of the floods was about Rs. 12½ lakhs and the latest balance reported is Rs. 9½ lakhs.

(e) I would invite the Honourable Member's attention to paragraphs 2 and 8 of Schedule IV to the Devolution Rules.

(f) The Government of India understand that a sum of Rs. 3 lakhs has been utilised for *takavi* loans.

 MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have at their meeting of the 3rd February 1925 agreed without any amendment to the Bill to amend the Indian Merchant Shipping Act, 1923, for a certain purpose, which was passed by the Legislative Assembly on the 26th of January 1925."

THE INDIAN SUCCESSION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
-madan): Sir, I beg to move:

"That this Assembly do agree to the recommendation of the Council of State that the Bill to consolidate the law applicable to intestate and testamentary succession in British India, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members."

The Indian Succession Act to which my motion refers was first enacted in 1865. It was a product of the Royal Commission appointed to codify the Indian law. Sir Henry Maine, who was then Law Member of the Government of India, intended to treat this as the first chapter of the Indian Civil Code. It is based, or rather it was based upon the then existing English law. Since then there have been about a dozen or more amending Acts and when the Statute Law Revision Committee was constituted it took upon itself to consolidate such of the Indian Statutes as required to be consolidated. The very heavy work of consolidation fell upon the shoulders of the distinguished Chairman of the Statute Law Revision Committee, Sir Alexander Muddiman, who took upon himself the work of actual consolidation. Sir, the Statute Law Revision Committee feels deeply grateful to Sir Alexander Muddiman for the yeoman service he has rendered in his honorary capacity as Chairman of that body; and though we feel that we have seriously lost in him the Chairman we feel gratified to find that in spite of his multifarious duties he has consented to remain a Member of that Committee. Sir, this Statute Law Revision Committee has codified many Acts. This is one of the largest. It has been circulated to the provinces for the purpose of eliciting public opinion thereon. All the opinions have been collected and will be considered by the Joint Select Committee if my motion is accepted. I would however refer to one opinion given by a very learned Judge of an Indian High Court in which the opinion was expressed that the interpretation of Hindu wills might be reduced to a few simple rules. As to this I wish to point out that it is not the fault of the Succession Act that the reducing of the rules of interpretation of Hindu wills did not find a place there. The fault, if any, lies at the door of the Hindu Wills Act (XXI of 1870), which by section 2 refers to certain sections of the Indian Succession Act for the purpose of interpreting Hindu wills. I wish also to point out that those who have had to deal with the interpretation of wills cannot forget the two ponderous volumes known as Jarmon on Wills, and if the quintessence of the dicta contained in those two volumes have been condensed and summarised in a few sections of the Indian Succession Act I think the credit must be ascribed to the framers of that Act that they have been able to reduce to a few salient propositions the vast mass of law contained in the two volumes to which I have referred. There is no other opinion that calls for comment at this stage. It is as I have said, a purely consolidating measure. Incidentally I may mention, because it will shorten my speech under another head if I point it out, that one amendment that has been made by the amending Bill is a very salutary amendment made to section 27, the object of which was to make an absolute provision of Rs. 5,000 to the widow of the deceased; and this also is in accordance with the existing English case law in which a provision of £500 is made for the widow of the deceased. With these remarks, Sir, I feel confident that my motion will be accepted by the House. I move it.

The motion was adopted.

Sir Hari Singh Gour: Sir, the second motion is consequential. I move:

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate the law applicable to intestate and testamentary succession in British India, namely:

The Honourable the Home Member,
Diwan Bahadur M. Ramachandra Rao,
Rai Sahib M. Harbilas Sarda,
Mr. K. C. Neogy,
Mr. Abdul Haye, and myself."

The motion was adopted.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muham-
madan): Sir, I beg to move:

"That this Assembly do agree to the recommendation of the Council of State that the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 12 members."

Honourable Members have just heard what I had to say as to the scope of section 27. I need not repeat it. I move, Sir, that the motion be accepted.

The motion was adopted.

Sir Hari Singh Gour: Sir, I beg to move:

"That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to amend the provisions of section 27 of the Indian Succession Act, 1865, namely:

The Honourable Sir Alexander Muddiman,
Diwan Bahadur M. Ramachandra Rao,
Rai Sahib M. Harbilas Sarda,
Mr. K. C. Neogy,
Mr. Abdul Haye, and myself."

The motion was adopted.

THE INDIAN TRADE UNIONS BILL.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, I beg to move:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Purshotamdas Thakurdas, Diwan Chaman Lall, Mr. M. A. Jinnah, Mr. N. M. Joshi, Mr. N. C. Kelkar, Seth Kasturbhai Lalbhai, Mr. K. C. Neogy, Mr. W. S. J. Willson, Mr. L. Graham, Mr. A. G. Clow and myself, with instructions to report within a fortnight, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

Sir, the other day in introducing this Bill in this House I observed that it had been prepared with reference to a Resolution adopted in this House

[Sir Bhupendra Nath Mitra.]

some four years ago. That Resolution asked Government to undertake legislation for the registration and protection of trade unions. Registration and protection of trade unions accordingly constitute the fundamental principles of the Bill now before the House. As I have already explained to the House, the Bill is a purely permissive measure. It will not compel any trade union to register. A considerable amount of controversy has centred round this question of compulsory or optional registration. A large number of opinions formerly received including those of several Local Governments were in favour of compulsory registration, and this principle has been reaffirmed at a meeting attended by representatives of important trade unions of a certain class; I refer to the Associated Chambers of Commerce. The advocates of compulsory registration appear to fear that no trade union will register unless compulsion is applied, and if we agree to introduce all the restrictions which they want us to impose on trade unions, no trade union in its senses would register unless it was compelled to do so. This attitude appears to be based on a misconception of the fundamental object of our legislation. When the Assembly passed its Resolution in favour of registration four years ago, it was not motivated by any fear of the growth of trade unionism. The desire for legislation arose not from any anxiety to restrain and scotch a nascent movement but from wholly different considerations. The House was actuated by a desire to give trade unions a sufficient opportunity for developing on healthy and right lines. This is abundantly clear from the speech of Mr. Joshi moving the Resolution which was adopted by this House with certain modifications on the 1st March 1921. As was stated by him, it was desirable that we should take steps at that stage to put these organizations on a sound and proper footing. But apart from this consideration I cannot believe that the advocates of compulsory registration have realized all that is involved in their proposal. If registration is to be made compulsory, it is obviously necessary to provide that those who fail to register shall be punished. If a group of employees meet to discuss the hours for which their factories are to work and fail to register themselves as a trade union, they must be hauled up before the criminal courts. If a number of workmen meet to present a demand for a rise in wages, they must be hunted out and brought to justice. Every combination for regulating the conditions of employment becomes illegal, and these combinations must be stamped out. If such a course were just—and I do not admit that for a moment—is it a practical proposition? I am well aware that it has been tried elsewhere. I shall be told possibly that it was attempted in England when the trade union movement was in its infancy there, but I have yet to learn that it succeeded; and in any case, as I have already said in this House on a previous occasion, our legislation is designed to meet present-day conditions and requirements in India and should not be mere imitations of enactments in other countries which were designed to suit different conditions. The Bill before the House proposes therefore that legislation should be optional, and in my view no other course is possible. It may be of some interest to the House to know that those Local Governments who formerly advocated compulsory registration now accept the principle of the Bill on the subject. I shall probably be told that many trade unions will not register. That may be true. If trade unions are free to register, they are equally free not to register; and I am not greatly concerned about the possibility of trade unions failing to register. As I said on a previous occasion, we cannot create trade

unions by legislation. Our sole object is to foster the growth of the movement on right lines. In pursuance of this object Government are anxious to ensure that no trade union shall be prevented from registering by reason of the fact that registration will impose on it a responsibility which a genuine Trade Union would be reluctant to accept. The Bill gives trade unions an opportunity for developing on healthy lines, and we cannot do more than that. It is for them to take it or to decline it.

If however it is clear to Government that registration should be optional, it is equally clear to Government that unregistered Trade Unions should not be allowed to participate in the protective provisions of the Bill; for any other course would defeat the object of the Bill, which is to foster the growth of trade unions on healthy lines. The Local Governments are entirely in accord with the views of the Central Government in the matter; nor have I seen any expression of a different view in the many opinions which we have received on the Bill. I am sure that the majority of this House, if not the whole of it, will agree with me that this is the right course to take in the matter; and that it would not be in conformity with the basic object of the Bill to allow trade unions which are reluctant to submit to registration, and thereby to undertake the responsibilities which the Bill imposes on registered trade unions, to participate in the protective benefits of the Bill.

I may here mention that in regard to the responsibilities which the Bill imposes on registered trade unions the opinions which we have received from Local Governments reveal a certain amount of feeling, firstly against the exclusion of political objects from the purposes on which the funds of a trade union can be spent; and secondly in favour of a specific provision against picketing. The Bill as it now stands incorporates the provisional views of the Government of India on both these points. The majority of Local Governments are in agreement with these views. As regards the reasons which have led the Government of India to come to these provisional conclusions I cannot do better than quote from the circular letter which was issued by them on the subject of this Bill. In regard to the inclusion of political objects among the purposes on which the funds of the union could be spent, the Government of India expressed the following opinion:

"The question of the inclusion of political objects among those upon which funds can be expended has received careful consideration and following the great majority of the replies received, the Government of India have decided to exclude such objects from the list. This will not prevent Trade Unions or their leaders from advocating political policies, but it will ensure that funds contributed primarily for Trade Union purposes are not expended on causes in which the bulk of the members have little interest. If any sections of employers or employed wish to form an organisation for political purposes and to raise subscriptions for that purpose, there is nothing to prevent their doing so, but there appears to be no strong reason for conferring in such cases privileges designed to protect organisations of an essentially different type."

In regard to the inclusion in the Bill of a specific provision against picketting the Government of India held that though—

"the suggestion has received some support, the objections to it appear to have considerable force. The experience of the last few years has not revealed any urgent necessity for imposing a general restriction on picketting. Those trade unionists who are willing to confine picketting to systematic persuasion would have reason to resent further limitations in their powers, those in whose hands it degenerates into intimidation can be dealt with by the ordinary criminal law. Provisionally, therefore, the Government of India have decided to include no provisions relating to picketting."

[Sir Bhupendra Nath Mitra.]

I turn now to the protective provisions of the Bill. These are contained in clauses 16 and 17 of the Bill. They include a considerable measure of immunity from civil suits and criminal prosecutions directed against trade unions and their members. Under the existing law, officers and members of a trade union who in order to further a strike induce workmen to break their contracts with their employers can be sued in civil courts and may in certain circumstances be liable to criminal prosecution. The Bill protects them from these risks, the immunity from criminal prosecution being restricted to protection from the existing law relating to conspiracy. Provision has also been made for the grant of a certain amount of protection to trade union funds against liability for tortious acts committed by persons acting on their behalf. I may mention that the protective provisions have the general approval of the Local Governments.

With the details of the Bill it is not necessary for me to deal at length at this stage. They will be fully considered in Select Committee if my motion is accepted by the House. Honourable Members are already in possession of the opinions of Local Governments and also of non-official individuals and associations which have reached us.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-Official): Sir, it will probably be for the convenience of the House if I rise at once to propose the amendment which stands in my name, namely:

“This Assembly do recommend to the Council of State that the Bill to provide for the registration of Trade Unions and in certain respects to define the Law relating to registered Trade Unions in British India be referred to a Joint Committee of this Assembly and of the Council of State.”

I wish at this stage, Sir, to confine myself entirely to that issue. I will not attempt to follow the Honourable Member into some of the points which he has already raised. Sir, we have excellent precedents for the appointments of Committees of both Houses and the Honourable Member himself, in his speech the other day, pointed out that in few Bills was there such a remarkable diversity of opinion as in the present one. It is also an initial stage of legislation in regard to Trade Unions in India. It seems to me, therefore, that it is highly desirable on this occasion when such heavy work must fall upon the Committee that we should attempt to carry the Council of State with us in our deliberations. We did so in the case of a previous workmen's Bill, in the Workmen's Compensation Bill. It was referred to a Joint Committee of both Houses, which enabled us to have the benefit on the Committee of the services of such authorities as Sir Alexander Murray, Mr. Sethna, Sir Arthur Froom and Sir Maneckji Dadabhoj, all very largely interested in the question of labour and with knowledge of the subject. We have also had other Joint Committees. I need only mention two or three of them, the Factories Bill in 1921, which procured for us the services of Sir Alexander Murray, and we had the Income-tax Amendment Bill,—not a labour measure. Now, Sir, my submission is that a Committee of this House alone is not conducive to the production of a really good Bill, at least not so conducive as would be a Committee of both Houses. Honourable Members whose names appear in the Committee proposed by the Honourable Member will, I am sure, not take it amiss if I venture to criticise those names. If you look at the list you will find that at least 4 of these Members are lawyers, which does not seem to me to be quite fair on a Workmen's Bill. Then there are but 3:

merchants, who are the class of employers the most ~~represented~~. There are 2 representatives of labour. That does not seem to me to be quite a fair division in a Committee of 12. Then again we find this Committee has no less than 5 representatives from the Bombay side and Bengal has only 1. That does not seem to me to be fair. Madras has 1 representative. I am aware, Sir, that when we have Joint Committees it has been urged that there has been a tendency to rise to a somewhat unwieldy number, but my submission is that in a piece of initial legislation, such as this, even if we have a rather large number in the present case, it will be all to the good, as so much will have to be threshed out either in this House or in the Committee. I think, Sir, that that is all I need say in support of my present motion, and I commend it to the acceptance of the House.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, it seems to me premature at this stage to make a proposal that this Bill should be referred to a Joint Committee. This House has not had an opportunity of discussing even the principles of the Bill, and on a matter which concerns essentially democratic and labour interests, such as those involved in the principles of the Bill, I think this House should primarily exercise its right of going through the Bill in detail and passing it. I think, Sir, the proposals of my friend, the Honourable Mr. Willson, are entirely unsuited to the present measure and I desire, if I may with your permission, to add the names of Mr. Goswami and Mr. Devaki Prasad Sinha to the Select Committee originally proposed by my Honourable friend, the Member for Labour.

Mr. President: I shall take other amendments to Sir Bhupendra Nath Mitra's motion after we have disposed of Mr. Willson's motion.

Mr. N. M. Joshi (Nominated: Labour Interests): May I ask for a ruling? I wish to speak about the principles of this Bill, but I do not wish to support Mr. Willson's amendment; I want to oppose it. I should like to know whether I would lose my right of speaking again if I speak on Mr. Willson's amendment.

Mr. A. Rangaswami Iyengar: On a point of order, may I inquire whether the House is to first consider this motion for a Joint Committee before it considers the principle of the Bill, or whether the principle of the Bill will be allowed to be discussed before we discuss Mr. Willson's motion?

Mr. President: The Assembly can discuss the principle of the Bill on either motion. I may observe that, whether Sir Bhupendra Nath Mitra's motion, or Mr. Willson's motion is carried, in either case the House will stand committed to the principle of the measure, once either of these motions is carried; but the two motions now before the House leave the principle under discussion.

Mr. N. M. Joshi: Sir, I oppose the amendment proposed by my Honourable friend Mr. Willson. He has already pointed out that if we criticise the names of the Members of the Committee, as proposed by the Honourable Member in charge of Industries and Labour, we may find out that the interests of labour are not sufficiently protected; but, Sir, I feel, if we accept the proposal of my Honourable friend Mr. Willson, the protection of labour interests will be still more reduced. I, therefore, think that in a matter like this, it is much better that a large committee of this House should consider the principles and the details of the Bill, and then the Bill may be submitted to the other House. Sir, Mr.

[Mr. N. M. Joshi.]

Willson objected to the presence of lawyers on this Select Committee. I have been studying this Bill for some time, and I have come to the conclusion that, if any people are better able to consider this Bill than others it is the lawyers who understand both the criminal and the civil law. I have myself felt that I am personally unable to deal with this Bill adequately, and, therefore, if the Honourable Member in charge of the Department of Industries and Labour has suggested the names of illustrious lawyers in this Assembly, I think, Sir, he has done the right thing. Sir, I myself have given notice of an amendment which I shall move later on after this amendment is decided upon. The object of my amendment is that the consideration of this Bill should not be unnecessarily hurried. The Honourable Member wants the Select Committee to report within a fortnight. I feel, Sir, that the Bill is so important, that we should not hurry up its consideration in the manner suggested by the Member in charge of the Department of Industries and Labour. No doubt the Bill has been circulated and the views of organisations of labour and organisations of employers have been received; but I feel, Sir, that these organisations, at least the organisations of labour, have not, or could not, give that attention to the Bill which it deserves. Sir, I do not blame the organisations of labour. After all labour in India is illiterate and ignorant. Moreover, Sir, although there are some people like my friend Mr. Chaman Lall and others who are sometimes ready to help them, still I do feel that the cause of labour is not yet supported by those people who understand the law well. Sir, if the case of labour had been championed by a man like Mr. Jinnah, by a man like Mr. Rangachariar, it would not have been necessary for me to ask for more time. Sir, I feel that during the time at my disposal, I have not yet been able to make up my mind as to the soundness or otherwise of this measure. I feel that the responsibility on me on this occasion is special. It was my humble self who moved a Resolution in this House asking for a sound trade union law on the English model. The Government of India state now that the present Bill is the result of that Resolution. Sir, I do not wish to go as far as the famous proverb and say that we wanted bread and are given a stone. I do not go as far as that. But I state that I wanted bread made of clean English flour, and I am given bread mixed with stones, if not made of stones. I feel, Sir, therefore that we should not hurry the consideration of this measure.

The Bill before us contains certain principles which affect vitally the interests of Indian labour, especially their freedom. The first point to which the Honourable Member in charge of the Department of Industries and Labour referred was about the compulsory or voluntary nature of registration. Sir, the Government of India have decided upon the voluntary nature of the registration, but after reading all the provisions, I feel that, although the Government of India have not accepted compulsory registration in name, they have so framed their Bill that it would be difficult for people not to register their unions. This is perhaps the effect of the pressure which some of the Local Governments and a large number of the bodies of employers in this country have exercised upon the Government of India. Sir, I cannot imagine any British Government introducing compulsion for the registration of trade unions. Nobody would tolerate the idea of compulsion in this matter in England. But, Sir, those of us who have been observing how the Government of India at present are being led by the capitalists in this country, both European and Indian, will not be surprised that although the Government of India could not, being a British

Government, introduce compulsion in the matter of registration in name they have tried to do so by so arranging their Bill in practice. Sir, I know that the employers' organisations want compulsion; but, Sir, the Honourable Member in charge of the Department of Industries and Labour has explained the implications of compulsory registration. When you say that a trade union should be compulsorily registered you imply that, if a few workmen start an association to protect their interests and if they do not register that association, that body becomes an illegal body and Government must suppress it. I know, Sir, that the Government of India did pass certain legislation to suppress some organisations. The law is known popularly as the law of Samitis; but, Sir, even in that law although Government have taken power to suppress those bodies, before Government can suppress these organisations they have at least to declare that these bodies are seditious and anarchical. But when people seriously ask Government to compel associations of the working classes to register themselves they want these associations of the working classes to be suppressed without any fault of theirs. Sir, is that a law which any people in India should ask their Government to pass? Sir, we have heard long discussions in this House about freedom—freedom of organisation and personal freedom. I want to know, Sir, from any Member of the House what they think of those people who ask the Government to pass a measure making any organisation of the working classes, making a trade union of the working classes, an illegal body to be suppressed if it does not consent to registration. It may be said that if a body registers there is no illegality about it, but if a body does not choose to register itself why should it be made an illegal body and suppressed? Sir, in my speech later on I shall point out the difficulties in the way of registration. Just at this stage it is sufficient for me to say that there may be people who may not like to register their associations, but, Sir, only for that reason no organisation, no association, should be considered illegal and therefore fit to be suppressed. I am very sorry, Sir, that the organisations of employers in this country should have made that proposal. I do admit that this proposal has come both from European employers and from Indian employers. As far as the European employers are concerned, Sir, I must say that I am not much surprised; they do not very much care for the freedom of the people of this country. But what about those organisations which have a majority of Indian members such as the Mill-owners' Association of Bombay, the Mill-owners' Association of Ahmedabad, the Indian Merchants Chamber and Bureau and such others. Sir, these organisations consist of Indians and they ought to have known that if a law of this kind is to be passed there is hardly any freedom left for the working classes in this country. I was therefore surprised—I was shocked—to see some organisations of Indian employers making a proposal to the Government of India seriously that any organisation of the working-classes if it does not register itself should be considered an illegal body. Sir, are these the people for whom this House should show so much solicitude as to lose a large amount of revenue by removing the excise duty? Are these the people for whom this House should ask the people of this country, the common people of this country, to make large sacrifices? Why should the masses of the people of this country be asked to make sacrifices, for the sake of people who would go to the Government and ask them to pass a law requiring that if the working classes do not register their organisations, their organisations will be considered illegal and therefore fit to be suppressed?

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Which clause in the Bill says that?

Mr. N. M. Joshi: I have clearly stated that Government have not accepted their proposal. These are the proposals made by the organisations of the employers. If you read their opinions which are given in this volume you will find all this. Sir, there seem to be some doubts in the minds of some Honourable Members. For their information I will read only a few lines

Mr. M. A. Jinnah: My question, Sir, to the Honourable Member was which clause in the Bill does he refer to which is intended to suppress trade unions if they do not register and they are compulsorily registrable?

Mr. N. M. Joshi: Sir, I am talking of the proposals which the organisations of employers have made to Government. The Honourable Member in charge referred to these proposals. He pointed out that the Government of India have not accepted these proposals. Now, my object in mentioning them is this that the Government of India have not nominally accepted the proposals of the employers but they have so framed the Bill that registration will become compulsory for trade unions. (*Voices: "No."*) If Honourable Members will have some patience and allow me to finish my speech, Sir, with my humble abilities I may be able to point out how registration will become practically compulsory.

Sir, it will be my duty now to point out how registration will become compulsory. In the first place, the Government of India have placed a number of restrictions in the matter of registration. If a union requires registration it has to accept certain restrictions. The union must accept a restriction that its funds will only be spent for the benefit of its members. Sir, in a trade union movement some unions wish on some occasions to help other unions in their difficulties. If you make a restriction that the funds of the trade union should be spent only for the benefit of members of that trade union, the funds of that trade union can never be spent in helping other trade unions. Then, Sir, some trade unions may like to get representation in the Legislature and they may put forward candidates and may like to spend some of their money on the elections of these candidates. But, Sir, if a trade union uses a portion of its money in assisting another trade union which may be in difficulties, or if a trade union spends a small portion of its money on the election expenses of its representatives either in the legislatures or in the municipality, that trade union will not be registered or, if it has been already registered, its registration will be cancelled. Now, Sir, it is possible that a large number of trade unions in

12 NOON. India may not like to get themselves registered with these restrictions. Personally I feel that a trade union is not worth having if it cannot help another trade union when it is in a difficulty. A trade union will not be worth having if it cannot fight an election on behalf of its members. Now, Sir, it is clear that the Government of India have made registration very difficult. They have not only made registration very difficult, but what they have done is that if a union does not register itself under these restrictions it will not get immunity from the law of conspiracy. Sir, if you pass a law that, unless a trade union is registered, it will not get immunity from certain portions of the civil and criminal law, and the unions which are not registered suffer severe consequences from want of registration, I feel that you are making registration compulsory.

Now, what is the immunity given to the registered trade unions by this Bill? The registered trade unions will be made free from the criminal aspect of the law of conspiracy. The Bill provides that they will be free

from section 120-B. of the Indian Penal Code. If two or three or four labourers combine together and go on strike and if that causes some loss to the employers which it is bound to cause, then their action becomes a criminal conspiracy because any action which is in restraint of trade is an illegal act and the law of conspiracy comes into operation if more than one man combines to commit any illegal act. Clause 16 of the Bill gives immunity to registered trade unions from this law. Therefore, if some trade unions do not register themselves, naturally they will not get the advantage of this immunity. The members of an unregistered trade union will be considered to be guilty of conspiracy and will be punished as criminals if they go on strike or do anything which may cause loss to the employers. Sir, this will be the consequence of any union not getting itself registered.

Sir, in our country not only might very few unions like to get themselves registered, but there are very few unions at present. What is to become of those people who have no unions at all? There are very few industries in which there are strong unions of even any unions at all. In the case of those industries, if a few people combined and went on strike or did something which might cause loss to the employers they will be hauled up before a court as criminals for conspiracy and punished. This, Sir, is the consequence of clause 16 of this Bill. By restricting the immunity from the conspiracy section, namely, section 120-B. of the Indian Penal Code, it practically creates a presumption that in the case of those who go on strike or take part in a trade dispute without forming a union or even in the case of those who form a union but do not get themselves registered, their action is liable to be construed into a criminal conspiracy. They may be misled, but they may not be misled also. (*A Voice*: "Is it so to-day or not?") To-day I do not know what the position of the law is. But I know this much, that if you pass a law saying that only the members of a registered trade union will be immune, there will be a presumption, a very clear presumption and an implication, that the members of unregistered trade unions and those people who have not got any trade unions at all will not be immune from the law of conspiracy. Sir, it is not necessary for me to know what the present law is. I therefore feel, Sir, that if we accept the Government of India's suggestion to restrict the immunity as contained in clause 16 only to the members of registered trade unions, they make registration absolutely compulsory. This is not really what I wanted when I asked the Government of India to pass a sound trade union law. Moreover, Sir, the Government of India have adopted this clause 16 on the model of a law which was passed in England in the year 1875, about fifty years ago. But, Sir, English law has now progressed. In England they passed a law in the year 1906, not only giving immunity to the trade unions from the criminal sections of the conspiracy law, but even from its civil liability also. Sir, that section is section 1 of the Trade Disputes Act of 1906. That section runs as follows:

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute, not be actionable, unless the act if done without any such agreement or combination would be actionable."

Sir, the Government of India do not make any mention of this provision. Evidently, the Government of India do not want to give immunity from civil liability in the matter of trade disputes even to registered trade unions. They have given immunity from the law of conspiracy as far as its criminal

[Mr. N. M. Joshi.]

liability goes to registered trade unions. (*Mr. A. G. Clow:* "What about clause 17 (1) ?") Sir, clause 17 (1) is something different. I shall come to that. Section 1 of the English Trade Disputes Act of 1906 does not refer to any trade unions. It lays down a general principle of law that if an action done by one man is not actionable it will not be actionable simply because it is done by two or three people in combination. That provision does not find a place in the Government of India Bill at all.

Then, Sir, the Government of India have given certain immunity to the members of the registered trade unions where the members induce some other members to break their contract of service or to do something which may be in restraint of trade. Sir, that is the clause to which my friend Mr. Clow referred. Now, Sir, in that clause immunity is given only to the members of the registered trade unions and their officers, but, Sir, the section from the English Act which I mentioned has nothing to do with the trade unions. It is a general statement of the law that if two or more people do something in combination, the fact that they do that thing in combination, should not make their action illegal, if the action will not be regarded as illegal if done by only one man. Sir, that law is not clearly stated in the Government of India Bill, and I would like the Select Committee, when the Bill goes before it, to insert that section.

Then, Sir, the Government of India have given certain immunity to the members of the registered trade unions if they induce some people to break a contract of their service or do something which may not be to the interest of the trade or some people. So far as the clause goes, it is a good thing. But, Sir, here again the immunity is restricted to the members of the registered trade unions. If some trade unions do not get themselves registered and if somebody gives advice to the members of the trade union to go on strike, Sir, they will not get that immunity. I have already pointed out that it is not very easy for trade unions to get themselves registered. You place difficulties in the way of trade unions in getting themselves registered by putting restrictions and then give immunity only to the members of the registered trade unions. Sir, it is not a fair way of dealing with the working classes of this country.

Then, Sir, the Government of India have also given immunity to the funds of the registered trade unions from the consequences of the acts of the officers or members of such registered trade unions. Now, Sir, although the Government of India have given a certain amount of immunity to the registered trade unions, the Government of India have unfortunately shown a hesitating spirit and have not gone as far as the framers of the English legislation. In the English legislation the trade unions are freed completely from the law of agency. If an officer of a trade union does something, its funds will not be touched on account of the action of its agent. Sir, to some people this immunity from the consequences of the law of agency appears to be unreasonable. But, Sir, those who know what a trade union is will recognise that such an immunity is absolutely necessary. A trade union sometimes consists of 5,000 members, sometimes it consists of even 10,000 members. Sir, it is not possible for every member of the trade union to be responsible for the action of its officers. Recognising this principle, the English trade union law gives complete immunity to the trade union from civil liability for the actions of its agent. Sir, it may be asked, how are the acts of the agents of the trade unions to be controlled? My reply to that is, if you want to control the actions of the

officers of the trade unions, you can always proceed against them in the usual way. If the act of an officer renders him only liable for civil damages, you can recover those damages from him; if his act is a criminal act, you can always prosecute him in a criminal court. But, Sir, the English law has recognised that it is wrong to hold a trade union responsible for the acts of its agents. Moreover, Sir, the object in giving complete immunity from the law of agency in England was that they were anxious to have a very simple law. They wanted to avoid litigation. That was one of the objects why in England they gave complete immunity to the trade unions from the consequences of the actions of their agents. Furthermore, Sir, this immunity which is given to the trade unions from the consequences of the acts of their agents has been in existence from the year 1906, and so far, no evil consequences have followed in England. Practical experience has shown that the legislation which was passed in the year 1906 is sound legislation. That legislation has avoided litigation. It has, I may also say, avoided the bitterness of feeling between the employers and the employed.

Sir, I know there are many English people who do not approve of this legislation. I know also, Sir, that there are many people in this House who are against it. But, Sir, this legislation, I mean section 4 of the Trade Disputes Act of 1906 in England, has been considered by many people outside England. An American Commission consisting of independent people as well as representatives of labour and employers went over to England to examine the English law. That Commission, at least that part of the Commission which represented the independent people and the labour representatives, has advised the American people that they should have legislation on the lines of the English Trade Disputes Act of 1906. Therefore, Sir, I feel that, if we are going to have any trade union law in India, it should completely follow the model of the English law. I know, Sir, there are many Englishmen in India, who, although they are very proud of England and everything English, are sometimes ashamed of English legislation, especially if it is to be applied to Indians. Sir, I appeal to them not to take such a narrow view of English traditions, of English legislation, and of the English idea of freedom. Let them retain the real English idea of freedom even in India; let them have some broadness of spirit; let them not be content with having that English freedom for themselves alone; let them be ready to extend that freedom to Indians as well. I feel, therefore, Sir, that this legislation requires serious consideration, and I therefore do not like that this Bill should be rushed through. There are many other provisions in this Bill which require modifications, but, Sir, I shall not refer to them just now. I appeal to this House to pass the Trade Unions Bill, in a form which will conduce to the freedom of the working classes in India. But if the House and the Government of India do not consent to give to the trade unions and the working classes in this country the same trade union law as exists in England, it will be a matter of serious consideration to me whether at least I should support or not this legislation as it is.

With these words, Sir, I thank you very much for giving me such a long time.

Mr. A. G. Clow (Industries Department: Nominated Official): I was grateful, Sir, to my Honourable friend, Mr. Jinnah, for his interruption; because, whereas formerly my Honourable friend, Mr. Joshi, had been

[Mr. A. G. Clow.]

speaking in parables, he then came to his fundamental objection to a root principle of the Bill. That is the principle that the privileges and the obligations of the Bill should be confined to registered unions. I gathered from Mr. Joshi's speech that he did not merely want the privileges to be given to unions, both registered and unregistered. He wanted to extend those privileges to groups of men—to two or three labourers going on strike—who do not form a union at all. Four years ago his Resolution asked for the registration and for the protection of trade unions, and I do not think this House should be called upon to consider at this stage whether any general amendments in the law of criminal conspiracy are desirable or not. It may be that little groups of labourers do not receive fair treatment under the law. If that is so, it is perfectly open to this House, to Mr. Joshi, to bring forward a Bill to amend the law in that respect. But at present, Sir, we are discussing trade unions and I suggest that the discussion should be confined to that subject.

To come down to the difference on the point of trade unions, it has been perfectly clear from the beginning that the Government of India proposed to confine the privileges to registered unions. That was stated unequivocally in their circular letter published in August last. "Unregistered unions" they added "will be left both as regards privileges and obligations in their present position". Now, Mr. Joshi suggests that we should include in those privileges unregistered unions. I am not going to say for a moment that that is a futile suggestion. The point is one which we could, if necessary, argue at great length. I recognise that there are cogent arguments on both sides. But I do suggest to the House that there is no need to go into this question just now for a very simple reason. Mr. Joshi said that the Bill does not represent what he wanted. I wonder whom he was speaking for. I have gone carefully through the opinions received from the trade unions in this country, and more especially the labour unions, and I cannot find any opinion that favours the suggestion which Mr. Joshi has made to you this morning. I look up the Social Service League, a body in which Mr. Joshi has a well deserved influence and of which he is indeed one of the leaders, and find:

"The League's Committee at the outset desire to express their satisfaction at and general agreement with the principles and standpoints embodied in the provisional views of the Government of India as set forth in their letter."

I look up the All-India Trade Union Congress and I find that they say in their letter of 18th December last:

"This Council is in agreement with Government inasmuch as the Trade Unions Bill provides for the optional registration of unions . . ."

It then goes on to discuss certain details and the letter concludes:

"On the whole my Committee welcomes the Bill and hopes it will pass through the Legislature as soon as possible."

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan):
What about paragraph 3 of that letter—the last three lines?

Mr. A. G. Clow: Paragraph 3 relates to the narrowing of clause 17 (2) of the Bill

Mr. Chaman Lall (West Punjab: Non-Muhammadan): Sir, may I, with your permission, ask the Honourable Member to recall a previous recommendation sent by the All-India Trade Union Congress to the Government of India through the Government of Bombay? Will he read that?

Mr. A. G. Clow: I am quite aware of that. The previous letter discussed the whole question at great length. It was a very able letter; I should not be surprised if it emanated from the pen of my Honourable friend. My point is this, that the Government of India, having considered all the letters, placed the present proposal before the country, and that the Trade Union Congress say that they endorse the proposal.

To come back to the first interruptor. Paragraph 3 of the letter to which he referred says:

“ My Council however regrets that the scope of the protection is greatly narrowed down by section 17 (2) of the Bill.”

That refers to the fact that clause 17 (2) of the Bill which relates to the law of agency does not reproduce the principle of section 4 of the Trade Disputes Act of 1906 in England. I am aware that it does not. The question of how far it should go in reproducing that modification of the law of agency is one for the Select Committee to consider. But that paragraph does not in any way suggest that the whole Bill, or the main privileges of the Bill, should extend to unregistered and registered trade unions alike.

Now, I gathered from something which fell from Mr. Joshi that he wanted to suggest to the House that these trade unions, who, as I have said, unanimously endorse the Bill as far as this principle goes, were composed of rather unlettered men who possibly had not sufficient time or sufficient knowledge to discuss the Bill. I ask the House if this is so. These letters are written in several cases by able lawyers, by men whom I honour for what they are doing, by men who have had much more to do with the law than either Mr. Joshi or myself. Can the House really accept the argument that these letters are written, if not by unlettered Bombay mill hands, by men who are not far removed in education from them?

I ask the House to affirm this principle of the Bill. In conclusion, there is no question, it seems to me, of giving more time to the Select Committee on this ground because, if the Bill goes to a Select Committee, this principle, which is a fundamental principle of the Bill now before the House, will already have been affirmed.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I desire, Sir, to express in a general way my satisfaction that this Bill has been introduced. I desire to express my satisfaction that the Government have been pleased to make adequate response to a Resolution of this House. I am glad, therefore, that the Bill before us has been brought in and that we shall have the opportunity of discussing in detail the provisions of this Bill. Looking over it cursorily, it strikes me that there are various provisions that may require to be amplified. I may, for instance, mention for the time being clause 15 of the Bill, which relates to the objects on which the funds of registered unions may be spent. It appears to me that the various heads on which, as at present laid down, funds of registered unions may be spent, are not quite satisfactory. That

[Mr. M. K. Acharya.]

clause will have to be amplified. For instance, I do not see any provision here that registered trade unions can expend any portion of their funds on furthering their general objects or their general rights and privileges as trade unions. It is quite possible in course of time the members of trade unions in a province may like to have representation upon the Legislative Council of the province. It is quite possible that they might like to spend some portion of their funds in putting up their own candidates for the Councils or in helping others to get into the various Councils; but obviously, if any portion of the trade union funds were spent on such a purpose, it might be considered as having been unlawfully spent; and the registration might under clause 10 be cancelled. This clause seems to me to be very stringent. It says that if the Registrar is satisfied that the trade union is wilfully contravening any of the provisions of the Bill—and it will be contravening the provisions of this Bill if any portion of its funds were spent upon any such purchase as I have referred to above—then he can cancel the registration. Or again, I may give another instance. Supposing a trade union wanted to contribute to a big all-India conference of similar trade unions. That will not come under any of the provisions of clause 15. Similarly it strikes me that Chapter V—Penalties and Procedure—will have to be very carefully considered and scrutinised in the Select Committee. All the same, I wish just at this moment to express my satisfaction that something has been done and that a start has been made, and I hope that in the Select Committee the matter will receive very careful consideration. I cannot understand, Sir, the object which has led the Honourable Mr. Willson to bring forward his amendment that this Bill be referred to a Joint Committee of both Houses. I am yet to know in the history of the world that capitalists are generally in favour of furthering the formation of trade unions or of securing for labourers all the rights and privileges which the capitalists themselves enjoy. As has already been said, it is our business in the first instance to scrutinise this Bill carefully, and to see if it does carry out the intentions of those who wish that there should be a Trade Unions Act. We may take it that the Council of State will exercise its own judgment in the matter when it goes up to them. I believe it is premature that we should bother ourselves about these wisecracks who are not primarily bettering the lot of labourers particularly, not at least in the same degree as we are. I therefore wish to give my general support to the Bill that has been introduced and to oppose the motion that has been brought by Mr. Willson.

Mr. Chaman Lal: Sir, I regret to find that the Honourable Mr. Willson has raised this question of referring the Trade Unions Bill to a Joint Committee of both Houses. I regret it for this reason. The political atmosphere of this country is surcharged with communal bitterness. The latest convert to that is my Honourable friend over there. He has read out a list of the Members of the Select Committee apportioning the merits to the various classes: lawyers, labour leaders and capitalists. That, Sir, I submit, is not the way to look at this matter at all in this House when a Select Committee is being formed. You should look at Select Committees as representative of this House and not from the point of view of class or communal interests. I do not see any reason whatsoever why we should have a Joint Committee unless my Honourable friend over there is convinced that the Honourable Members of the other House are incapable of discussing

this matter without the help of Honourable Members of this House (Laughter.) If they need enlightenment we are quite prepared to afford them that enlightenment (Laughter) but not in the manner suggested by the Honourable Member over there.

Sir, the second point that I want to refer to is that raised by my Honourable friend Mr. Joshi. He has pointed out, and very cogently pointed out, that it is absolutely necessary that we should not restrict legislation to those unions only which are registered, but leave the question of registration free and unfettered as it is in Great Britain. In England, as you are aware, Sir, there are three classes of trade unions, those that are registered, those that are unregistered and those to which the Registrar issues on application a certificate. All three classes of trade unions have certain privileges and rights, but the two classes, namely, those that are registered and those which obtain a certificate from the Registrar are specially privileged in so far as the law of trade unions applies to them alike. Are you going to prevent Indian trade unions which are growing, which are increasing day by day, which come into being under certain circumstances, which are purely fortuitous, from enjoying the privileges which are enjoyed by trade unions in Great Britain? By applying your law merely to trade unions which are registered you are hampering the growth of trade unionism in this country. No doubt there are certain advantages which you offer to registered trade unions, but nevertheless, there are times in the history of trade unions in this country, as every one of us who is familiar with the growth of trade unions knows, when it is absolutely impossible for a trade union to be so organised as to be in a position to apply for registration to the Registrar. Therefore, Sir, I do believe that it is absolutely necessary that you should so apply your law that it leaves the growth of trade unionism absolutely free. The privileges that you are giving should be applicable not only to registered trade unions but also to those unions which are not registered but which obtain a certificate from the Registrar. That provision I find is not inserted in the Bill. I do hope that in the Select Committee it will be advanced.

The history of this legislation is very interesting. If you go back to the year 1920 you will find that when I and my colleagues organised the first Trade Union Congress in Bombay, it was during the session of that Congress that we really advocated the passing of legislation of this nature. Subsequently we found that pressure put upon the Government was likely to be effective. So we through Mr. Saklatvala's good offices organised a deputation in London on behalf of the Workers' Welfare League which saw the late Mr. Montagu, and I believe he promised that legislation on the lines now introduced would be taken in hand at an early stage. Then it was that the debate took place in this Assembly where we made very sapient remarks about trade unionism and so forth. But nothing came of that debate except the promise to which Mr. Joshi has referred that legislation would be introduced at an early stage. Then came the pronouncement of His Excellency the Viceroy also to that effect. My contention is that you are pledged to the principle of this legislation. Under Article 427 of the Peace Treaty every subscribing nation is pledged to the recognition of the right of association. You cannot go back on that. That right is inherent and it is because that right is inherent that we are claiming that you should introduce this legislation. There is another fact, namely, the Wadia judgment, which has forced the hands of the Government and forced the hands of those who were interested

[Mr. Chaman Lall.]

in the subject. That judgment meant that there was only one course for the Government and that was to introduce trade union legislation at an early stage. I am in entire agreement with my friend over there in welcoming the principle of this Bill. We are no doubt more than half a century behind the times. The principle which we are advocating to-day was recognised in Great Britain in 1871 by the Trade Union Act of 1871. There are people who say that we must march carefully and cautiously. Conservatism, moderatism and caution are their watch-words. But, Sir, if conservatism means putting the horse of action behind the cart of progress, then I make a present of that to my friends who advocate it. But caution does not mean that we must be half a century behind the times. Let us be cautious in wording our Bill by all means. But let us not be behind the times. The time is past, Sir, when objections on the basis of principle could be raised to legislation of this kind. You are all committed to it. We find the whole world marching with this legislation in hand while India is the only country among the civilised countries of the world which does not boast of such legislation on its Statute-book. The details of the Bill are a different matter. Details have got to be examined most carefully. I find no mention in the Bill which the Honourable Member is introducing of any reference to the protection which, under Indian conditions, it is necessary must be afforded to workers. In England it is not necessary to introduce any legislation which makes it incumbent upon an employer not to victimise his employee merely because he happens to be a member of a trade union. But here we find, time and again, whenever we have formed a union, that the workers, simply because they happen to be members of a union, are victimised by the employers. If you are asking that this Bill should go through, you should recognise the position of trade unions, you must introduce some sort of provision in the Bill making it incumbent on the employers to recognise them in a manner which would prevent further victimisation of their employees. Then again, the greatest sinner in respect of another matter has been the Government of India. The Government of India by certain rules and regulations decided to forfeit the benefits accruing to these workers if they happened to go on strike. There was a very big case only in 1920 when the railway workers of the North-Western Railway went on strike. You have to prevent it now because under the provisions of this Bill you are really legalising strikes. I need not mention the question of picketting because, under the law as I understand it in India, picketting is perfectly legal. It is a recognised right of workers and there is no law I am aware of which prevents workers in this country from picketting.

Mr. K. Ahmed: If it is to the interests of labour.

Mr. Chaman Lall: As usual, my Honourable friend has made a very intelligent remark! It has absolutely no reference to what I am now saying. But the main question I wish to deal with is the question of civil and criminal liability and I want my Honourable friend, Mr. Clow, and the Honourable Member in charge to read carefully the sections of the British legislation on this subject. As far as civil liability is concerned, you have sections 3 and 4 of the Trade Disputes Act. Section 3 of the Trade Disputes Act reads as follows:

“An act done by a person in contemplation or furtherance of a trade dispute shall not be actionable on the ground only that it induces some other person to break a contract of employment or that it is an interference with the trade, business, or employment of some other person, or with the right of some other person to dispose of his capital or his labour as he wills.”

Together with that I want to read to you section 4 which is a very important section:

"An action against a trade union, whether of workmen or masters, or against any members or officials thereof on behalf of themselves and all other members of the trade union in respect of any tortious act alleged to have been committed by or on behalf of the trade union, shall not be entertained by any court."

I want to draw the attention of the House now to clause 17 of the Bill as proposed by the Honourable Member in charge. It reads as follows:

"No suit or other legal proceeding shall be maintainable in any Civil Court against any registered Trade Union or any officer or member thereof in respect of any act done in contemplation or furtherance of a trade dispute to which a member of the Trade Union is a party."

This last sentence has been introduced in order to restrict the scope of the provision as contained in the Trade Disputes Act, 1906. Further it goes on:

"On the ground only that such act induces some other person to break a contract of employment, or that it is in interference with the trade, business or employment of some other person or with the right of some other person to dispose of his capital or of his labour as he wills."

You are perfectly well aware that in big combinations of trade unions it is possible for any one member of a trade union to try and induce the members of other unions to stop work, to break their contract of work, and this would penalise, in cases of amalgamations of unions, members of one particular union if they go and induce the members of another union to break their contract of service merely because they do not happen to be themselves involved in that trade dispute. Again, you find in sub-clause (2) of the same clause:

"No suit or other legal proceeding shall be maintainable in any Civil Court against a registered Trade Union in respect of any act done in contemplation or furtherance of a trade dispute by any person acting on behalf of the Trade Union, if it is proved that such person acted without the knowledge of, or contrary to express instructions given by, the executive of the Trade Union and that the executive has repudiated such act at the earliest opportunity and by all reasonable means and with reasonable publicity."

This is a very pompous clause added on to this Bill. It is absolutely diametrically opposed to the spirit of British legislation on the subject. In Great Britain under the Trade Disputes Act the right is absolute as far as tortious acts are concerned. Here you have hemmed it in with all sorts of qualifications. Then I come, Sir, to the question of conspiracy. If you look at the English law on the subject you will find it laid down in the Conspiracy and Protection of Property Act, 1875. In section 3 you have:—

"An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be indictable as a conspiracy if such act committed by one person would not be punishable as a crime."

What is it we find in the Bill as proposed by the Honourable Member? We find in clause 16 of the Bill:

"No officer or member of a registered Trade Union shall be liable to punishment under sub-section (2) of section 120B of the Indian Penal Code, in respect of any agreement made between the members for the purpose of furthering any such object of the Trade Union as is specified in section 15, unless the agreement is an agreement to commit an offence."

Again there is the question of including political objects. Without such inclusion the Bill is not worth having. What we are aiming at, Sir, is this,

[Mr. Chaman Lall.]

that you should approximate your Bill to British legislation on the subject. We see no reason why you should remain behind. We see no reason for this need for caution, as expressed by the Honourable Member, in the provisions of the Bill. It is no caution, it is reactionarism. You are reactionary in providing those alleged safeguards which in reality are no safeguards at all. I want you to take the most modern legislation on the subject and bring it into force in India because you have already delayed legislation of this nature for long. It is not right therefore that you should hem it in with all sorts of qualifications and limitations. I want specially to appeal to the representatives of the employers in this connection. They know perfectly well that sooner or later legislation of this type has got to be placed on the Statute-book. Opposition at this stage which would result in limiting the provisions of the Bill will be of no avail in the end. You may do so now for six months, one year or two years, but the time is bound to come when all the difficulties that have been boldly faced by the British legislators on this subject will have to be faced in this country.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): *As far as I see, the House is in favour of the principle of this Bill. I am strongly opposed to the amendment of my Honourable friend, Mr. Willson. Mr. Willson evidently is of opinion that if he can get the Members of the other Chamber probably the interests of those who are opposed to this Bill would be better safeguarded. We want, Sir, this Bill to go through this House and take its normal course and I was rather surprised that Mr. Willson should have gone to the length of saying that there were so many lawyers on the Select Committee. Sir, lawyers are only appreciated when people are in distress. If Mr. Willson ever comes under that category I am sure he will employ the best lawyer he can get in India and then he will realise how useful a lawyer is. When you want to avoid the judicial search-light you say you do not want lawyers. Sir, I listened to the speech of Mr. Chaman Lall and Mr. Joshi and I feel this that they both recognise that the Government have taken the initiative in the right direction and I hope that when this Bill emerges from the Select Committee it will satisfy even my Honourable friends Mr. Joshi and Mr. Chaman Lall. But I want to draw the attention of the Government to this fact that the motion of the Honourable Member is that the Select Committee should report within a fortnight. I feel that that is too short a time as various questions may arise in the Select Committee which may require very careful consideration of the various clauses, and I feel that the Select Committee may not be able to make a report within a fortnight. Therefore, Sir, I move that no period should be fixed and that it should be left to the Select Committee to report as soon as possible. That is to say, I move an amendment that the period should be dropped.

The Honourable Sir Bhupendra Nath Mitra: I am rising to deal with Mr. Willson's amendment. Personally, I should have been glad to get the co-operation of the Members of the Council of State on the Select Committee which will be appointed to deal with the Trade Unions Bill. I see, however, Sir, that there is a certain amount of opposition to Mr. Willson's proposal in this matter. So far as Government are concerned, there will also be a certain amount of practical difficulty in the acceptance of the amendment. Mr. Willson has himself observed that the acceptance of the amendment will lead to a very large number of men being appointed to this Joint Committee,

* Not corrected by the Honourable Member.

but he expressed the opinion that this might not be undesirable in connection with a measure of such importance. I shall, Sir, read out for his information a Resolution which was adopted by the Council of State in connection with the Joint Committee over the Workmen's Compensation Bill. The relevant part of that Resolution runs as follows:

"That this Council do convey to the Legislative Assembly an expression of its opinion that a Joint Committee shall not ordinarily consist of more than 14 members."

Mr. W. S. J. Willson: Ordinarily.

The Honourable Sir Bhupendra Nath Mitra: Yes, but the Resolution was in connection with the Joint Committee on the Workmen's Compensation Bill itself. The reason why Government themselves wanted a Joint Committee on the Workmen's Compensation Bill was this. The Bill was prepared in consultation with certain Members of the Council of State. Sir A. C. Chatterjee himself was in the Council of State and Sir Alexander Murray, who helped in the drafting of the Bill before it was presented to this House, was also in the Council of State. That I understand was the reason why Government wanted and proposed a Joint Committee on that occasion. In view of the opinion which has been expressed in this House, and also of the practical difficulties in giving effect to Mr. Willson's wishes, I am sorry, Sir, that Government cannot accept the amendment.

Mr. President: The original question was:

"That the Bill to provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, be referred to a Select Committee."

Since which an amendment has been moved:

"That the Bill be referred to a Joint Committee of both Chambers."

The question I have to put is:

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

The motion was negatived.

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

"That the words 'with instructions to report within a fortnight' occurring in the motion regarding the Indian Trade Unions Bill be deleted."

I have already explained the reasons why I make this motion. I do not want the consideration of the Bill to be hurried on. There are certain clauses in this Bill which require mature consideration from the point of view of the working classes. There is no doubt that the Bill was circulated and several organisations of the working classes have expressed their opinion. But, Sir, I do feel that the attention of these organisations has not been drawn to some aspects of this Bill. Sir, my Honourable friend Mr. Clow pointed out that organisations with which I am personally connected have stated in their letters that they have considered the Bill fully. I do admit that those organisations have stated that. I am personally responsible for this statement. But I believe that it is possible for men, especially for men like myself who do not understand law very well, to feel at one time that they had fully considered a measure but afterwards when they have read the Bill again to find that they have not given sufficient consideration to it. Sir, that was the case at least with me. I admit that such a statement coming from me is damaging to my reputation as a public servant. But some times it is preferable to have that charge levelled against us rather

[Mr. N. M. Joshi.]

than that the interests of the people whom we represent should be damaged. I therefore prefer the charge that I did not give sufficient attention to this Bill long ago to the charge that I sacrificed the interests of the working classes in order to save my reputation. So, while I admit the charge that I did not study the Bill carefully some time back, I feel that the Bill requires further consideration.

Sir, with your permission I shall only say one word as to what fell from my Honourable friend, Mr. Clow. He says that when I
 1 P.M. want the immunity extended to the registered unions to be given to unions which are not registered and even to groups of people who do not form a trade union, I am asking for something for which I ought not to ask on the discussion of this Trade Unions Bill. Sir, I did that because I know that sections dealing with the general criminal law and the general civil law have found a place in the English Trade Union law. Sir, while reading as a matter of curiosity certain volumes of Hansard, I found that in these discussions on the Trade Union Bill a gentleman had taken a part and had taken a prominent part who is in very high authority in India at present, I mean Mr. Rufus Isaacs. He discussed the very section which I have discussed here in this House on the Trade Union Bill. (A Voice: "A lawyer.") There was nobody in the House of Commons in those days (A Voice: "A lawyer") to tell him that such a section ought not to be discussed while discussing the Trade Union Bill. Sir, Mr. Asquith took part and defended these sections in the House of Commons.

Mr. President: The Honourable Member is getting far away from the time limit.

Mr. N. M. Joshi: I do not wish to say anything more on this subject. I only wanted to say that the consideration of the general civil and criminal law is relevant while considering the Trade Union law. I feel, Sir, that the House will accept my suggestion that the words "with instructions to report within a fortnight" be deleted.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I believe that the Honourable Industries Member would not have much difficulty in accepting this amendment moved by Mr. Joshi. I should think that the only reason why he put in the limit of a fortnight for the Report of the Select Committee was in order to get the Bill through this session of the Assembly and of the Council of State, and if after acceptance of this amendment my Honourable friend, Mr. Joshi, finds that the Bill has not progressed through the Legislature as quickly as he would like it to do, I am sure he would not put the blame at the door of the Honourable Member. (Mr. N. M. Joshi: "No, Sir.") But Sir, my main reason for rising to speak on this is in reference to a few remarks that fell from Mr. Joshi. He seemed to quarrel with a part of the opinion expressed by certain Indian Associations concerned in industrial and commercial matters in connection with the reference to them by Government of the Bill. If only my Honourable friend had read out the relevant portions with which he appeared to disagree so very much, I am sure I should not have had the necessity of getting up here to say a few words in defence of those Associations which he chose to run down. Sir, all that these various two or three Associations, which I am sure must be in the mind of Mr. Joshi, said was that they would like these privileges and in fact the recognition only to be extended to registered Unions. I would very much . . .

Mr. President: The point is not in order on an amendment which limits the discussion to the question of the time limit. The Honourable Member can raise it on the original motion, when this has been disposed of.

The question is:

"That the words 'with instructions to report within a fortnight' be deleted."

The Honourable Sir Bhupendra Nath Mitra: Sir, on behalf of Government I am willing to accept Mr. Joshi's amendment. In fact the words which he proposes to delete were put in in my motion because there is a considerable anxiety on the part of the House that this measure should become law as quickly as possible. I have before me a number of questions asked in this House about the progress made by Government with this Bill. As, however, the House has no objection to taking six months or more over the detailed consideration of the Bill (*A Voice*: "No, no.") Government have no objection to accepting the amendment proposed by Mr. Joshi.

Mr. Chaman Lall: I want to make it perfectly clear, Sir, that we do not suffer from any disability in considering this Bill. All that we ask the Honourable Member to do is this. There is a session of the All-India Trade Union Congress at Bombay on the 15th of February, and my friend over there, myself and several other Members have a mind to attend that session. Because of that we are asking the Honourable Member to give us a few more days for the consideration of this measure in the Select Committee. We are not asking him to postpone the consideration of the measure for six months. That is not what we want.

Such a course in my personal opinion would be dangerous.

The Honourable Sir Bhupendra Nath Mitra: Sir, if I may say so, the cat is now out of the bag. It seems that some Honourable Members of this House do not consider the work of this House to be quite so important as work elsewhere. Anyhow on behalf of Government I have accepted the amendment and from the point of view of Government there is nothing more to be said.

Mr. N. M. Joshi: In view of what the Honourable Member has said on the question, Sir, I must state that, as far as I am concerned, I do not want the consideration of the Bill to be held up for the reason suggested by him. No doubt I am going to Bombay, but that is not the main reason why I have moved my amendment.

Mr. President: The question is:

"That the words 'with instructions to report within a fortnight' occurring in the motion by the Honourable Sir Bhupendra Nath Mitra regarding the Indian Trade Unions Bill be deleted."

The motion was adopted.

Mr. A. Rangaswami Iyengar: Sir, I move formally that the names of Messrs. T. C. Goswami, Mr. Devaki Prasad Sinha and Mr. M. K. Acharya be added to the Select Committee.

Mr. President: The question is:

"That the names of Mr. Devaki Prasad Sinha, Mr. T. C. Goswami and Mr. M. K. Acharya be added to the Select Committee."

The motion was adopted.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I have given notice of a motion to add the name of Dr. S. K. Datta to this Committee. He has considerable experience of these questions and his experience ought to be made available to the Select Committee.

Mr. President: The question is:

“That the name of Dr. S. K. Datta be added to the Select Committee.”

The motion was adopted.

Mr. W. S. J. Willson: I beg to suggest that the name of Mr. E. G. Fleming be added to the Committee. I have pointed out already that there was one Bengal name and there is no Burma name at all.

Mr. President: The question is:

“That the name of Mr. E. G. Fleming be added to that Select Committee.”

The motion was adopted.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, I have very great pleasure in according my support to the proposition moved by my Honourable friend, Sir Bhupendra Nath Mitra. When I had the pleasure of visiting the International Labour Office in Geneva last summer it was brought to my notice that of all the Governments which took part in the International Labour Conference the Government of India stand in the forefront of those that have given effect by legislation to the greater portion of the resolutions passed in these Conferences. It is a matter, Sir, on which not merely this House but the Government of India must be congratulated; and it is in the fitness of things that the Government must have now come forward with this measure to place trade unions on a better footing and to give them the legal status which they lack at present, I do not know, Sir, whose opinion my Honourable friend, Mr. Joshi, was voicing when he said that this measure looked to him like bread made out of stone or something like that. I confess that though this measure is not made of the pure English wheat out of which my Honourable friend Mr. Joshi would like to have it made, its composition is very good Indian wheat at any rate and I am perfectly sure that when the measure emerges from the oven of the Select Committee it will come out sufficiently baked to be crisp and quite tasty.

Though trade unions are still in their infancy in India, attacks have already been made to suppress them by resort both to the civil and criminal law of the land. The attempt made in Madras some years ago against Mr. Wadia for the part that he played in bringing about a strike of mill hands in Madras amply demonstrated the necessity for trade union legislation in this country. Sir, it is proper that the decision of Government to confer legal status and immunity from certain provisions of the criminal and civil law should be confined to registered trade unions. The Bill that is now before us seeks to confer not merely the legal status upon trade unions which was conferred on English trade unions by the Acts of 1871 and 1876, but it also seeks to incorporate some of the provisions of the Trades Disputes Act of 1906, till the enactment of which English trade unions were not considered to be immune from civil and criminal liability. I really could not understand the point that my Honourable friend Mr. Joshi was driving at when he criticised the provision about the registration of trade unions. I consider it a very wholesome provision indeed, Sir, to make registration

optional and not compulsory, and I am perfectly confident that, after the enactment of this measure, registration will become the rule rather than the exception in trade unions in India. In my opinion compulsory registration would needlessly infringe upon the legal right of combinations, and the Government of India have done very wisely in proposing to make registration optional and not compulsory. As I pointed out, immunity from criminal and civil law was obtained by the English trade unions only after the enactment of the Trades Disputes Act of 1906. Every one who is conversant with the history of English trade unionism knows how, after the decision of the celebrated Taff Vale case in which the Taff Vale Railway Company brought an action for damages against the Amalgamated Society of Railway Workmen and got compensation, a great agitation was set up, which resulted in the Trades Disputes Act of 1906 being passed. The Trades Disputes Act of 1906 is considered as the charter of English trade unionism. The effect of that Act is that it gives three exceptional privileges to trade union officials by declaring that when committed in contemplation or furtherance of a trade dispute, an act done in concert shall not be actionable if it would not have been actionable if done without concert. Secondly, an act was not to be actionable merely by reason that it induces any person to break a contract or for being an interference with another person's trade or business, or his right to dispose of his capital and labour as he chooses; and thirdly, attendance solely in order to inform or persuade peacefully shall be lawful. Over and above these immunities, there is a general provision which explicitly declares without any qualification or exception that no civil action shall be entertained against a trade union in respect of any wrongful act committed by or on behalf of a union. Sir, it must be recognised that, if trade unions are to discharge their legitimate functions without fear of being drawn into unnecessary litigation, all these immunities that have been granted to English trade unions must certainly be granted to Indian trade unions also.

If we refer to the provisions of the Bill that is now before us we find that clauses 16 and 17 seek to confer this immunity on trade unions. Clauses 16 and 17 confer immunity upon trade unions from civil and criminal liability but there is one point which has been conceded in favour of English trade unions about which the Bill is silent, and that is the provision which explicitly enacts that attendance solely in order to inform or persuade peacefully shall be lawful. This provision refers to the legal character of picketing. As I said, the Bill is silent on the matter and I think, Sir, to place trade unions on a safe basis it would be necessary to declare explicitly that peaceful picketing shall be perfectly lawful.

Clause 17 (2) of the Bill again gives only a limited immunity from the acts of agents done by or on behalf of trade unions. As I said, the English Act explicitly declares without any qualification or exception that no civil action shall be entertained against a trade union in respect of any wrongful act committed by or on behalf of the union; but according to clause 17 (2) of the Bill this immunity is granted to trade unions in India only when they take the earliest opportunity of repudiating any unauthorised acts; and I think that qualification is a needless one and must be removed.

In paragraph 2 of the circular letter Government rightly point out that the definitely privileged position granted to the trade unions in this measure must be attended by limitations in the interests not only of the body politic but of the trade unions themselves. Well, Sir, the provision for the maintenance of accounts, for the regular audit of the union funds, and then the

[Mr. R. K. Shanmukham Chetty.]

provision that the majority of the executive should belong to the industry concerned and the clear definition of the objects on which alone union funds may be legitimately spent—these I consider to be salutary restrictions in the interests of the unions themselves; but unfortunately the Bill I think will unnecessarily put a ban upon one of the legitimate activities of a trade union. A distinguished author of the history of British trade unionism has observed that the three methods by which trade unions have sought to achieve their object are the method of mutual insurance, the method of collective bargaining with its concomitant of the strike, and the method of legal enactment which is considered to be the most constitutional of these three methods. Examining the Bill in the light of these three aspects of trade union activity it seems to me that the Bill while it explicitly authorises trade unions to undertake works of mutual insurance and legalises the method of collective bargaining with its concomitant of the strike is absolutely silent upon the third and the most constitutional of these activities—what is termed the method of legal enactment, which in other words might be called political action. In the circular letter published by the Government, they say that:

“This will not prevent trade unions or their leaders from advocating political policies; but it will ensure that funds contributed primarily for trade union purposes are not expended on causes in which the bulk of the members have little interest.”

Though I am prepared to concede that a rigid provision must be made, clearly defining the objects on which trade union funds may be spent, which has been done in the present Bill, every sort of political action should not be prevented. Sir, we have only to look to the history of British trade unionism again to see and to be convinced how all political action may be prevented through this measure. The definition of trade union is taken from the English Act of 1876, and it is the very same definition that gave rise in England to the celebrated Osborne case. Every one who has studied the history of British trade unionism knows how in the year 1908 one Mr. Osborne, a member of the Amalgamated Society of Railway Workmen, brought an action against that body restraining them from spending the union funds on certain political objects. This case was taken up to the highest court in the land, and the House of Lords established these principles in deciding this case:

“It follows by an undoubted principle of English law that a body incorporated under a Statute cannot lawfully do anything outside the purposes for which the Statute has incorporated it; secondly, that as the purposes for which trade unions are incorporated have to be found somewhere authoritatively given the definition which Parliament has enacted in the Trade Unions Act of 1876 must be taken to enumerate accurately and exhaustively all the purposes which any group of persons falling within that definition can as a corporate body lawfully pursue.”

That was the decision in the famous Osborne case and the trade union was restrained from spending its funds upon, or engaging in, any sort of political campaign. Well, Sir, the same definition is incorporated in the Bill that is now before us. Not merely that; in clause 15 is clearly enacted the purposes for which union funds can be spent and I contend that the clause which defines trade unions taken along with clause 15 will be construed as a clause of limitation or exhaustive definition. In the decision in the Osborne case one of the Judges pointed out “what is not within the ambit of the Statute is, I think, prohibited both to a corporation and a combination.” Now this dictum will be held to be applicable to Indian trade unions also and they will be prevented from taking part in any kind of political action. Well, Sir, I am one of those who are strongly con-

vinced that trade unions in India must be prevented from entangling themselves in political objects and activities wholly unconnected with their immediate object. And we know, as a matter of practical experience, that in India some trade unions are being exploited for political purposes and therefore I am prepared to concede that some provision

Mr. Chaman Lall: I do not want to interrupt the Honourable Member, but may I ask him to quote a single example where a trade union in India has been exploited for political purposes?

Mr. R. K. Shanmukham Chetty: I can give to my friend a number of instances in which leaders of certain political parties have been trying to exploit labourers.

Mr. Chaman Lall: Can you give me an instance?

Mr. R. K. Shanmukham Chetty: There is an instance in my own place where a mill labour association was being exploited by some persons solely for their own purpose and not for the purpose of improving the cause of the labourers at all. (*A Voice:* "Name it".) There is an association in Coimbatore, and I know from practical experience that this labour association is being exploited by outsiders.

But my contention is, Sir, that in your anxiety to guard trade unions from this great danger, you cannot put a ban upon one of their most legitimate activities. I ask, is it not the function of a trade union, for example, to take all measures to see that a Bill like the one introduced by my Honourable friend Mr. Joshi, the Maternity Benefit Bill, is passed by the Legislature? Is it not the legitimate activity of a trade union to see that a measure is enacted in the Legislature to reduce the hours of labour? Can it be conceded that that sort of political action is outside the scope of trade unions? Well, Sir, I must say that political action of this kind forms not merely a legitimate function, but perhaps one of the most important activities of trade unions, and a provision must be made in the Bill to recognise and legalise this side of their activity.

As the Bill stands at present, clause 10 (b) gives to the Registrar the power of cancelling the registration if any trade union has "wilfully contravened any provision of this Act or allowed any rule to continue in force which is inconsistent with any such provision." Now any sort of political action might be brought within the mischief of this clause, and the Registrar might threaten at any moment to deprive a trade union of its legal character. The history of British trade unionism will show that, from the very beginning of the 18th century down to the present day, trade unions have been continuously employing the method of legal enactment. As a matter of fact, the getting and enforcing of legislation is historically as much a part of a trade union function as maintaining a strike, and I may draw the attention of Honourable Members to a passage which occurs in the book on the history of British trade unionism by Mr. and Mrs. Sydney Webb:

"For no trade union can nowadays abstain altogether from political action. Without co-operating with other trade unions in taking parliamentary action of a very energetic and a very watchful kind, it cannot, as long experience has demonstrated to practically all trade unionists, protect the interests of its members. Without taking a very vigorous part in promoting, enforcing and resisting all sorts of legislation affecting Education, Sanitation, the poor Law, the whole range of the factories, Mines, Railways and Merchant Shipping Acts, the shop hours, truck, arbitration and conciliation, and now even the Trade Boards Act, the trade union cannot properly fulfil its function of looking after the regulation of the conditions of the employees. But this is not all. The interests of its members require the most watchful scrutiny in the administration of every public department."

[Mr. R. K. Shanmukham Chetty.]

That has been recognised to be the legitimate function of trade unions, and I want, Sir, that in this Bill some provision may be incorporated on the lines of the Trade Union Act of 1913. That Act empowers trade unions to engage in any lawful activity provided the main purpose for which the trade union is formed is the statutory object as defined in the definition. Those who have studied the Trade Union Act of 1913, know that salutary safeguards are made against the dissipating of trade unions funds on political objects which have no bearing on the immediate purposes of trade unions. Those safeguards might certainly be introduced. And unless some definite provision of that nature is incorporated in the Bill, I think you will be needlessly curtailing one of the legitimate and most useful activities of trade unions. If the usefulness of trade unions is not to be needlessly curtailed and if they are to start their career with the least possible chance of being dragged into litigation and incurring the penalty of cancellation at every step, the scope of the definition must be enlarged and some definite provision must be made along the lines of the English Act of 1913. If the Bill can be modified along these lines, I have no doubt that the trade union in India will become not merely an instrument of defence in the hands of the workmen but actually an organ of Government in the industrial world, discharging its legitimate functions, not only as the basis of a vocational democracy exercising a definite share in the control and administration of industry, but as the inspirer of high democratic ideals in the body politic.

Sir Purshotamdas Thakurdas: Sir, as I was saying a few minutes back, all that these Indian commercial and industrial associations have pointed out in their letter to Government was their opinion that no trade union should be recognised which is not registered. This, I submit, is quite different from what my Honourable friend, Mr. Joshi, tried to make out as suppression of non-registered trade unions. If not giving non-registered trade unions the privilege which is given to registered trade unions can be said to be suppression of trade unions which are not registered, I have nothing to say, but, by bringing in the law of conspiracy, my friend, I am sure quite unintentionally, gave the House the impression that these industrial associations had been guilty of suggesting that trade unions which are not registered should be suppressed. That means something should be taken out of the normal rights and privileges to which Mr. Joshi and myself would be entitled under the ordinary law. I submit, Sir, that with the correct construction which I put forward there should not be much to quarrel with in the opinions expressed by these various associations in the light of what I know to be their honest beliefs.

Sir, the other remarks that fell from my Honourable friend I do not propose to deal with because I think this House has before now been accustomed to similar remarks from him.

Mr. N. M. Joshi: Sir, may I be allowed a word of explanation. The Honourable Member said that I have misrepresented his Association. I shall now read what the Association which he represents stated. (*Sir Purshotamdas Thakurdas:* "Do".)

"My Committee do not, however, consider it satisfactory that organisations of employees should be left to themselves to decide whether they want to register themselves as trade unions or not. In the opinion of my Committee, registration of trade

unions must be compulsory as otherwise it is very probable that a majority of such organisations may not like to bring themselves into the properly constituted law of registration by getting themselves registered and all the advantages contemplated will be held in abeyance."

Sir, the statement made by the Association is absolutely clear. .

Sir Purshotamdas Thakurdas: Where is the word "suppression" there?

Mr. N. M. Joshi: They say that registration should be compulsory. Sir, if my Honourable friend will consider for a minute the expression that "registration is to be made compulsory" he will find that the statement made by me is absolutely correct. But, Sir, if the Honourable Member now suggests here that his Association made this statement not understanding thoroughly the implications of it, then, Sir, I am quite prepared

Mr. President: Order, order. The Honourable Member is now proceeding to argument. I offered him an opportunity of personal explanation in view of the reference made to him by Sir Purshotamdas Thakurdas.

Mr. W. S. J. Willson: Sir, may I just associate myself with Sir Purshotamdas Thakurdas in expressing our resentment at the use of the term "suppression" in regard to our attitude; it is absolutely unjustified?

Mr. N. M. Joshi: What is your meaning?

Mr. W. S. J. Willson: I have only one thing further to say. I deprecate very strongly the attitude taken up by Mr. Joshi and Mr. Chaman Lall in attempting in some ways to heap abuse upon employers. It is not usual, when you want to ask a man for a concession, to attempt either to blacken his eye or his character and that those remarks are not really meant by them is, I think, proved by the fact that they both ended up by *appealing* to employers to meet them in this matter.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): Sir, my friend Mr. Willson says that Mr. Joshi is wrong in criticising the employers and protests against the use of the word "suppression" in regard to the representations that they have made in respect of this Bill. What is the implication in the representations that these organisations have made? They say that all trade unions should be compulsorily registered, that there should be no trade union in existence which is not registered.

Sir Purshotamdas Thakurdas: For purposes of recognition; for privileges.

Mr. V. J. Patel: For the purpose of privileges. What are those privileges? Immunity from civil and criminal liability for certain acts. Once this immunity is restricted to registered trade unions, it follows as a matter of course that those trade unions which are not registered will be at once suppressed. There is no doubt about that.

Sir Purshotamdas Thakurdas: They will not have those privileges.

Mr. V. J. Patel: That is so. They will not have immunity from criminal and civil proceedings. That means there will be civil and criminal proceedings against those trade unions which are not registered. The result will be that these unions will cease to exist. There can be no other meaning. Therefore, Sir, I entirely associate myself with my friend Mr. Joshi in the statement that the representations of the Bombay Chamber of Commerce, the Indian Merchants Chamber and other Associations referred to

[Mr. V. J. Patel.]

by my friend Mr. Willson deliberately suggest that the trade unions which are not registered should be suppressed. In their opinion the only unions that should exist in this country are registered unions and no others.

Now, Sir, coming to the clauses of the Bill. My friend Mr. Chetty wants two important amendments to this Bill. In the first place he wants to legalise peaceful picketing, if I understood him aright, and secondly he wants the activities of trade unions to be directed to political action, that is to say, the workers in the first case must have a right to go to their fellow workers and persuade them from time to time to join any strike, and in the second that the trade unions must be permitted to spend money in running elections to Legislative Councils, municipalities, and local bodies, and to spend money also in securing votes for candidates set up by them and in the preparation of the voters' list and things of that character. I entirely endorse the arguments advanced by my friend Mr. Chetty. If the trade union movement is to be allowed to grow on the right lines it is absolutely necessary that the trade unions should be allowed to spend money on these things. Otherwise it will be impossible for the trade union movement to grow on legitimate and proper lines. If it is the object of the employers and Government to see that the trade union movement does not go in for strikes or other methods of direct action, it is absolutely essential that the trade unions should be allowed to spend money on what is called the encouragement of political action. But the reason given by the Bombay Government for not allowing these trade unions to do this is quite clear. I will draw the attention of the House to the reason given by the Bombay Government why the trade unions should not be allowed to spend money in running candidates for the Legislative Councils and other bodies. They are afraid that, if the funds of a trade union are allowed to be spent on purposes of this character, the trade unions might divert their funds in support of activities such as are going on at present in Bengal. This is what the Bombay Government say:—

“The close connection between Labour and politics in England arises from the fact that in England Labour represents a great part of the total interest of the country and Labour activities have been directed to obtaining by political means a due recognition of the growing economic importance of the working classes. In India the labour interest is only a microscopic part of the total interest of the country. But that even this microscopic interest should be debarred from expressing itself at the polling booths in the only way practically open to it, namely, through the activities of its own peculiar organisations, is an infringement of political rights. Why should the workmen's association in Ahmedabad be precluded from using their united strength and their funds for the purpose of securing the election to the Legislative Council of a workmen's representative? Put thus, there is much to be said against the exclusion of political activities from the sphere of the Trade Unions. The practical objection”—and this is the most important part—“is to be found in the present state of Indian politics and in the general atmosphere in which trade unions as they have so far sprung up in India exist. The obvious danger to be avoided is that the funds of trade unions which might easily reach a considerable figure might be diverted to the uses of such a party as the Revolutionary Party in Bengal. The danger is so real that it justifies a curtailment of the powers of trade unions which would be otherwise unjustifiable.”

This is the reason which is lurking in the minds of the Government and the employers. Why in this Bill no provision is made for permitting the trade unions to spend funds on legitimate political activities, such as running candidates for election to the Legislative Councils and securing representation on those bodies. Sir, when I was listening to the various speeches on this Bill to-day I was imagining to myself what would happen if this Bill, as it stands, were passed into law. I thought, supposing this Bill as it is was passed into law to-day, what

would happen would be this. Certain trade unions would ask for recognition. They would be registered. Then the other trade unions which are not registered would be proceeded against civilly and criminally, because under clauses 16 and 17 of this Bill immunity is restricted only to registered unions. In that way, gradually the non-registered trade unions will be suppressed and the movement will restrict itself to registered unions. These registered unions will not be allowed to spend money in sending representatives to the Legislatures and they will not be allowed under clause 21 of the Bill to have any outside assistance in their executive. So, as a matter of fact labour will be entirely divorced from politics. That seems to be the real object of this Bill. So much has been said in praise of this Bill but to my mind it is absolutely clear that if this Bill is passed into law, labour instead of being encouraged to develop on right lines by means of political action will be under the control and protection of Government. They will cease to have anything to do with politics and instead of encouraging them to take advantage of the polling booths

Mr. K. Ahmed: To mislead the dumb millions?

Mr. V. J. Patel: Following my friend Mr. Chaman Lall I may say that that again is a very intelligent remark. Unless the Bill is materially modified in various particulars this Bill to my mind instead of doing good to labour will do it immense harm.

Mr. President: The question is:

“That the Bill to provide or the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions in British India, be referred to a Select Committee consisting of Diwan Bahadur T. Rangachariar, Sir Purshotamdas Thakurdas, Mr. Chaman Lall, Mr. M. A. Jinnah, Mr. N. M. Joshi, Mr. N. C. Kelkar, Seth Kasturbhai Lalbhai, Mr. K. C. Neogy, Mr. W. S. J. Willson, Mr. L. Graham, Mr. A. G. Clow, Mr. Devaki Prasad Sinha, Mr. T. C. Goswami, Mr. M. K. Acharya, Dr. S. K. Datta, Mr. E. G. Fleming and the Honourable Sir Bhupendra Nath Mitra 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.

THE PROVIDENT FUNDS BILL.

The Honourable Sir Alexander Muddiman (Home Member): I do not propose to move my motion* to-day.

THE INDIAN CARRIAGE OF GOODS BY SEA BILL.

The Honourable Sir Charles Innes (Commerce Member): I beg to move for leave to introduce a Bill to amend the law with respect to the carriage of goods by sea.

This Bill looks a very formidable document and I must admit that it deals with a very difficult and technical subject. At the same time I hope that the Bill will be entirely non-controversial. It proposes to give statutory force to certain rules which define the risks to be assumed by sea

* “To move that the further amendments made by the Council of State in the Bill to amend and consolidate the law relating to Government and other Provident Funds to be taken into consideration.”

[Sir Charles Innes.]

carriers. It is the result of very long controversy between shippers and ship owners into which I need not go at present. I need only say that the controversy dates back as far as 1893 when the United States of America deemed it necessary to interfere with the freedom of contract between shippers and ship owners by what is called the Harter Act. Other Governments followed suit and about 1921 a move was inaugurated in Europe to carry on the same process. The Statement of Objects and Reasons traces the history of that movement. A code of rules was drawn up as far back as 1921 by the International Law Association at the Hague. Various other conferences have been held and the rules to which it is proposed now to give statutory force represent an agreement between shippers and ship owners. At one time it was intended that these rules should merely be left for voluntary adoption but difficulties arose and it is now hoped that all maritime countries will adopt these rules. That, Sir, is all I need say at this stage.

The motion was adopted.

The Honourable Sir Charles Innes: I introduce the Bill.

The Honourable Sir Charles Innes: I beg to move that the Bill be circulated for the purpose of eliciting opinions thereon. I may say that we have already consulted Chambers of Commerce, Indian and European, about the principle of this Bill. That was in 1921 and they all agreed to the principle of the Bill but we wish to consult them because in the first place we want them to see the rules as they have finally emerged from the international agreement. In the second place we want to consult them about clause 5 of the Bill, namely, the application of these rules to the coasting trade.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th February, 1925.

LEGISLATIVE ASSEMBLY.

Thursday, 5th February, 1925.

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

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): Sir, the House will probably like to know the course of business during the next week. Government business will be transacted on Monday, the 9th, and Wednesday, the 11th. On Monday, the 9th, it is proposed to move to take into consideration the Indian Soldiers Litigation (Amendment) Bill as amended by the Select Committee and also to move that the Bill be passed. On Wednesday, the 11th, motions will be made to take into consideration and pass the President's Salary Bill and the Indian Income-tax (Amendment) Bill. It is possible, Sir, that on that day a Bill relating to contempt of court may be introduced and also a Bill to amend the Indian Tariff Act, and we also hope to proceed with the consideration of the Indian Merchant Shipping (Amendment) Bill which deals with the Haj. Tuesday, the 10th, is a day allotted for non-official Bills and Thursday, the 12th, is a day allotted for the non-official Resolutions. There will be no meetings of the Assembly on Friday, the 13th, and Saturday, the 14th February.

Members have been making inquiries about the dates on which the Budget will be taken. I can give Members some information regarding the probable dates, but I will bring forward later a matter for their consideration in connection with these dates. This year, as the Honourable Members know, we shall take the Budget in two parts, the one part consisting of the Railway Budget and the rest consisting of the remainder of the Budget. I shall refer to the Railway Budget as Part I and the rest of the Budget as Part II. On Friday, the 20th, the first part of the Budget will be presented in both Chambers. On Monday, the 23rd, there will be a general discussion in the Legislative Assembly on Part I of the Budget. On Wednesday, Thursday, Friday and Saturday (25th to 28th February), the voting on Demands for Grants under Part I of the Budget will be taken up in this Assembly. On Saturday, the 28th at 5 P.M. the second part of the Budget will be presented in both Chambers. In connection with the dates for the second part of the Budget, I may say that they have not yet been definitely fixed and I am authorised by His Excellency to invite an expression of opinion from Honourable Members as to the observance of some holidays which from the point of view of Government fall on somewhat inconvenient days as regards the Budget discussion. According to the list of holidays in the Delhi Province, Monday, the 9th March, is shown as a holiday for Holi, a Hindu festival, and

[Sir Alexander Muddiman.]

Tuesday, the 10th March, as a holiday for Dulandhi and Wednesday, the 11th March, is shown as a holiday for Shab-i-Barat. The last-mentioned holiday is a holiday observed by Muhammadans and the actual date depends upon the appearance of the moon. That apparently cannot be determined at present. Now, the week with which I am dealing is a week during which ordinarily voting on demands takes place. What I want to ascertain from the House is their view in respect of this House sitting on the 10th March, that is the Dulandhi holiday. I take it for granted that the House will not wish to sit either on the 9th March, which is Holi, or on the day, whichever it may be, 11th or 12th, which is Shab-i-Barat. Perhaps the House will give me some intimation of their views on this question. I shall then be in a position to cause His Excellency's orders to be obtained for the allotment of definite dates for the discussion of the second half of the Budget.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Will the Honourable the Leader of the House kindly let us know as to how many days His Excellency has allotted for the general discussion and how many days for the grants, because on that will depend our decision.

The Honourable Sir Alexander Muddiman: The discussion on the voting of demands will depend upon the number of holidays that the House wishes to observe. Normally, it takes from Saturday to Saturday.

Mr. A. Rangaswami Iyengar: I was asking about the general discussion.

The Honourable Sir Alexander Muddiman: It is proposed to have the general discussion on Wednesday and Thursday, the 4th and 5th March. That is to say, only two days will be allotted for the general discussion. This is of course in addition to the general discussion on Part I.

Maulvi Mohammad Shafee (Tirhut Division: Muhammadan): There should be no sitting of the Assembly on the three holidays which have been mentioned.

The Honourable Sir Alexander Muddiman: May I take it that that is the general view of the House?

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): So far as Madras is concerned, none of these holidays are observed.

The Honourable Sir Alexander Muddiman: Would Honourable Members like to consider the matter and let me know their views on Monday next?

RESOLUTION *RE* GRIEVANCES OF THE SUBORDINATE
EMPLOYEES OF THE INDIAN RAILWAYS—*contd.*

Mr. President: The House will now resume discussion of the Resolution moved by Mr. M. K. Acharya on the 27th January, 1925, on the grievances

of the subordinate employees of the Indian Railways in the form appearing on the paper, namely :

“ This Assembly recommends to the Governor General in Council that he may be pleased to take immediate steps to institute an inquiry into and report on the grievances of the subordinate employees of the Indian Railways with special reference to :

- (1) methods of recruitment, rates of pay or wages, service conditions, punishments including fines and removal from service, and disposal of fines funds ;
- (2) hours of work and holidays ;
- (3) provision for old age, leave, gratuity, provident fund, medical relief, etc. ;
- (4) opportunities for promotion to higher grades ;
- (5) housing accommodation ;
- (6) unequal treatment regarding the conditions of service based on racial grounds ;
- (7) unfair retrenchment ;
- (8) recognition of Railwaymen's Unions by the Railway Agents ;

and further that the above inquiry should be conducted by a Committee consisting of five members to be elected by the Legislative Assembly, three representatives of the Railway employees to be appointed by their organisations and three members to be appointed by the Government of India, one of whom to be the Chairman.”

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, when you were not sitting in the Chair, the Honourable the Commerce Member read out a letter of mine written to a Secretary of a railway union and tried to impress upon the House that I had committed a very heinous sin by writing that letter. Sir, I would like, in the first place, to state that the letter which was written by me was written officially and openly and I am not ashamed of having written that letter. I would like, first of all, to ask the Honourable the Commerce Member to tell me through which of his Agents the letter was received by him. As far as I know, Sir, I had written my letters to the Secretaries of the Unions. He states that the letter was received by the Agent, as there was no Union in the place. The information will be very valuable to me. I do not wish to discuss the standards of morality of those Agents who open letters addressed to the Secretaries of the Unions and detain those letters with themselves instead of either sending them to the persons to whom the letters were addressed or to the person who wrote those letters. Sir, I do not wish to take up the time of the House on that question. It is the business of the Director General of Posts and Telegraphs to inquire into this question. As regards the contents of the letters, the implication of the Honourable the Commerce Member must be that, when I thought of moving the Resolution, I was quite ignorant of the grievances of the railway employees and that I thought of moving the Resolution without knowing anything about the subject and that I had manufactured the grievances. Sir, it is not in my hands to manufacture grievances for the railway employees. It is in the hands of my Honourable friend the Commerce Member. He controls the lives of these employees; he fixes the hours of work; he fixes the wages to be given to these people; and he manufactures the grievances and not I. But, Sir, if he means to say that, when I thought of moving the Resolution, I knew nothing of the grievances of the railway employees, it is difficult for me to meet a charge of ignorance specially as I happen to have some sense of modesty in me. I ask the Honourable the Commerce Member whether he really thinks that I am so ignorant of the conditions of life and work of the railway employees? Sir, besides studying the general question of the conditions of labour in this country for about 15 years of my life, I am connected with several unions of the railway employees. These railway

[Mr. N. M. Joshi.]

employees propose to form a federation, and they have made me the chairman of that proposed federation. Sir, if these qualifications are not sufficient for a man to enable him to know the grievances of the railway employees, I plead guilty to the charge of ignorance that has been brought against me by the Honourable the Commerce Member. But, Sir, perhaps his implication is that the railway employees did not ask me to bring forward the grievances before the Assembly, and I did it on my own initiative. Sir, I plead guilty also to that charge. I interpret my duties in this Assembly in a somewhat broad way. If I know of any injustice being done to any people, I feel that it is my duty to bring that injustice before this Assembly without being asked to do so. Sir, my only object in writing that letter was that, although I was convinced that the grievances of the railway employees were real, I thought, if I had to convince a House of 140 members, I must prepare myself much better than I would do in order to convince myself. Sir, men of outstanding ability like the Honourable the Commerce Member may not make special preparations for moving Resolutions. They know their subject so well, that if they are convinced of any injustice being done to any employee themselves, they need not make any special preparation to convince a House of 140 members. Unfortunately, I do not possess that ability. I therefore thought that, although I am convinced of the injustice done to the railway employees, if I have to convince the House of 140 members, I must be better prepared. The Commerce Member also very kindly told me that on account of having written that letter, I have lost the favourable opinion which he had once about me. Sir, I assure him, and I assure the House, that I always like to please others, especially if those others are men of influence and power. But although it is a great calamity to lose the good opinion of an influential and powerful man like Sir Charles Innes, let me tell him that, although I like to please others, I like to please my conscience much more.

Sir, I will now turn to the amendment which I propose to move. The Honourable the Commerce Member said that it is dangerous for this Assembly to discuss the question of railway employees. If it is dangerous for this House to discuss the question of the railway employees, it is still more dangerous for this House to leave the railway employees at the mercy of the Czar of all the railways, uncontrolled by any Legislature or any other representative body in this country. If democracy is dangerous, Czarism is ten times more dangerous. I ask the Honourable the Commerce Member what is the remedy of the railway employees when they find that the Railway Board does not give them any justice? I agree with him, Sir, that this Assembly is not a very suitable place for giving redress to the railway employees. I myself feel that if the associations of railway employees and the railway Agents met together, they could redress the wrongs much more easily; but, Sir, the Honourable the Commerce Member and his Agents do their very best to smother the railway unions that at present exist. Not only that, but I was told by the Honourable the Commerce Member that on the railways they are now forming joint committees. But the rules of the joint committees prohibit the discussion of any individual grievance. Now where are these poor people to go? They will not recognise the unions; they will not allow a joint committee to discuss the grievances of an individual; the Railway Board does not like to interfere with the Agents; Sir Charles Innes does not like this House to interfere. Where are these people to go to for getting justice? Sir, the clear implication of Sir Charles

Innes's attitude is that these people should go on strike if they want to get their grievances redressed. That may be his intention, but that is not my wish. I know the troubles which these poor people have to suffer on account of strikes, and I do not want them to go on strike in order to get their grievances redressed. A very valuable suggestion was made by my friend Mr. Abul Kasem, that the grievances should be considered by Railway Advisory Committees. If it were possible, I would agree to that suggestion, but the rules made by the Honourable Sir Charles Innes prohibit the discussion of the railway employees' grievances in either the Central Advisory Committee, or the Provincial Advisory Committees. If the Central Advisory Committee can consider these grievances I shall be quite satisfied, but I would like to make one suggestion by the amendment which I propose to move. The amendment is this:

“That after clause (8) the following be added, namely:

‘(9) the representation of the railway employees on the Railway Advisory Committees.’”

At present on the Railway Advisory Committees a large number of interests are represented. The only interest, and in my opinion the only interest which is very important, not represented is the interest of the employees. I cannot understand why the railway employees should not be represented on these advisory committees. Perhaps the Honourable the Commerce Member and his advisors think that these railway employees do not know much of the railway administration. That may be so, Sir, but the railway employees have a great interest in the proper management of the railway administration. It is generally thought that these railway employees, especially the subordinate railway employees, are irresponsible people, but I ask you and ask the House who are really irresponsible, whether the Agents and my Honourable friend Sir Charles Innes, whose salaries are all guaranteed by the Secretary of State and Parliament, or those people whose maintenance depends on the proper administration of the railways. If the railways are not properly administered, if it is necessary to make retrenchments or close down the railways, thousands and hundreds of thousands of people will lose their employment. Therefore, in my opinion the subordinate railway employees are more responsible for the proper administration of the railways than the highest officials, whose salaries and pensions are guaranteed by the Secretary of State, and who want that guarantee now to be put on the Statute-book. I therefore feel that this House should accept my amendment that the railway employees should be represented on the Railway Advisory Committees. After all I do not ask the House to accept the proposal as it is. By my amendment I am only asking for a committee to be appointed to consider this question, and I hope the House will regard my amendment as a subject fit to be discussed by the committee I wish appointed. I hope the House will accept my amendment.

Lieut.-Colonel H. A. J. Gidney (Nominated: Anglo-Indians): Sir, my chief reason for joining in this debate is because I represent a community which is largely employed in the railways. Before this Resolution was moved, I discussed it with the Mover and requested him to exclude any racial bias, because it was now understood and the Government had admitted, that the Anglo-Indian community, being statutory natives of India, come within the same category as the Indians. I thank him very much for having respected my views and excluded all racial bias. I also thank those Indian

[Lt.-Col. H. A. J. Gidney.]

Members who joined in this debate for having done the same. I submit that every labourer is worthy of his hire, and the Mover of this Resolution under the knowledge and belief that such conditions did not exist in the administration of the railways to-day, has brought forward this Resolution with a view to asking for a committee to investigate these grievances.

Sir, no one in this House will dispute the principle of affording to every labourer the equality of opportunity to prove his fitness to hold the highest offices obtainable, an opportunity which exists in every other Government Department of labour, I think, except the Railways.

I shall now take up the various points raised in the Resolution and in doing so I wish to say that my position as a public man has brought me into very intimate association with the railway administration in so much as it affects my community.

Mr. President: The Honourable Member must confine himself to the subject of Mr. Joshi's amendment, namely, the representation of the railway employees on the Railway Advisory Committees.

Lieut.-Colonel H. A. J. Gidney: Do I gather, Sir, that the original Resolution by Mr. Acharya is out of order?

Mr. President: No, certainly not.

Lieut.-Colonel H. A. J. Gidney: May I confine my remarks to that?

Mr. President: I have just informed the Honourable Member that he must confine his remarks to the question of the representation of railway employees on Railway Advisory Committees.

The Honourable Sir Charles Innes (Commerce Member): Sir, my Honourable friend Mr. Joshi is an old parliamentary hand. I have noticed him before put down small amendments to Resolutions in order that by means of those amendments he may be able to reply in his speech to what has been said against him before. I am sorry he took that little matter of his letter so seriously. When I made my first speech I endeavoured to treat it as lightly as possible and I may assure Mr. Joshi that I have not the slightest doubt that in writing that letter he was actuated by the highest motives. My only complaint was that he had adopted unwise methods. But, Sir, from what he said I have extracted one point which I regard as of great importance. He admitted that this Resolution was not moved in response to any demand made to him by the railway employees (*Mr. N. M. Joshi*: "I did not say that at all.") He admitted that he first formulated this Resolution; and, Sir, let me read one sentence from the letter to Railway Unions:

"I also want to know whether you will supply me at an early date with necessary information regarding the subject."

I think that proves my point that Mr. Joshi first formulated his Resolution and then wrote round for evidence in support of it. But, Sir, I do not wish to waste any more time upon the subject. I wish to confine myself entirely to the precise amendment before the House. This amendment is that in the Resolution the question of the representation of the railway employees on the Railway Advisory Committees should be included.

Now, Sir, I should like to remind the House exactly what these Railway Advisory Committees are intended to do. We established them on the suggestion of the Acworth Committee and the whole point of the Acworth

Committee's suggestion was that in this way we should bring the Agents of our Railways more into touch with public opinion. It had frequently been a complaint in India that the Railway Administrations did not keep sufficiently in touch with the wants of the public and the whole object of these Railway Advisory Committees was to enable the public, through in many cases their elected representatives, to bring to the notice of the Agents any little grievances which they might have against the Administration. I have here, Sir, a list of the various subjects which are discussed at these meetings. They are:

Improvement of facilities for intermediate and third class passengers.

Working of passenger stations with reference to such points as control of admission, booking of luggage, sweetmeat-sellers, etc.

The timing of trains.

The running of through carriages.

Increased facilities for motors.

Remodelling of stations.

Building of extra stations.

Projects for new lines.

Measures for prevention of thefts.

Provision of dining-cars, refreshment cars, and the like.

Now, Sir, I cannot myself see the object of including representatives of railway servants on these Committees unless you enlarge the duties of Advisory Committees by allowing them to deal with staff matters, and that, Sir, is a question on which every employer of labour feels very strongly indeed. Had we made any such suggestion to Railway Agents or Railway Administrations we should at once have received strong opposition to this proposal; whereas I am glad to say that every Railway except one has adopted the suggestion in the Acworth Committee's report and has established these Advisory Committees? These Advisory Committees can be of no real value unless Agents realise that they are of value and unless Agents work in the fullest and frankest co-operation with the representatives of the public on them. And, Sir, if you once say that these Advisory Committees shall be allowed to interfere between the Agent and the staff by taking up staff questions, that will destroy the value of the Committee because the Agents will cease to treat them with that frank confidence which is essential to their proper working. I am aware that there is a movement at home to associate employees, to take employees into confidence, in all matters relating to the industry; that, Sir, may be a development for the future in India, but I do assure the House that it would be a mistake to accept Mr. Joshi's amendment at this stage. It would destroy the utility of these Advisory Committees, and as I have told the House on more than one occasion these Committees are doing very valuable work indeed, and I think they are operating to remove that suspicion which unfortunately exists in India regarding the desire of Railway Administrations for the comfort and convenience of their passengers.

That is all I need say on the amendment. I hope to have a further opportunity of saying something about some of Mr. Joshi's other remarks.

Mr. President: The question is:

“That after clause (8) the following be added, namely:

‘(9) the representation of the railway employees on the Railway Advisory Committees.’”

The Assembly divided:

AYES—50.

Abdul Haye, Mr.
Abdul Karim, Khwaja.
Abhyankar, Mr. M. V.
Abul Kasem, Maulvi.
Acharya, Mr. M. K.
Ahmed, Mr. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Almuzzaman Chowdhry, Mr.
Aney, Mr. M. S.
Chaman Lall, Mr.
Chanda, Mr. Kamini Kumar.
Chetty, Mr. R. K. Shanmukham.
Das, Pandit Nilakantha.
Datta, Dr. S. K.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghose, Mr. S. C.
Gidney, Lieut.-Col. H. A. J.
Goswami, Mr. T. C.
Hans Raj, Lala.
Hussanally, Khan Bahadur W. M.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswarri.
Jeelani, Haji S. A. K.
Joshi, Mr. N. M.

Kartar Singh, Sardar.
Kalkar, Mr. N. C.
Lohokare, Dr. K. G.
Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Murtuza Sahib Bahadur, Maulvi
Sayad.
Narain Dass, Mr.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Pal, Mr. Bipin Chandra.
Patel, Mr. V. J.
Ray, Mr. Kumar Sankar.
Sadiq Hasan, Mr. S.
Samiullah Khan, Mr. M.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Ganganand.
Venkatapatiraju, Mr. B.
Wajihuddin, Haji.
Yakub, Maulvi Muhammad.

NOES—41.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad Ali Khan, Mr.
Aiyer, Sir P. S. Sivaswamy.
Ajab Khan, Captain.
Ashworth, Mr. E. H.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Clarke, Sir Geoffrey.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Fraser, Sir Gordon.
Graham, Mr. L.
Hira Singh, Sardar Bahadur Captain.
Hudson, Mr. W. F.

Innes, The Honourable Sir Charles.
Lindsay, Mr. Darcy.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra
Nath.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Saiyid.
Naidu, Mr. M. C.
Purshotamdas Thakurdas, Sir.
Reddi, Mr. K. Venkataramana.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Sim, Mr. G. G.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Tonkinson, Mr. H.
Vishindas, Mr. Harchandrai.
Webb, Mr. M.
Wilson, Mr. R. A.

The motion was adopted.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I beg to move:

“That after clause (8) the following be inserted as clause (9):

‘(9) and other reasonable grievances that may be brought before the Committee by the railwaymen’s organisations.’”

I use the word “reasonable”. I do not say all grievances, but only reasonable grievances. I want simply to enlarge the scope of the original Resolution. There is no doubt that most of these grievances are mentioned in this Resolution, but there may be others from which the railway men suffer and regarding which they might like to say something to the Committee; and therefore I want to put in this clause to give a chance to the railway men if they want to put in any grievance before the committee if it is appointed. There are many things from which Indian employees suffer; but most of these have been mentioned in the original Resolution and so I do not wish to say anything with regard to them. I simply wish to add a clause by means of which the railway employees who might have grievances which might not have been brought to light could have a chance to put those grievances before the committee if appointed. With these words I move my amendment.

The motion was negatived.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, I beg to move the amendment that stands in my name:

“That for the words from the words ‘a Committee consisting of’ to the end of the Resolution the following be substituted:

‘the Central Railway Advisory Council or by any special committee elected by that body from among its members.’”

Sir, though personally I would have preferred the original Resolution as it stood, I have sought to bring about some sort of unity among those who have divergent opinions regarding the original Resolution and with that mind I put forward this amendment and trust that the House will accept it. The Honourable Sir Charles Innes made various objections a little while ago on the grounds that the constitution of the Central Advisory Committee precluded the consideration of such matters but I do not think that the proposals which were made in the Acworth Commission’s report limit the constitution of the Central Railway Advisory Council. The constitution will have to be expanded in the light of experience, and I do trust that one of the earliest things which the Central Advisory Committee will do is to take up this question of the grievances of railway employees.

The Honourable Sir Charles Innes: Sir, Dr. Datta has been very brief and I will follow his example. I recognise that Dr. Datta has tried to find a way out and it is a matter of great regret to me that I am unable to agree with his proposal. I think that he has entirely misunderstood my objections to this Resolution. In the first place I tried to prove that at any rate as regards pay and allowances there were no general grievances to be inquired into. I have quoted figures and statistics in support of that statement. Those figures and statistics have not been challenged; in fact the only evidence that we have got of these alleged grievances in regard to pay and allowances is the fact that Mr. Joshi says that they exist. I have already taken objection that, even if grievances exist, it is not a proper way to deal with these grievances to appoint a body to go round and inquire into them. (*Diwan Bahadur T. Rangachariar*: “Why should it go round?”) I admit that, if the Resolution is passed at all, Dr. Datta’s

[Sir Charles Innes.]

form would be an improvement. But that does not meet my real objection, namely, that it can only do harm to send any Committee, whether a Committee of the Central Railway Advisory Council or a Committee of this Assembly, round the country to inquire into reasonable grievances. I should also like to point out that it is not the sort of work for which we constituted the Central Advisory Council. The Central Advisory Council was constituted for advising the Government in regard to matters of large railway policy. We are to have a meeting on Saturday next, and I will read out some of the items on the Agenda. The railway school of transportation at Chandausi. That is a very important project, which has a very great bearing upon a question which I know exercises this House, namely, recruitment and training of Indians for posts in the Transportation Department. Next, arrangements for co-ordination between the Forests and the Railways in the matter of sleeper supplies, the financing of branch lines, locomotive building in India. That is the kind of questions which we put before the Central Advisory Committee, and I must reiterate the objection which I took to Mr. Joshi's proposal, that it would not be wise to entrust the Central Advisory Council with questions relating to staff. That is a point of principle which I hold very strongly, and all questions of discipline and staff must be left to the Railway Administration, and I feel that no employer worth the name can agree that any one should be put in a position of intervening between him and his staff.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): Sir, I am surprised to hear the Honourable the Commerce Member saying that there are no grievances whatsoever except the grievances manufactured by Mr. Joshi, and that because there are no such grievances, therefore this amendment

The Honourable Sir Charles Innes: May I make a personal explanation, Sir? I was referring particularly to pay and allowances.

Mr. Chaman Lall: Referring to pay and allowances; I will take that very point in hand, and I will prove to the Honourable Member that there are very legitimate grievances. I do not know if the Honourable the Commerce Member is aware that there are three charges that are being levelled against the Railway Department. The first charge is that it is a undemocratic department; the second is that it is full of racial bias, and the third is that it is indifferent, absolutely indifferent, to the woes of the poor. I will take each one of these points and I will prove to him that the grievances regarding pay and allowances

Mr. President: The Honourable Member must prove it at some other time. The question now under discussion is whether these matters shall be referred to a Committee as proposed by the Resolution or to the Central Railway Advisory Council or to any special Committee elected by that body from among its members as proposed by Dr. Datta's amendment.

Mr. Chaman Lall: Sir, I was merely trying to refute a particular charge levelled by the Honourable Member, and in connection with that I was basing

Mr. President: Well, the Honourable Member can come to it when we return to the main Resolution.

Khan Bahadur W. M. Hussanally (Sind Muhammadan Rural): Sir, like the Honourable the Commerce Member, I also disagree with the amendment proposed by my Honourable friend Dr. Datta. One very important clause in the original Resolution is that the employees of Railways should be represented upon this Committee. That, I consider, is a very important part of the Resolution and that will be defeated if the amendment of my friend Dr. Datta is carried. I would therefore ask the House not to agree to the amendment of Dr. Datta, and I would ask him to withdraw his proposition.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): Sir, I rise to speak on this amendment, because the Honourable the Commerce Member has himself admitted that, of the Resolution and the various amendments, the course suggested by Dr. Datta in the amendment he has proposed is the one that is least harmful to the maintenance of discipline which the Honourable the Commerce Member wishes to see maintained in the Railway Department. It has been admitted that the railway employees have certain grievances. They may not have grievances regarding pay and allowances. But, if I mistake not, the Honourable Member who followed Mr. Acharya on the main Resolution himself admitted that there were permanent causes of discontent which must be looked into. Even granting that the causes of discontent which my friend Mr. Chaman Lal referred to and on which I expect we will hear him before this debate is over, do not exist, even granting that, on the admission of at least one esteemed Member of this House who cannot be said to have been led away by either racial or other prejudices, there are permanent causes of discontent. It is all very good, Sir, to tell us in this House that democratic institutions should not have the power of interference with the executive. May I ask the Honourable the Commerce Member whether he looks upon this as a democratic institution, full-fledged and with all the powers which a democratic institution should have. As long as the executive is not responsible to this House, I submit that it is not fair, in the face of strong feeling which is being ventilated day in and day out both in the press and on the public platform, to ask this House to turn an absolutely deaf ear to appeals of the kind that are being ventilated by this Resolution. Even supposing the Railway Department are doing absolutely everything which could possibly be done, may I ask the Honourable the Commerce Member what objection he has to allowing a few Members of the Central Advisory Council to go into the grievances or into such grievances as we hear most of, and to examine them, not from the point of view of the agitator, but from the point of view of the legislator in this House. I feel, Sir, that the longer this privilege, and indeed this very necessary facility to this House to go into these grievances of which we hear so much, is withheld from us, the greater will be the agitation, and I am inclined to fear, the greater will be the misunderstanding which will be caused in spite of the anxiety of the Honourable the Commerce Member and of the Chief Commissioner for Railways to do their best by the railways of India and by the staff working there.

The Honourable the Commerce Member said that he could not agree to a Committee even of the Central Railway Advisory Council to go round the country. I do not know if my friend Dr. Datta implied in his amendment that that committee or sub-committee of the Central Advisory Council need necessarily go round the country in order to examine the grievances. But I feel that if the Honourable the Commerce Member can see his way to accept this very modest suggestion—and I am sure it is harmless even

[Sir Purshotamdas Thakurdas.]

from the point of view of the strictest disciplinarian towards his employees—he will have set at rest many a suspicion which does prevail and which I am afraid may justifiably continue to prevail, after his reluctance even to allow responsible Members of this House who are on the Central Advisory Council to examine the various grievances,—if you like it, Sir,—confidentially, in the room of the Railway Board Office. The Honourable the Commerce Member further said that the Central Advisory Council was not constituted for this purpose or that one of the reasons for the institution of the Central Advisory Council was not to examine the grievances of railway employees. Perhaps, I will not differ from him, but may I ask him is the Central Advisory Council that he has got started by the Government of India on the same lines as recommended by the Acworth Committee's Report? Has he not made several changes in the Acworth Committee's recommendations? And if he has done that, of which I am sure, may I ask him why he will not move a step further and take the co-operation of the Members of this House in examining various grievances, for which there may be some foundation, and which I myself believe are considerably exaggerated. I appeal, Sir, therefore, to the Honourable Member in charge of Railways not to overlook facts but to face them and take this House into his confidence by the means suggested by the amendment proposed by Dr. Datta.

Mr. President: The question is:

“That all the words from the words ‘a Committee consisting of’ to the end of the Resolution the following be substituted;

‘the Central Railway Advisory Council or by any special Committee elected by that body from among its members’.”

The motion was adopted.

Khan Bahadur Sarfaraz Hussain Khan: The amendment I have to move is this:

“That between the words ‘to be elected by the’ and the words ‘Legislative Assembly’ the words ‘elected members of the’ be inserted.”

Mr. President: Order, order. I may point out to the Assembly that the two following amendments now fall to the ground owing to the fact that Dr. Datta's amendment has been carried.

The question is that the Resolution, as amended, be adopted.

Mr. Chaman Lall: Sir, I will not take the time of the House except for a very few minutes in refuting the charge made by the Honourable the Commerce Member that the grievances with regard to pay and allowances of railway employees are really not legitimate. He started by saying that a few charges levelled against these railways take the form of indifference to the demands and grievances of the workers. As far as that charge is concerned Honourable Members of this House are perfectly well aware of the nature of the replies that have been given to the numerous questions that have been put to the Honourable the Commerce Member. It has been very difficult to get any very satisfactory replies from them. He must be aware of the agitation in the press, if he is a reader of newspapers. Morning after morning he will find in the columns of the daily press the grievances of railway employees being ventilated, both editorial and otherwise. Only this morning, Sir, I saw a cutting in the *Bombay Chronicle* and in the *Advocate of India*, Bombay papers, of a circular which

has been issued by the Bombay, Baroda and Central India Railway relating to certain bonds which the Bombay, Baroda and Central India Railway Agent wants railway employees to sign. The heading is "Capitalist Bondage in the Railways", "Slavery on the Bombay, Baroda and Central India," and so on. What are these bonds they are being asked to sign? They are being asked to sign a bond that they will expect no regular increase in their salaries, that they will agree to forego their gratuity without any protest, that they will agree further to any conditions levelled against them relating to fines and punishment by their superior officers. Such are the slavish terms which are being imposed upon the railway employees of the Bombay, Baroda and Central India Railway.

I will turn to the second question of racial bias. I hold in my hand, Sir, a copy of a statement prepared for this particular occasion, a statement referring to the year 1923, figures taken from the Classification List of State Railway establishments by the Railway Board. This statement refers to the North Western Railway only and to no other railway. What do I find in this statement, Sir? I find that out of 2 posts of Station Superintendents, there is not one held by an Indian; out of 10 posts of Station Masters of the F class, only one is held by an Indian; out of 25 posts of Station Masters of the E class, there is not one held by an Indian; out of 78 posts of Assistant Station Masters of the E class and Yard Masters there is not one held by an Indian; out of 5 posts of Platform Inspectors, not one is held by an Indian; out of 4 posts of Chief Controllers, not one is held by an Indian; out of 6 posts of Deputy Chief Controllers, not one is held by an Indian; out of 28 posts of Assistant Chief Controllers not one is held by an Indian; and out of 47 posts of Traffic Inspectors, there is only one which is held by an Indian, and so on. The list is not exhaustive. But I commend this list to the attention of the Honourable Member and ask him to justify his remark that there is no discontent on the railways amongst the railway employees, when all the plums of office, when all the cushy jobs, when all the highly paid remunerative posts go to the Anglo-Indians and the Europeans, and you find that Indians are in a most negligible minority in these posts. Sir, you will find, as far as the other grievances are concerned, if you only turn to a statement published in the Indian Railway Magazine, you will find the reason for all this. I believe in the South Indian Railway, there was some question of a certain gentleman, Mr. Muirhead, being recruited from England on Rs. 1,500 a month and when the question was raised the Agent in his presidential address at the Railway Conference held in Simla this year said, he justified such foreign recruitment and the justification is contained in the sentence which I am going to read to the House. He justified such foreign recruitment on the ground that in Great Britain, toy locomotives and railways were very popular among boys and that they thus gained an insight into railway matters from a very early age. (Laughter.) Sir, is that the justification you offer for keeping Indians out of the Railway Department? I draw the attention of the Honourable the Commerce Member to the statement. And I ask him to stand up on the floor of this House and justify the treatment that is being meted out to Indians on the railways. I say, Sir, there can be absolutely no justification whatever for any such treatment.

I come to the question of grievances. I say your department is an autocratic department. I say that you do not satisfy us on the floor of this House. I say that you do not satisfy your railway employees in the

[Mr. Chaman Lall.]

railways. I hold in my hand a circular issued by the Railway Board, a circular addressed to their employees, and this is what it says:

“ I am directed to state that cases have come to the notice of the Government of India in which Government servants have approached Members of the Legislature with a view to having their grievances made the subject of interpellation in the Legislature.”

Is it a crime for railway employees to come to us, we who stand here as representatives of the people, and ask us to ventilate their grievances on the floor of this House?

Mr. G. G. Sim (Financial Commissioner, Railways): May I inquire, Sir, whether this letter is written from the Railway Department?

The Honourable Sir Charles Innes: It is a Home Department circular.

Mr. Chaman Lall: Sir, I have already stated that it emanated from the Railway Board. It is a copy of a letter No. 876-E./22, dated the 26th June 1922, from the Secretary of the Railway Board, Simla, to the Agents.

Mr. G. G. Sim: It is a copy apparently of a letter issued by somebody else. I should like to know which department.

Mr. Chaman Lall: Do I understand, Sir, that the Honourable Member is trying to deny all knowledge of this circular?

Mr. G. G. Sim: I only wish the Honourable Member to state clearly who is responsible for the issue of that letter. It was not a letter invented in the Railway Department.

Mr. Chaman Lall: Does the Honourable Member imply, Sir, that it was invented by me?

The Honourable Sir Charles Innes: May I explain, Sir, that this was a general circular issued by the Government of India in the Home Department which deals with discipline and which in the ordinary course was issued to State Railways by the Railway Department.

Mr. Chaman Lall: I am very glad, Sir, that the Honourable the Commerce Member has enlightened the Honourable Mr. Sim with regard to this letter. (Laughter.) It is more than I could have done. (Laughter.) But I do not wish to take up the time of this House with regard to these matters. Nevertheless I do warn the Honourable the Commerce Member and I warn the Government that, although we have never yet up to this day organised a single strike on the railways, if these grievances are not redressed, if you do not take this matter in hand at an early date, we are going to do it, we are going to take it upon ourselves to organise an all-India strike in order to ventilate these grievances. I warn you that we shall do it. It is up to you now to take this matter in hand and redress the grievances of the railway employees at as early a date as you can. Otherwise, I am afraid you are facing a most dangerous and a most terrible situation on the railways.

Mr. G. G. Sim: Sir, I hesitate to intervene in this debate as I am aware that the House is anxious to proceed to other business. But, Sir, I am so convinced that the course of action proposed in this Resolution and in the speeches of Honourable Members who have supported it is bound to introduce chaos in the working of the railways all over India and to bring

State management to a sudden end that I hope the House will give me time to explain my reasons for holding these views. Now, Sir, the Honourable Sir Charles Innes has already shown to the House how baseless are the foundations on which the demand for this inquiry has been made. But the misstatements and inaccuracies in the speeches that have already taken place on this debate were so numerous that he was unable in the time at his disposal to deal with all the points raised. I hope the House will allow me to correct a few more of the misconceptions which were apparent from the speeches of the Honourable Members.

The Honourable Mover of the Resolution, Sir, mentioned what he called "root causes" of the grievances under which he imagines that railway servants are at present suffering. I say "imagines" Sir, because he seemed to be himself in serious doubt as to whether there were any grievances at all and he ended his speech by saying that if the Committee he recommended should be appointed found that there were no serious grievances, he would bow to their decision.

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Sir, the first root cause of the imaginary grievance which he mentioned was "the commercial character and standards of the Indian Railways". He objects apparently to Railways being run for profit. The Honourable Member must surely be aware that this House itself in the last session decided that Indian Railways must be run for a profit. I do not suppose that he means that his committee should try and eradicate this cause although I have no doubt myself that their very appointment would secure that result.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural): I never said that.

Mr. G. G. Sim: I am quoting from the Honourable Member's own statement. He said that one of the root causes of these grievances was the "commercial character and standards of the Indian Railways."

Then, Sir, the Honourable Member went on to say that another root cause was that railway officers are rather a bad lot. He said that all the best men enter other Government Departments or are attracted more lucrative professions and that only the riff-raff enter the Railway Department. It is hardly necessary for me—it would be an impertinence on my part to suggest that it is necessary—to repudiate that statement in this House. The country, Sir, owes much to its railway officers, whose qualifications and efficiency in their work are second to those of no other Government Department. If, however, the Honourable Member is serious in his belief that men with better business or technical qualifications are attracted to more lucrative careers, I should have thought that he would have gone on to recommend that this evil should be eradicated by increasing the pay of the railway posts. Instead of that, Sir, he went on to recommend that their pay should be reduced.

The third root cause which the Honourable Member mentioned was racial discrimination. In dealing with this thorny topic I think it is advisable that Members should be certain of their facts. The Honourable Member said that in his benighted Presidency there was no difficulty on the subject and that Indians got promoted just like Europeans. But he went on to say that in Northern India an Indian has practically to stop at Rs. 300 a month. This is entirely incorrect. The number of Indians drawing over Rs. 300 on the State Railways in Northern India is over 100.

Khan Bahadur W. M. Hussanally: What is the highest pay they can get?

Mr. G. G. Sim: I am dealing with the question of subordinates. The Honourable Member said that there was no Indian subordinate in the State Railways who was allowed to rise above that figure, namely, Rs. 300.

Khan Bahadur W. M. Hussanally: May I know what is the highest pay an Indian subordinate gets on these Railways?

Mr. G. G. Sim: He gets the same pay as a European subordinate.

Khan Bahadur W. M. Hussanally: What is it?

Mr. G. G. Sim: Rs. 500 or Rs. 600. It depends on the post.

Khan Bahadur W. M. Hussanally: How many are there on that pay?

Mr. G. G. Sim: I have not got the figures with me now. I was merely denying the statement made by the Honourable Member (Mr. Acharya) that they never get more than Rs. 300 a month. (A Voice: "Out of a total of?")

Then, Sir, he went on to say that on the Eastern Bengal Railway the maximum pay that an assistant station master can get is Rs. 170. The correct figure is Rs. 350. There is no separate scale for Indian station masters, as he suggests, either on the Eastern Bengal Railway or on the Oudh and Rohilkhand Railway, and as a matter of fact, there are Indian station masters receiving over Rs. 170.

Khan Bahadur W. M. Hussanally: Indians?

Mr. G. G. Sim: Yes, Sir.

Khan Bahadur W. M. Hussanally: Pure and simple?

Mr. G. G. Sim: Yes, Sir.

Khan Bahadur W. M. Hussanally: You are not referring to Anglo-Indians?

Mr. G. G. Sim: No, Sir. The Honourable Member then mentioned that there were racial discrimination in regard to gratuities. I am quite unable to understand what he means. There is no such racial discrimination whatsoever either in the rules or in the manner in which they are carried out.

Next, Sir, the Honourable Member said that considerable grievances existed regarding the provision for old age. I will deal a little later with the complaints that were made regarding the Fine Fund and regarding the withholding of Government bonuses and provident funds. But the Honourable Member in order to prove his point dealt entirely with one particular case. He quoted, Sir, from a typed sheet that was sent to every Member of this House, a typed sheet in which it was said that a certain station master, who had relatives in the constituency of the Honourable Member, had been dismissed from railway employment because he had charged an officer on the railway—an Indian officer, I may remark—with corruption, and the statements in that sheet appeared to imply that this matter had formed the subject of a civil suit and that the High Court had in their judgment implied that the officer in question was guilty of corruption. Now, Sir, I would ask the Honourable Member, who has

himself given so much weight to judicial hearings whether he has read that High Court judgment. In sheer justice to the officer who has been so virulently pursued in this sheet and in questions in this Assembly I should like to read the following extract from the High Court judgment:

"There seems to be absolutely no reason to support that there was any dishonest motive which actuated the Claims Department in adopting the course which they adopted."

Mr. M. K. Acharya: Will the Honourable Member read the whole judgment, and not merely the portion which pleases him?

Mr. G. G. Sim: I am afraid the House would not be prepared to listen to the whole judgment.

Mr. President: I may warn the House that if this goes on we shall never reach Bengal.

Mr. G. G. Sim: Next, Sir, the Honourable Member referred to the question of unfair retrenchment. What does he mean by unfair retrenchment? I would remind the House that it was at their instance that the Agents of the various railways had to undertake the very unpleasant task of retrenchment. The House itself insisted by cutting the Budget that retrenchment should be made. The Agents have carried out the most unpleasant duty—the duty of getting rid of their men can never be pleasant to any employer or manager—and the only thanks they get for the work they have done are these accusations of unfair retrenchment. What does the Honourable Member mean by "unfair retrenchment"? I never knew of any man who was retrenched who did not think he had a grievance and that some other man should have been got rid of in his place. But surely the Honourable Member does not mean that a committee is to be appointed to inquire into this matter and upset the orders of the Agents and their decisions as to which men should be kept and which discharged. There can be no question in this case of any racial discrimination. In the appendix to the memorandum of the Budget of last year we gave the House full information regarding these retrenchments and how they affected the different classes. Most attention has been drawn to the retrenchment on the Great Indian Peninsula Railway, where more than 50 per cent. of the retrenchment was made. If Honourable Members refer to the memorandum they will find that the retrenchment affected the different classes on the Railway in almost the same ratio. The reduction in the case of Europeans was 13.9, of Anglo-Indians 14.7, and Indians 15.1; that is to say, the average was practically the same throughout.

I think, Sir, the Honourable Member suggested that retrenchment had taken place in the case of subordinates and that there had been no retrenchment in the cadre of officers. That implication is not correct. The Stores cadre on the North-Western Railway was reduced from 12 to 9 and from 8 to 6 on the Eastern Bengal Railway. The Traffic cadre of officers on the North-Western Railway was reduced from 66 to 63 and from 43 to 37 on the Eastern Bengal Railway. The introduction of the Divisional system provides for a further reduction of the superior cadres. On the Company lines a comparison of figures for 1922 and 1924 reveals a reduction of 3 on the East Indian Railway and of 6 officers on the Great Indian Peninsula Railway.

[Mr. G. G. Sim.]

The next complaint that the Honourable Member had to make was that officers on railways got a different amount of leave from the leave granted to subordinates. He said that it was the officers at the top who formulated the Fundamental Rules regulating the grant of leave. Now, Sir, surely the Honourable Member must himself be aware that the Fundamental Rules to which he referred are not Fundamental Rules drawn up by the Railway Department, neither are they applicable only to the Railway Department, these Fundamental Rules were drawn up by an entirely different Department and apply to all Government servants, and if there is any complaint on the matter of the difference between the 'ordinary' and 'special' leave rules he ought to have moved for a committee to inquire into the grievances that may exist as a result of the special leave rules and ordinary leave rules in all Government services.

I now come to the thorny subject of Fine Funds. The implication running through the speeches of Honourable Members who referred to these Funds was that these Fine Funds are utilised for the purpose of providing recreation for highly paid officers and that these officers have therefore an inducement to increase the amount of the fines in order that they may enjoy themselves at the expense of their poorly paid subordinates. There is no justification whatsoever for any such insinuation. The Fine Funds are not used for the purpose of providing recreation for officers. It is perfectly true that a considerable portion of these Funds has in the past been devoted to the upkeep and support of institutes which have been more frequented by Europeans and Anglo-Indians on the Railways than by Indians. It is only in comparatively recent years that these facilities for enabling the employes in a railway concern to meet together and to associate in games and other social amenities have been appreciated to any large extent by the Indian staff. But wherever the Indian staff have expressed any desire for such amenities the Agent is only too willing to meet them. (*A Voice*: "No.") To make the position perfectly clear I should like to give the House a brief account of the receipts and expenditure of the Fine Funds on a typical railway. I take the accounts for the East Indian Railway. In 1923-24 the receipt of the Fund amounted to Rs. 1,27,000. This was made up of Rs. 61,000 from fines, Rs. 20,000 from investments, Rs. 9,000 from revaluation of investments, Rs. 3,000 from the repayments of loans to employees, and Rs. 35,000 from forfeited provident Fund bonuses. On this question of the forfeited provident fund bonuses I must explain to the House that there is a serious misconception in the minds of Honourable Members. A very considerable portion of what is called the forfeited provident fund bonuses represents merely the bonuses that have been paid in to the credit of employees who resigned and were discharged or dismissed before they had put in 5 years service and who therefore were not entitled to a bonus. For years past it has been the custom on the railways not to take this money back into their general revenues but to transfer it into this fund—which has been misnamed Fine Fund,—which is utilised solely and simply for the benefit of the employees. Out of the Rs. 35,000 which I have mentioned, only Rs. 819 represented bonuses forfeited by persons dismissed after five years' service. Now, Sir, the disbursements in that year were Rs. 1,39,000. Out of this Rs. 18,000 went to Indian schools, Rs. 21,000 to Indian institutes and Rs. 51,000 to European institutes. There was a loan to the Indian Staff Loan Fund of Rs. 20,000, a grant of Rs. 2,000 to hospitals,

and of approximately Rs. 4,000 on compassionate allowances, so that the money spent in that particular year for the benefit of the Indian staff solely amounted to much more than the actual fines collected. In the year 1922-23 Rs. 45,000 were obtained in fines, and the forfeited provident fund bonuses amounted to Rs. 49,000 out of which a sum of only Rs. 2,600 represented bonuses forfeited by men who had been dismissed after five years' service.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): May I ask the Honourable Member if there is still any system of finding clerks in any department of Government as there is of finding drivers and other staff on the railways?

Mr. G. G. Sim: I am afraid I cannot answer for other departments. In that year Indian schools received approximately Rs. 19,000, Indian institutes Rs. 17,000 and European institutes Rs. 34,000.

I should now like to deal with the statements made by Mr. Joshi who has been very brief for this Resolution. Mr. Joshi said that station masters begin on Rs. 20 a month and go up to Rs. 80 at the time of their retirement. Where Mr. Joshi got this information from I do not know, but I may tell the House that there are no station masters on Rs. 20 a month. The pay of station masters varies from Rs. 50 at the smaller stations to Rs. 300 at the larger.

Mr. N. M. Joshi: Do they not begin as signallers on Rs. 20?

Maulvi Mohammad Shafee (Tirhoot Division: Muhammadan): Are there not station masters on that pay on the Bengal and North Western Railway?

Mr. G. G. Sim: None on the State-owned lines. They begin at Rs. 50. Mr. Joshi then gave certain figures relating to the pay of guards. In giving those figures Mr. Joshi forgot to mention the fact that in addition to fixed pay the guards receive payment on account of mileage, and the amount they receive on account of mileage may be half as much again or more. Then, Sir, Mr. Joshi suggested that retrenchment in actual numbers has not taken place and that people have been turned away in order that the railways might secure a saving by not paying their gratuities and they have been re-engaged at lower salaries. I do not know where the Honourable Member got this information from. If he will look at the figures for the Great Indian Peninsula Railway he will find that between 1922 and 1924 there has been an actual reduction in the number of posts of 19,602. Then, Sir, Mr. Joshi quoted from a document which is only signed by temporary employees and went on to say that that document has got to be signed by every railway employee. This statement is incorrect. It is only signed by the temporary employees and is not signed by permanent employees.

Khan Bahadur W. M. Hussanally: What is the difference between temporary and permanent employees? So far as I know, all service in the railway is temporary and monthly.

Mr. G. G. Sim: Sir, I hope I have cleared up most of the misconceptions that prevailed in the minds of Honourable Members and upon which they based their demand for this inquiry. But I should like to deal with this matter from a broader point of view. When this House discussed the

[Mr. G. G. Sim.]

question of nationalisation of railways two years ago, the dangers of State management, the danger of the exercise of political pressure in matters of staff, the tendency that must naturally exist in the staff to resort to political influence in order to extort concessions instead of relying upon their own efforts to secure an adequate return for their services—all these dangers were present to the minds of the Honourable Members of this House. Many Honourable Members were so influenced by them that they agreed to the proposals that were then adopted—with the utmost reluctance. Sir Hari Singh Gour, for example, characterised the proposals as a counsel of despair and he only agreed to them because of the peculiar circumstances of the railway companies in this country. The State, he said, could never work the railways in the same economic and efficient manner as a properly organised company. But those Members who did support the Resolution based their arguments upon the report of the majority of the Acworth Committee. Now, Sir, all those dangers and all those difficulties that obtain in State management the world over were perfectly well known to the members of that Committee,—and may I remind the House that the majority of that Committee included such representative Indians as the Right Honourable Srinivasa Sastri and Sir Purshotamdas Thakurdas. That Committee definitely stated that they themselves would never agree to State management or to an increase in responsibilities in respect of railways being given to the Government Departments unless they were reorganised and they proposed definite safeguards to prevent those dangers occurring. As regards the staff, this is what they said:

“We assume that in future the Railway Commission will itself fix the scales of pay and conditions of service for its own staff and be free to engage and dismiss them as it thinks proper.”

Here they were referring to the relations between the Legislature and the Railways generally, and this aspect of the case has already been dealt with by my Honourable friend, Sir Charles Innes. The point to which I wish to draw the attention of the House is another aspect of the recommendation and one with which I am personally more concerned at present, and that is, the relations that ought to subsist between the Central Administration of the Railways and the Agents of the different Railways, or in other words, the powers that are to be given to the Agents of the different Railways.

This is what they said:

“Both in reference to lines directly managed by the State and those managed by companies, we recommend that the control in matters of detail be relaxed as far as possible, in order to eliminate constant references for sanction to the Commission and to leave to each official,—whether an agent or one of his subordinates,—unless for special reasons, the same amount of freedom in dealing with his staff as would be left to a corresponding official under ordinary company management.”

They then went on to refer to the absurdity of applying rigid regulations like those in the Civil Service Regulations applicable to other departments to a highly specialised concern as a railway. They said:

“The relations between the employer and the staff should be more in conformity with ordinary commercial practice.”

Now, Sir, I had always understood that when this House passed the Resolution in favour of State management it was for State management

on the lines advocated by the Acworth Committee. The Railway Board, which was reconstituted two years ago for the purpose of giving effect to the recommendations of the Acworth Committee have been endeavouring to carry out that policy. As regards the staff, Sir, in 1923 we went into this question and we revised the powers of agents. By that revision we succeeded, we hoped, in doing away with 60 per cent. of the references that came up to the Railway Board. I am not certain that we have gone far enough yet, but we were awaiting the separation of the finances which would materially affect this question. But I should like to explain briefly to the House what the present relations are between the Railway Board and the agents of the railways as regards the employment of staff. The Railway Board have laid down certain maximum rates of pay that may be given to particular posts. They have prescribed, for example, that not more than Rs. 600 should be paid to a station master or a workshop foreman, but subject to those limits the agent has full powers to determine the number of men whom he may employ and the particular amount of pay that may be given to them. He can thus arrange to give rates of pay that will allow for local conditions such as the cost of living and the remuneration paid for commercial services in any particular locality. He can arrange for the difference that exists from province to province and arrange for men getting a pay which will correspond as far as possible to what would be paid by a company for similar services and will be sufficient for the responsibilities of any post that may be given to a particular man. Now, Sir, from the statements made by Honourable Members it would appear that they wish the whole of this decentralisation to be swept away. Mention was made by the Honourable Mover and I think also by Mr. Joshi that they want standardised rates of pay in a commercial concern like service and were still getting a pay of Rs. 50 or Rs. 60, while other persons appointed at the same time had passed over their heads and were getting up to Rs. 500 or Rs. 600. Surely the Honourable Members do not mean that they want standardised rates of pay in a commercial concern like the Railway? Do they mean that a man in railway employment is to look forward to his salary being increased year by year without any regard to commercial results of his work? Some other Members went to discuss the powers which agents at present had to remove inefficient and incompetent men. Surely, it is not proposed that they should not be allowed to decide as to the comparative merits of the men working under them. How else are they ever to get any commercial results at all? It is of little use, Sir, this House agreeing to the proposals of the Acworth Committee regarding financial reforms unless they at the same time agree to carry out their definite recommendations regarding those administrative reforms. The point that I am putting was put to this House the other day during the discussion on the separation of Railway finance by Mr. Jamnadas Mehta in more terse and concise words than I can formulate myself. I will read a short quotation from his speech. He said:

“What does commercialisation predicate? What does it involve? It involves that you will follow strictly commercial methods in the working of your institutions. In a commercial institution, Sir, the services of people are engaged on quite different terms. They are not in the nature of public servants as our railway officers are. The railway service is organised as a public service, and under the present proposal of the Government it will continue as a public service and not as a commercial service. A commercial service indicates that you will insist on results being shown by your servants and if they cannot, you either dismiss them or remove them or degrade them. . . . We never have such a thing in a commercial institution of servants being assured of a certain salary which is regularly increased year after year and which is likely to be increased if some Commission recommends it.”

[Mr. G. G. Sim.]

The Honourable Member was a true prophet in saying that. Here already the proposal is made that a Commission should recommend it:

"No commercial institution can ever flourish if it continues to pay to its servants whether it makes a profit or incurs a loss. It is the commercialisation of the service which the Government ought to propose and not the mere separation of Capital and Revenue Expenditure. . . . Unless Government really try to commercialise their railway management on the lines I have indicated, the argument for Company management will receive a strength of which the Assembly cannot possibly have any idea to-day."

Now, Sir, a warning exactly similar to that given by Mr. Jamnadas Mehta was given by the Acworth Committee. I may incidentally remind the House that the same warning was given by the Inchcape Committee who insisted that we should trust our agents and give them full powers, or to adopt the phrase used by Sir Campbell Rhodes the other day "trust your manager or sack him." Now, Sir, we have been trying on the Railway Board to get at this position but all the speeches made in the course of this debate recommend that this system should be reversed, that instead of decentralisation we should have increased centralisation with the inevitable result that State management would be brought to a sudden and speedy end. Sir, this warning against interference in questions of pay and promotion has been given by the Commission that has inquired into the State working of Railways in every country and it has been necessary to have a Commission to inquire into State management in every country. I would only refer the House to a similar warning given only the other day by the Commission appointed by the League of Nations to inquire into the working of railways in Austria. Here again, Sir, we had Sir William Acworth and with him was associated the Director General of the Swiss Federal Department of Railways. Surely, Sir, the mere fact that in Switzerland it has been found possible to take from the purview of the Legislature the financial and administrative detailed consideration of railway matters is in itself a proof that in this there is nothing undemocratic. They definitely warned Austria and the League of Nations that unless proposals similar to those advocated by the Acworth Committee were adopted, if any proposals similar to those mentioned in the Resolution were ever adopted or put into force, the country would lose first of all the management and finally the ownership of the railways. Sir, I should like to repeat that warning that, if any such policy as is proposed in this Resolution is ever adopted, State management is bound to fail and if it does fail, the failure will be not because the management was carried on in the name of the State but because your managers were not allowed to manage.

Lieut.-Colonel H. A. J. Gidney: The Government Member has brought forward certain points opposing the Resolution and if I should oppose the Government and vote for the Resolution, I hope it will be clearly understood that I do not associate myself and those of my community on the Railways with the views of Mr. Chaman Lall when he offered Government a threat of an All-India Railway Strike. A strike always strikes the strikers the hardest while the promoters are the least hurt or struck, and so on behalf of my community that is so largely employed on the Railways I do not associate myself with this threat if Government refuses to accept this Resolution. But, Sir, there are certain points included in this Resolution which, I submit, do merit more than a passing consideration such as the Government Member seems inclined to do. I am in entire sympathy with the principle. I believe that every labourer, given the same work, carrying the

same responsibility and requiring the same efficiency, should be given the same wage provided it is a living wage according to his standard of living, a principle to be found in every Government Department except Railways. The system of fines, I submit, is only practised in the Railways. It is not practised in any other Department of Government and it is very questionable whether it is a legal form of punishment in the Railways. The next matter that comes under discussion is the "hours of work". I speak on this point with some experience and I can assure this House from reports that have come to me from members of my community, especially in the Loco. Department, that the Railways in their eagerness to retrench are to-day so understaffed that very often the men are so tired that they frequently beg of their doctors to strike them off their work to enable them to obtain adequate rest. The next point is the question of leave. I know from personal experience that there is a great difference between the leave that is given to some railway employees and that given to other Government servants controlled by the Civil Service Regulations and issued alike to all. The greatest difference exists between covenanted men and those who are recruited in India. The most important matter in this Resolution is the one connected with Provident Fund and Gratuity. The Honourable Member in charge of this Department gave some figures on the 27th. I think he said that about 60 or 70 lakhs had been so distributed and that only about Rs. 25,000 of this money had been withheld in justifiable cases. I know of several recent cases which alone make a total of something like Rs. 20,000. In one case, quite recently, a Stores Superintendent has been summarily dismissed because he was supposed to have committed a dishonest action and caused a loss to the East Indian Railway. His case has not been properly inquired into, an *ex parte* decision given and a defence refused. A sum of Rs. 10,000 that was his Provident Fund has been taken away and placed in the Fine Fund. Why did the Railway fear taking criminal action against him? This happened only a fortnight ago. I know of another man a P. W. I. on the East Indian Railway who, because he could not work amicably with his official and fearing he would be dismissed repeatedly asked for a transfer. This request was refused and he resigned. His gratuity has been withheld because he resigned to suit his own convenience. In the case of recent retrenchments, hundreds of them under 15 years' service, that have been effected on the Great Indian Peninsula Railway and other Railways, I ask the Honourable Member in charge whether the Great Indian Peninsula Railway has given these axed men their gratuity due by Rules? There is a rule in the Government State Railways Provident Fund and Gratuity Rules which distinctly states that gratuity should be given and I will read it for the benefit of the House:

"Rule 3, Para. II, sub-para. (d) 'Retirement with less than 15 years' service due to * * * * * or (ii) abolition of appointment if other suitable employment cannot be found for the subordinate'."

I should like to know whether these employees of the Great Indian Peninsula and other railways who have been retrenched since the report of the Inchcape Committee was published have received their gratuity in accordance with this rule? Will Government see that every one of them gets his dues? I now come to the next point, medical relief. The Railway Medical Department is in my opinion hopelessly understaffed and needs immediate rectification. With regard to the opportunity for promotion to higher grades, it is a matter which, I think, should be seriously inquired into. Too many officials are imported from England. I believe there are to-day on the East Indian Railway 13 Assistant Traffic Superintendents who

[Lieut.-Col. H. A. J. Gidney.]

are on a Reserve List waiting for vacancies. This is contrary to the Lee Commission's recommendation. Why should not worthy upper subordinates be given these appointments? For years they are kept officiating. Why not permanent?

I now come to the most important question, namely, the recognition of railway unions. Sir, I do admit and I quite realise that there are a large number of railway unions that are formed and administered for political purposes and are practically run by political agitators. I am not referring to these unions, they are a menace to Railways and India. But there are some unions in India which are really working for the good of the men and the Railways, who wish to work on amicable terms with the Railway Administration. These railway unions, I submit with all due respect to the Government Member, should receive official recognition. They are not out to thwart the Railway Administrations. They are out to help the Railway employers and employees, in a constitutional manner. Such unions, I submit, should be respected and recognised. I know very little about other unions, but I do know that there is one union called the Amalgamated Society of Railway Servants with its Head Offices in Bombay. That union is doing good constitutional work, and yet it has been frequently refused recognition even at my request to the Railway Board and His Excellency the Viceroy. Why do Government refuse recognition to this union and other well recognised unions? The recognition of these unions is the only way by which the employees and the employers can get into closer touch with each other. There is already in existence the Indian Telegraph Association which consists of employees of the Telegraph Department and the Honourable Member in charge of that department will, I am sure, bear me out when I say that that Association is an asset to his department. It is a channel through which his departmental grievances are settled in a business-like and amicable manner. With the Government recognition of the Telegraph Association, I ask why should they refuse to recognise railway unions? Is it because they are afraid of them? If it is true that all these amenities and advantages are given to railway subordinates and if the Agents of the Railways are administering justice and it is true that peace and harmony reign in Railways to-day as the Government Member tells us, I ask why should Government be afraid of recognising unions that wish to establish a closer association between employers and employees? It may be said that these unions are the means of promoting strikes. But look at the unions in England. Have they not created strikes there? And yet almost every one of them is recognised. It is not the desire of well-organised unions to encourage or promote strikes. Their desire is to see that justice is done to employees and in refusing to recognise such unions Government are indulging in a very short-sighted policy. The question is: How can these various grievances be redressed? The Honourable Mover has suggested as his remedy the formation of his Committee. Some of these grievances will certainly come under the purview of the Committee which the Honourable Mover has recommended; others, the majority, can be easily settled by the creation of a Complaints Department attached either to the Railway Board, or to each Railway with a non-railway official majority. Such Departments would look into the grievances of railway employees. I do not mean fictitious and minor grievances. I do not wish this Complaints Department to undermine the influence of the Railway Agents or the discipline of Railways. The Gov-

ernment Member apprehends this Committee ruining Railway Administration and creating political corruption. Why should Government apprehend these from such a Committee as has been suggested by the Honourable Mover? The Telegraph Department has had more than one Committee, there was no strike, and no political corruption as sequelæ. The L. C. S. and the other Services have had their Committees in the Public Services and Lee Commissions. Did they strike? In fact, every Government Department has passed through the turnstile of its Committee. Why should the Railways apprehend strikes, strife and ruin as results of such a Committee? The Railway employees will be given opportunities *vid* their representatives or unions to place their grievances before this Committee and, I for one, cannot see any reason to apprehend any fear of strikes, strife or any political corruption taking place as the result of the formation of this Committee. There is the question of railway employees addressing Members of the Indian Legislature to represent their grievances before this Assembly. I have read a Railway Board circular which prohibits all railway employees representing their grievances to Indian Legislators on penalty of dismissal, and yet this is supposed to be a Democratic Assembly. I admit such a practice might be abused and should not be encouraged *ad libitum*, but when all efforts at constitutional redress have failed, as an elector with a vote why should he be denied the opportunity, as a *dernier resort*, of obtaining justice *vid* the Legislative Assembly, the representative of *Vox Populi*? It should be curtailed as much as possible. But, if this Committee were appointed there would be no need for employees to refer their grievances to Legislators. The Complaints Department will also avoid this practice which Government apprehend and seem to think will undermine railway discipline and encourage political corruption.

I therefore do not consider that there is any danger to be apprehended from this Committee. After all what redress does the subordinate railway employee receive when he has a genuine grievance? The order of the junior railway official is seldom or never upset by his senior or the Agent. The Agent sits in his holy of holies, surrounded by a halo of isolation from all these grievances. The subordinate in vain seeks an interview. He then appeals to the Railway Board which has a stereotyped reply. It refuses to interfere either with the discipline or with the orders of the Agent. I ask the Railway Board to tell me how many such complaints it has received and how many it has inquired into much less remedied? The result is that the employee has to leave his home and with his family swell the ranks of the unemployed. It takes three or four months before he gets his Provident Fund; it takes him six months before he gets his character certificate. He finally appeals to His Excellency the Viceroy, who, on the advice of his Railway advisers, sends him the same reply, regretting he cannot interfere with the decision of the Railway Board. That man now becomes a railway leper. The door of every railway is closed to him, by the system of correspondence between railways regarding dismissals and re-engagements. I repeat he is a railway leper. Mr. Sykes told us that railway men seldom left their jobs because they were very happy and contented. I agree with him but for quite a different reason. The ghastly spectre of unemployment or re-employment on Indian rates of pay face him which he fears and so sticks to his job. Once a railway man, always a railway man. A man does not wish to leave the railway because he cannot leave it. His training is such and he is so unfitted, that he cannot get employment in any other calling. This is the reason why he hangs on

[Lieut.-Col. H. A. J. Gidney.]

to the railway may be for life. Such is the lot of the railway man not a happy lot, and I am not exaggerating the situation when I say that these and many other grievances do exist. I have the solid support of the Anglo-Indian railway employees when I say that they do suffer from these grievances, and they are not petty grievances. It is not a question of inadequate salary, medical relief or meagre house accommodation; it is a question of unjust treatment they receive from some of the railway officials amounting to bullying or *zulum*, and it is this injustice they wish remedied. It is for this reason I ask for a Complaints Department to be opened out. If this is refused by the Government I intend supporting this Resolution for a Committee.

Before concluding my remarks, I wish to take this opportunity, on behalf of my community, to thank Sir Campbell Rhodes for the speech he made when this Resolution was moved on the 27th January. It is exactly what we should have expected from a well-wisher and a friend of the community. I am glad that he stressed the aptitude and the peculiar qualifications possessed by my community for employment on the Railways, for which reason it has been employed in such large numbers up to date and which has been erroneously called preferential treatment. The day for preferential treatment has gone and I am not sorry because this past life of dependence on preference has not elevated the status of the community. Sir Campbell Rhodes realising this stressed in his appeal the uncertain position the community occupies on the Railways. He said the Reforms had nothing to offer but disillusion and despair to the Anglo-Indian community, and that it was the duty of the majority community to protect the minority community. Indeed Sir Charles Innes, when he replied to Mr. Neogy's Bill on the 30th January, stressed the same point regarding the precarious position occupied by the community. I again thank Sir Campbell Rhodes for his generous appeal on our behalf, but I am in a manner sorry that in so doing a racial bias has been introduced into this debate. Sir Campbell Rhodes in his appeal raised an issue regarding the present position and the future protection of the Anglo-Indian community on the Railways with which I regret to say I am not in agreement. There was a time when the Anglo-Indian community leaned on the European and the Indian and the Government for its support and for its very existence. I am proud and pleased to say that that time has gone. Sir Campbell Rhodes has asked this House to take upon itself the dual responsibility of the future of the Anglo-Indian community. I again thank him for his solicitude, and I hope he will not consider me either ungrateful or disrespectful when I say that we decline to live on the charity of any other community, be it European or Indian. We have lived on communal charity and preferences quite long enough. We have now decided to stand by ourselves declaring ourselves the equals of all others—independent of all favours and as citizens of India—not forgetting our British traditions and prestige to fight for our rights at all costs when we think it necessary. A public Communiqué has recently been issued to Parliament and the Press by the Anglo-Indian Association of London on our present position in India without consulting the community in India. I agree with the situation detailed but I disassociate myself in blaming the Reforms or the Indians for our unenviable position. It is not correct to say so. I do not blame the major Indian communities, nor do I blame the Reforms Scheme for our present insecure

and precarious position on the Railways and in India. It was not the major Indian communities nor the Reforms Scheme that asked the Lee Commission to place a ban on my Indian domicile in 1922, nor did they cause Colonel Sir Denvers Waghorn to agree in this House to a speedier Indianisation of the Railways. Nor can they be blamed for depriving Anglo-Indians of a communal majority jury in mixed criminal trials or for the loss of the European Educational grant in Bengal. It was not the major Indian communities, nor the Reforms Scheme that passed the Statutory Act of Parliament Victoria 33 that made us Statutory natives of India, and so denied us our British heritage and rights—and that permitted England the only colonising nation in the world to lose her identity in her offspring the Anglo-Indian whom she does not even know and has forgotten. It was not they who put me in the position I am to-day occupying on the Railways. They did not pass the Government of India Act, 1919, which gave me an Indian Electorate. It was not they who issued that confidential letter to every Agent asking him to employ Indians in larger numbers implying that Anglo-Indians should not be employed. It was the Government Member himself who wrote that letter. It was not the Reforms Scheme nor the major communities that refused me my legitimate right of entrance into all ranks of the British Army to-day. It was not the Reforms Scheme that put me in this position of insecurity in India as mentioned by Sir Campbell Rhodes in his appeal. No, Sir; the London Anglo-Indian Association was wrong, Sir Campbell Rhodes was wrong. The blame rests not on the major communities of India nor the Reforms Scheme, but that corporate body, called the Government of India, Central and Provincial, who are to-day operating the Reforms and in whose special trust the Anglo-Indian community has been placed by the authors of the Reforms Scheme.

We have been placed as a sacred trust in the keeping of the Government of India, both central and provincial. Paragraph 352 of the Reforms Report states it very clearly. I ask the officials sitting in the Government benches, have they faithfully fulfilled that trust? They have not fulfilled that trust. Had they done so, there would have been no need for Sir Campbell Rhodes' generous yet pathetic appeal on our behalf and the Anglo-Indian community would not occupy the position it does to-day,—the play things of yesterday, the unrecognised convenience of to-day, and the forgotten of to-morrow, disowned by the European, not wanted by the Indian, and neglected by the Government of India, the official trustee of its future. This is what our position is in India to-day and this is what Sir Campbell Rhodes has asked this House to remedy and take as its joint responsibility. I thank Sir Campbell Rhodes, but I regret to say I cannot accept a position of dependence on this House which carries with it neither continuity nor any guarantee. The Reforms have come to stay and the Anglo-Indian community has been the sufferer not from the scheme but the way it has been operated in fear and response to Indian clamour. As for Sir Campbell Rhodes' remarks about the community being badly led in the past and having black sheep in it, I am sorry such remarks should have been made in this House. However I prefer to pass them over. They can be equally applied to other communities. The future and the protection in India of the community I represent I repeat has been placed in the hands of the Government of India and we still look to the Government of India with all respect to fulfil their duty and their trust till such time as India has been given full self-government when I hope

[Lieut.-Col. H. A. J. Gidney.]

our position will be more secure and recognised than it is to-day, and we will be able to defend our claims as citizens and sons of this great Indian Empire in whose development and present position the Anglo-Indian community from its very inception up to date has played no small part. Surely England will not reward us by leaving us as its bankrupt legacy to India. We are her sons and ever shall be. Rescind the Statute Act of Parliament and so make us the permanent British settlement of India. This alone will remedy our position. Till this is done the Anglo-Indian community asks the Government to fulfil their trusteeship of its future.

Pandit Shamlal Nehru: I move that the question be put.

Mr. President (to Khan Bahadur W. M. Hussanally): The Honourable Member's amendment I warned him last time is out of order.

Khan Bahadur W. M. Hussanally: I find it on the paper still.

Mr. President: I am not responsible for the compositors' room.

Khan Bahadur W. M. Hussanally: Is it entirely out of order.

Mr. President: I find it difficult to find anything that is in order in it, so I rule it out of order.

Khan Bahadur W. M. Hussanally: In that case may I speak on the general Resolution? The Honourable Mr. Sim gave us a sermon—my friend here says a very good one, but I doubt it. I did not hear him answering the questions put by my friend Mr. Chaman Lall. He gave him certain figures of the employees in the various departments, to which Government had no answer to make. I put him one or two questions more with regard to the employment of Indians in various capacities on the railways, to which also the Honourable gentleman had no reply to make. He gave us a regular gradation of pays in various offices under the Railway Department, but did not answer what or which of those appointments were held by Indians and which and how many of them by Anglo-Indians or Europeans. Sir, the chief source of difficulty and discontent amongst the railway employees lies in what is called racial discrimination, to which I believe my friend Colonel Gidney will object to my referring. But I strongly think, if this racial distinction were taken away, there would be no discontent and no committee would be required to go into the grievances of railway employees. I will give you one or two instances, Sir, in the workshops departments of the railways. And what do we find there? Whereas an Indian commences on a bare pittance of about 1/6 or 1/8 per day, which comes to about Rs. 35 or so a month, an Anglo-Indian or European recruit, knowing absolutely nothing and certainly not as much as an Indian recruit does, commences on Rs. 120 or Rs. 125 a month. Well, Sir, whereas an Indian workman in the workshop could hardly expect to rise to the highest maximum of about Rs. 250 by the time he retires, an Anglo-Indian or a European could rise to Rs. 350 at the least; and then further increases are also in store for him. He can rise to become a foreman and even a Loco. Superintendent. My information is that there are several gentlemen of that stamp who have risen high in the service of the railway workshops from a very humble position, and if you will permit me I will even mention one or two names, but perhaps my Honourable friend Mr. Sim will not like me to do so. Therefore, I will not mention any names; but one instance I may give. I am told that the present Chief Mechanical Engineer of the North-Western Railway was only a fitter when he started life, and now he is getting something like two or three thousand rupees a month. Has any Indian any

chance of rising to become a Loco. Superintendent or even a foreman? No. There lies the racial discrimination and racial distinction. If you remove that once for all, there will be no more discontent and no inquiries will be needed at all. But these are some of the grievances of railway employes. They are not confined only to wages. No, there are other grievances of every kind which have to be inquired into also. There are grievances with regard to housing accommodation of railway employees, station masters, guards, drivers and other employees, and the less said about that the better. I wish the Honourable the Commerce Member would make it a point of going on the various railways all over India and seeing for himself what is the housing accommodation offered to these poor devils. An assistant station master or a workshop mistri would hardly be given more than a room about 8 by 10 feet with a small verandah and this is used as living room, as bedroom, as drawing-room, as kitchen and everything else combined. The accommodation offered to these men is far worse than even the outhouse of a bungalow allotted to a European subordinate.

The hours of work again, Sir, is a very great grievance with all kinds of workmen, whether in the workshops or in the traffic branch. As I said the other day there are instances in which assistant station masters on main lines are made to work about 12 hours at night and yet are expected to work during the day for passenger or goods traffic. The Honourable the Commerce Member did not admit this proposition. He thought this was only done on branch lines where there were only one or two trains to pass through; but let me assure him that is not a fact. I can mention to him instances of assistant station masters on the main line between Karachi and Lahore who are subjected to this torture. Well, Sir, there is again the question of gratuity. I am told that if a man enters after the age of 40 into railway service, he is not entitled to any gratuity however long he may have served thereafter, and that I am told is by order of the Government of India. I do not know how the Government of India came to make that order. I cannot understand for the life of me, if a man serves 15 or 20 years, why should not he be allowed a proportionate gratuity. Coming next to the provident fund, I am told that if an employee of the railway works at home overtime—does some private work, he is not entitled to the benefits of the provident fund. Is that reasonable, Sir, may I inquire? Why should not he supplement his small pittance by a little private work at home. And on this account I am told about 80 per cent. of the railway employees on the North-Western Railway have declined to join the Provident Fund. Is that a fact or not? Will the Honourable Mr. Sim answer? Have all employees, or the majority of employees, joined the Provident Fund? I am sure he is not able to answer that question. These and several other grievances require redress, and redress can only come by a thorough examination, and the examination cannot be carried out except by a committee. Now that the amendment proposed by the Honourable Dr. Dutta has been carried, that this inquiry is to be held by the Advisory Committee, I do not see why there should be any objection.

One instance, Sir, I forgot to mention about racial distinction. Some time ago, about 12 or 18 months ago, an Indian station master of Simla retired and his place was given to a guard, a European guard, not an Anglo-Indian or an Indian but a European. A strong protest was made by the railway union at Lahore and the reply of the Agent was evasive. Is there any Indian at all in charge of a first-class station throughout the whole of the North-Western Railway? I doubt if there is any, but perhaps if

[Khan Bahadur W. M. Hussanally.]

there are any, not more than one or two. Why should there be any racial discrimination of this kind? Are there any Indian guards in charge of mail trains on any railway? I doubt if there is. And if so, why should not Indians be trained to do that kind of work? If you do you will perhaps find that you will economise in the running cost of the railways and thus make your Railway Department a really commercial department.

Mr. M. K. Acharya: Sir, in rising to make my reply I desire to express the regret which I share with many others that we could not get through this Resolution more speedily. My regret is all the greater because I feel that the opposition which I have to meet, though very loud and panicky, has not been, in my opinion at any rate, as reasonable as it ought to have been or as indeed it might have been. The Honourable the Commerce Member the other day made a very long speech in which argument, which alone I desire to meet with counter-argument, formed a very small part; and in which abuse, which I do not desire to meet with counter-abuse, bulked very largely. I do not desire to emulate the Honourable Member in putting on the superior airs with which he lectured us on the grave impropriety of bringing up this Resolution for discussion on the floor of this House. Much less do I wish to emulate him in the choice diction in which he characterised my remarks on the inadequacy of the provident fund and so on as "all nonsense." Such superfine language and such superior airs are the privileges of the gods. I am yet but an ordinary mortal. I have no desire likewise, Sir, to question the qualifications of (I see he is not in his seat) the commercial magnate from Calcutta who in backing up wholeheartedly the Honourable the Commerce Member of Government, gave us what he called his business advice. But when the gentleman went out of his way to treat us to a dissertation on the special aptitudes of various communities for various jobs, I really wondered whether he was turning out a Varnashramite, a modern upholder of ancient caste system. And when he went on to tell us in detail how

some communities were more qualified than others for trade, some for fighting and some, as he said "more qualified for politics, as well," I almost wished to interrupt him, and ask him to tell us from the profundity of his researches what community had the most especial aptitude on earth for Exploitation commercial and political of its weaker neighbours. Sir Campbell Rhodes championed the cause of the Anglo-Indians. I have absolutely no quarrel with them. On the other hand, I have great sympathy for that community. I know the average Anglo-Indian who neither possesses the prestige of the snow-white skin nor practises the economy of the sun-dried and is hard put to it in the race of life. I know many cases where an Anglo-Indian on Rs. 300 per mensem gets more into debt than an Indian on Rs. 100, because the former has to live up to a very artificial and costly standard of life. And personally I should not grudge, if it were in my hands, to allow to the Anglo-Indian as a concession to the artificial standard under which he has to live, somewhat larger salaries; but if this is claimed as a matter of right on the very fanciful theory of the special aptitudes of the community, I should certainly declare unhesitatingly that it is adding insult to injury. And to Sir Campbell Rhodes, the champion of Anglo-Indian interests, I would like to present a concrete case for his investigation. There lives very near Madras a European who after thirty years of good faithful continuous railway service could get up only to the place of a traffic inspector, and therefore retired broken-hearted last year because he found that every time he had a chance

of getting into anything higher, he was deprived of that chance because of his unpardonable sin in having married an Anglo-Indian lady. After this case and similar cases, if anybody, if Sir Campbell Rhodes or anybody else, says there is no such thing as racial preference or colour prejudice and all that kind of thing going on in the departmental administration, I can only leave him to his sweet imaginings.

Similarly, Sir, I do not believe I should question very seriously and in detail the chivalrous way in which the Honourable Mr. Sim rose up to justify all that his department had been doing. He seems to have picked up here and there one or two remarks of mine and misapplied them. For instance, when I spoke of the commercial spirit in Railways I never said it was right or wrong, that it should be there or not; what I did say was that the desire of commercial enterprisers to give the minimum salary possible and exact the maximum amount of work was at the bottom of many of these grievances. That is something quite different. He further referred to the case of bad boys to which I had referred in my speech. What I did say was there was a class of bad boys and a good number of them were thrown into the railway service; I did admit also that a good many of them even to my knowledge turned out very good men; but this is beside the mark. And as for Naidu's case with which he dealt at some length, I will deal with later on with that case and the judgments which he would not unfortunately give in full. As for his ponderous statement that there are 100 men and more who are getting more than Rs. 300, what I was dealing with were the averages; the average Indian never gets beyond Rs. 120 or thereabouts. There might be 100 or even 200 out of 10,000; what is the percentage? (Here Mr. Sim rose to speak). I have explained my meaning and I do not think there is any point of order arising; we are all anxious to finish soon and none more anxious than I am. So long as Mr. Sim is there to oppose rightly or wrongly whatever is said here, we know exactly what weight to attach to his ponderous statements.

I now come back to the Honourable the Commerce Member opposite. I have been trying to understand his very long speech as well as I can, and I may put it perhaps into five parts like the five acts of a Shakespearian drama. In the first part he lectured us, as I said, on the grave impropriety of discussing on the floor of this House such a very "dangerous" question as the grievances of subordinate Railway employees, instead of leaving the matter entirely in the most benign hands of the departmental angels, and he lectured us on the still graver impropriety on the part of any of us in writing to Secretaries of railway unions for details of information. I am aware that he tried to pay a left-handed compliment to my innocence quite as much as to say that I was only a fool playing into the hands of others who were the real villains of the piece. That compliment, Sir, I beg most respectfully to decline; I take the fullest responsibility for the subject-matter of this Resolution. I know that he tried to make dialectic capital out of the admission I made with regard to the draft. But, Sir, I know of the many Resolutions, good, bad and indifferent which the Honourable gentleman in this House happens to move—of the many Resolutions well-worded as well as ill-worded, for official drafts have no pretence to literary perfection—may I know how many are drafted by the Honourable gentleman himself, how many by the departmental heads over whom he presides? Is such co-operation when paid from the public coffers alone a virtue and when not so paid a crime? Is it a crime if I accept the draft unpaid of a

[Mr. M. K. Acharya.]

friend? Similarly, Sir, may I ask the Honourable gentleman whether he does not get information, and indeed whether he does not consider it his duty to obtain information on various matters from departmental officers from time to time? Is it a crime on the part of Mr. Joshi alone if he writes to Secretaries of railway unions for detailed information on matters in which they are primarily interested? Sir, there are many, and if not many there are several on this side of the House who are connected as Presidents, Vice-Presidents or Patrons with railway, postal and other unions, and who therefore know in a general way the grievances of the men concerned, and who think that when the occasion arises it is their duty to write and do write and get information regarding statistics and various other details. Is this evidence of the manufacture of grievances? And yet that is the very grave charge that the Honourable Member opposite brought against us—the manufacture of grievances. I found the next day head lines placarded in the die-hard press—"manufacture of grievances." That is the serious charge and this the silly evidence which the Honourable gentleman flourished in his hands most dramatically saying: "Here is the letter. This is how grievances are manufactured. Are you not satisfied?" And his amiable supporters cheered him like the Roman citizens of old who cried "We will be satisfied; let us be satisfied." However, I believe the Honourable gentleman himself was not satisfied quite in his own mind that his "evidence" could stand the test of rigid cold logic; therefore he went on in his speech to draw some pictures. This is Part II of his performance. He first drew the picture, a beautiful picture, rosy and fine—too rosy indeed to be at all real—a beautiful picture of the calm, peace and contentment at present obtaining among the Indian employees; and in the second he tried to draw a very dismal picture of all the catastrophe that would happen—of the conflict between class and class, between interest and interest and between community and community, of the dreadful dislocation of traffic and business, of the great destruction of discipline, and in fact of the deluge that would happen if this Resolution were accepted. I almost wondered, Sir, whether the very serious tone in which he said this did not verge on pathos. But in the name of goodness, what is his authority for this beautiful picture of calm and contentment that he drew for us? Is it because these men are not as clamorous or as militant as railwaymen in England that these men have no grievances; and the grievances are all manufactured? I wonder if any official ever admits that Indians, railway men or others, have any grievances whatsoever. That is a very stale official argument. It is the cardinal creed of the bureaucracy that the teeming voiceless millions of India are so contented, so happy, so prosperous, that they are so sensible of the blessings of the British Raj, that they have nothing but gratitude for their benign alien rulers; and that all this cry for self-government and all this demand for redress of grievances, political, economic or administrative, comes from a very small class of mischief-makers who simply should be put down with a strong hand. Sir Charles Innes, true to the eminent order to which he belongs, has been simply repeating and applying this formula to the present case. That is how he says the railway men have no grievances, that they all live in a Paradise, that it is mischief-makers like Mr. Joshi and myself who serpent-like creep into that Paradise and seek to seduce the men from their allegiance to the angelic hands that govern their destinies. Sir, that is our misfortune. That is the special misfortune in India, that we are penalised

for our very virtues, for our patience, for our spirit of endurance and resignation. Because we put up with all our troubles patiently, it is said that we have no grievances. Just in to-day's *Pioneer*, Sir, I read 'A meeting of the Railway Managers held on Tuesday last, refused the new wage demand of the National Union of Railway men, and serious trouble in this connection is expected.' The railway men in India are all in the hands of angelic departmental officers who do everything that the men want, and therefore they have no grievances; whereas in England and Great Britain these departmental officers are not the angels that they are in India, and therefore the railway men there have grievances, and just at this moment, as the cablegram says, there is serious trouble in England. On the other hand, railway men in India, according to the Honourable Member opposite, can have no grievances, for these men have been given everything that they want, they have been granted very ample increases in salaries, liberal, over-generous, so as to make the salaries of railway servants much more than the salaries of employees in any other service; they have been given everything that they want in the way of housing accommodation, warm clothing, medical relief and all that! Sir, I do admit that there were some increases given in 1919-20. There were all-round increases which ranged up to 30 per cent. or even 40 per cent. in some cases, although I believe that the officers at that time got very much more. If I mistake not, the salaries of Agents of Railways were raised from Rs. 2,000 in 1903 to Rs. 3,000 in 1920; those of Traffic Managers rose from Rs. 1,200 in 1903 to Rs. 2,500 in 1920, and the salaries of District Officers were raised from Rs. 600 in 1903 to Rs. 1,200 in 1920. Yet, all this was not enough for these very hard-worked and poorly-paid high officials; and therefore, I suppose, they went up to the Lee Commission for further concessions. However, so far as the men are concerned, I admit that they got about 30 per cent. increase. But my question is, was that adequate? Taking into consideration the all-round increase in the cost of living, was that adequate? The Honourable the Commerce Member quoted the authority of an officer specially deputed and he quoted prices from the Labour Gazette, and he concluded that there were no grievances. Sir, somebody said ingeniously that statistics can prove anything. I am no expert in statistics,—thank God, I am not—but I could also quote, if only I had the time, ample figures regarding the cost of living as compared with the increases that were granted. I quoted the other day a number of cases from statistics collected by me in 1922-1923 showing that even after the increases were given, there were hundreds of men who after 15 and 20 years of service were drawing less than Rs. 40 and Rs. 50! However, I am ready to grant that it is not possible in this House to go into all those details and to increase the salaries of men all in one day. But I am stating these things only as examples to prove that these men have legitimate ground, they have good cause to be dissatisfied with their present conditions in life, that they do not live in the Paradise, the imaginary Paradise, in which the Honourable the Commerce Member tried to place them. However, Sir, as has been already stated, the question of pay is not the only question or even the principal question. If I should be asked to specify the grievances, there are many and here are some of them. Here is a telegram from the loco. workmen of the South Indian Railway "unfavourable reply given by Loco. Superintendent for memorialists against Agent's promises." Thus, when the Agent had promised to remedy the grievances of the loco. men, it is the intervention of the subordinate officials which is

[Mr. M. K. Acharya.]

responsible for denying the men the privileges they seek. Here is another memorial submitted only last month by the traffic staff of the South Indian Railway praying that the station masters should be started on Rs. 50 a month and in course of time some adequate promotions should be given. They further state that their position in the matter of leave has not been bettered; that salaries are distributed very late, in the latter part of the succeeding month. They state their grievances regarding penalties, fines and punishments. Now here is another memorial which has been sent up by the staff of the Great Indian Peninsula Railway working at Wadi Bunder complaining about the hours of work. They say that they have to attend their work at 8-30 A.M. and remain till 6-30 P.M. They live far away, five, ten or even 12 miles away from their place of work, and they have to be at work precisely at 8-30 and return home only at 6-30, and they say that they do not get even one important meal in the day. There are also other grievances of the employees in the Great Indian Peninsula Railway such as that the Manmad agreement or the Manmad Pact, as it is called, has not been strictly carried out.

Then, Sir, I may mention the grievances of a lot of employees in all the big cities. These employees living in big cities are not all provided with free housing accommodation. For instance, in this city of Delhi, the East Indian Railway line employees, I mean all those who draw Rs. 100 and below, get Rs. 3 as house allowance. Now, is it imaginable that any employee with a family of even four or five souls, can possibly rent two rooms in Delhi for Rs. 3? It is really impossible to get any accommodation here for anything under Rs. 25. It is the same case in all the big cities. I shall not particularly mention Bombay and Calcutta, which may be exceptionally costly, but in the other big cities also men drawing Rs. 100 and less are given Rs. 3 only, or I suppose on State Railways the men are given 10 per cent. of their salary. Take the case of a man drawing Rs. 50, he will get only Rs. 5 as house rent! He cannot possibly get a house or even a portion of a house to live in for Rs. 5 if he has a family of at least 4 or 5 souls. Here is an estimate of the minimum cost of living for a clerk with a family of six souls in Bombay, a man, his wife, two boys and two girls. The minimum cost for the barest needs comes up to Rs. 140. Deduct Rs. 60 for house-rent and other things unduly costly in Bombay city. Does the average employee who has to maintain 5 or 6 souls get Rs. 80 at least? There are also other matters which require inquiry and attention. Just this morning a cutting has been put into my hands about "the cruel methods of recruitment in the East Indian Railway." It seems that old hands are being sent away on the ground that they are not required and are re-employed on Rs. 33. Old hands who have put in 15 and 20 years service are retrenched on the ground that their services are not required, and the same men are re-employed on Rs. 33! Above all, there are grievances connected with racial preference excluding the South Indian Railway, and on all Railways grievances *re* brutal punishments, fines and persecution on the part of higher officials against all those who dare to join any Railway Association or Union. The Honourable Mr. Sim said that I was myself in doubt whether there were any grievances. Well, I submit, that what I said was this—that if a responsible Committee were appointed to examine the matter, and if they came back to this House and said that the men had no grievances, I would certainly bow

to their verdict. Because, Sir, I am so sure of the grievances of the railway men that if a Committee is appointed, it must report not only that there are serious grievances but that there is a way out for redressing those grievances. Sir, I do not blame the Commerce Member. I do not blame him because he simply reads the reports that are put into his hands, ninth-hand reports from tenth-rate officers! But I would ask whether the Honourable Member opposite has ever read the pages of any railway magazine published by Indian employees? Has he read the *Railway Guardian* of Madras or the *G. I. P. Herald*, or the *G. I. P. Staff Union Monthly* both of Bombay or the *Mazdoor* of Lucknow? Has he read the annual report of the Eastern Bengal Railway Union with 8,500 members on its rolls or the reports of the Bombay, Baroda and Central India Railway Union? Has he read the resolutions passed at the first All-India Railway men's Conference in 1921, or at the second All-India Conference in 1922? Has he gone out on his tours for a single half an hour *incognito* into the homes of these poor miserable men, whom from his imagination he pictures as living in a Paradise of their own? Has he listened to them outside the awful presence of their immediate taskmasters? And yet, Sir, the Commerce Member says that these men have no grievance, "and sure he is an honourable man." Sir, the Sankhya philosophers tell us that Matter from the grossest to the finest form has evolved in 24 categories, and that above the finest the Spirit sits enthroned as the 25th category. Similarly, Sir, I should say that there are 5 and 20 storeys in each Departmental Edifice, and that the Honourable Members opposite sit on the 25th storey, oblivious of all except what is dished and placed before them for their immediate consumption. Their eyes are not permitted to see, their ears are not permitted to hear all the grinding, all the laceration and all the groans of the men who are ground to dust in the abysmal depths below. And yet the Honourable Member comes and says—without any personal knowledge, without any first-hand information, without having even any opportunity or perhaps any desire to go and find out for himself the condition of these men—he comes and tells us who know better what is happening, and he tells the world, that the grievances are manufactured by those who are pressing them upon his view.

Sir, I come to the fourth part of his speech, that is the bogey of departmental discipline. I have no objection, Sir, none myself to discipline as such; only I would say that those who preach discipline to others should practise it themselves. But where does discipline end and where does tyranny begin, so far as departments are concerned? Is there to be only departmental discipline and no departmental justice? Have the subordinate employees in any departments who unluckily happen to get on the wrong side of their immediate superiors any chance of their cries or their groans or their grievances being heard by the gods above? If then there is not ample facility for the poor men to go up and get a fair hearing at the hands of the gods, if then there is this dire antithesis between discipline and justice,—well, we must find out some way by which discipline shall be brought under justice and not placed above justice. And I must again therefore, Sir, quote the case that Mr. Sim very cleverly misquoted (by quoting only that part of Mr. Naidu's story that pleased him); I must give again this typical instance of a man who, after putting in twenty-three years of good, continuous and faithful service, after having earned a number of good certificates, all at once found in his 24th year of service that he could

[Mr. M. K. Acharya.]

not be privy to an officer's corruption. He found he could not be so privy and he brought a charge of corruption against the officer. It is on the records of this House that Naidu was denied an opportunity of proving his case. It is on the records of this House that no such opportunity was given to him, but that a secret departmental inquiry behind Naidu's back was held; and of course the officer was declared to be all right, and the charge was declared to be all false; and Naidu was got rid of with a month's salary in lieu of notice. I would again say that the hand of God was more just; that somehow a case turned up in which the Sessions Judge of Moradabad, Mr. Hamilton, I.C.S., happened to pass severe remarks against that very officer. In that judgment I see that one of the assessors held "that the Claims Department was involved in the swindle." And the Sessions Judge, after reviewing the whole thing, said the action of the Claims Department required careful looking into. I believe those are the very words. (Mr. Darcy Lindsay: "Sir, may I suggest to the Honourable Member that there are others wishing to speak on this subject'") And the case was taken to the High Court for getting those remarks expunged, and what the High Court said was this. I have not got the exact judgment before me, but I hope to get it placed on the records of this House. I am just giving my recollection of it. The High Court said that the Sessions Judge had every authority, that it was perfectly *bona fide* for the Sessions Judge, to make those remarks. Therefore, the High Court Judges declined to interfere, they declined to expunge his remarks. Therefore, as I interpret it, the High Court has confirmed the remarks that the District Judge made. And this strengthens my case in this way—that although Naidu was arbitrarily sent away and although the officer is basking in the smiles of the gods, yet there is the judgment of a District Court and the confirmation by the High Court of the Province showing that everything is not as rosy and as beautiful as is painted on the Oudh and Rohilkhand Railway; and that the screen of departmental prestige cannot be drawn as far as this particular case is concerned. However, I do not want this inquiry just for the sake of Naidu. I have told Naidu to write upon his forehead the words as on the gateway of Dante's Inferno "Leave all hopes behind"! When the Agent refused to revise, and when Mr. Hindley refused to interfere, I do not believe Sir Charles Innes is going to do justice. If he does, I shall be only too glad. But I have told Naidu to leave all hopes behind. But that is a small story. How many hundreds of others are there like him! The Honourable the Commerce Member says: "How could this be tolerated? Is every dismissal to be reviewed in this House?" The Honourable gentleman opposite becomes exceedingly sensitive whenever we press these injustices on him. He is as sensitive as the women in purdah who has got some very questionable secrets to hide behind the screen. He becomes angry when questioned about what is going on within the secret chambers of the Department! But is it fair, when any injustice comes to our notice, to say we have no right to bring it to the attention of the Honourable Member himself? The point is this. When these poor men go to their superior officers, as Colonel Gidney has pointed out, their appeal is refused. What are they to do? Naidu came up to us only after all his appeals had been refused. And when these men come to us in despair, if any of us take an interest in their case and put interpellations, the Members opposite greatly resent that any of us should take up their case and try to unearth the injustice that is being done!

Sir, I come to the fifth part; to the tirades in which the Honourable the Commerce Member indulged against the roving commission, as he called it, "composed of men with no knowledge of railway administration and with no knowledge of managing men." I am very sorry, Sir, that the reputation of the Honourable Member is very much at stake. I fear that he has not read the Resolution as printed on the paper. If he had read it, he would have found that my Resolution wants on the committee three members to be nominated by the Government, which means by the Honourable Member himself—three departmental experts to be nominated by him, with the most up-to-date knowledge of railway administration and with the most unquestionable knowledge of managing men! And yet he says that on this committee there is to be no one possessing any knowledge of railway administration or any knowledge of managing men. I cannot conceive of a more representative committee than what is proposed in my Resolution, although this House, by the amendment that has just been passed, has agreed to refer this matter to the Railway Advisory Committee. Therefore I need not go into the details of the committee mentioned in my Resolution which was an absolutely representative committee, representative of the public at large, representative of the Government and representative of the employees concerned. However, this matter has been referred to the Advisory Council, and I for one have no objection to this course. I want some kind of inquiry into these grievances of which I for one have been hearing a great deal for the past four or five years. I have been asked by hundreds of railway employees to do something in my power, if I can, in this matter. The Government say that discipline will be interfered with. Why should discipline be interfered with? Did the Lee Commission, as somebody asked, destroy the discipline in the Civil Service? Of course it might be said that the Lee Commission dealt only with the heaven-born services? Did the Postal Inquiry Committee interfere with discipline among the postal employees? In conclusion (*Cries of: "Oh, oh!"*)—I am very glad that the Honourable Members opposite are so glad that I am concluding. I would have concluded long ago, and I would have spared them this speech if they had promised me their votes. The attitude taken by the Honourable Member opposite seems to me to be in glaring contrast with the attitude taken by the Honourable Mr. Clarke in 1920 when a similar Resolution was moved for the appointment of a committee in regard to postal grievances. He said no doubt, as the Honourable Mr. Innes is now saying, that the Department was doing everything in their power to set matters right. He said that the Department had already deputed an officer to inquire into the matter, and yet these were his concluding words:

"I have already said that we have put a special officer on duty to deal with the matter of pay not only of the postal clerks but of the menial staff also. However, as the opinion of the non-official Members of the Council seems to be in favour of a committee to look into the matter, I may say on behalf of Government that I am prepared to accept it."

I am glad that the Honourable Sir B. N. Sarma is here because he was on that Committee.

"It must, however," continued Mr. Clarke, "take a little time. Let us have a committee. Let us have the non-official Members and the staff represented. It will take time. It will not be done quickly as some people think. It is a very big question and the committee may have to go all over India and take evidence. But as the Honourable Members of this Council are so anxious about this matter, let us have this Committee to go into the question of putting the pay of postal clerks on a proper footing. I shall be very glad to accept the principle of the Resolution."

[Mr. M. K. Acharya.]

This, Sir, is what the Honourable Mr. Clarke said. How much I wish that the Honourable Sir Charles Innes had come to us to-day and said similarly, "Let us inquire with an open mind if there are grievances; and if there are grievances, let us set them right." On the other hand, he has taken up a most panicky attitude. He has said, "Oh, the Heavens will come down; deluge will come; traffic will be dislocated, discipline will be gone; how do you expect us to accept the Resolution?" Sir, referring to that speech of Mr. Clarke it seems to me that in 1920, before the latest Reforms came in, the opinion of non-official Members evidently had much greater weight with Government than it seems to have to-day. While in 1920 the Government were willing to respect non-official opinion, if they found that non-official opinion was strong, to-day,—in fact almost every day in this House—we find that the Government set themselves up determinately against anything that arises from this side of the House. I am sorry, Sir, but this is the impression that is made on me. Is this to be the value of the reforms? Sir, I have done. The question before us is very simple. Those who believe in that beautiful imaginary picture which the Honourable Member has presented, those who think that the men are perfectly contented and happy, those who believe in the picture of Paradise that he has drawn—by all means let them vote with him. But those who either know first-hand or who can believe the first-hand information which some of us can give of the very deep discontent, coupled of course with colossal suffering and endurance on the part of 700,000 of these toiling countrymen of ours, let them put their hands upon their hearts, and, if they find any response there, let them vote with me.

The Honourable Sir Charles Innes: Sir, the Honourable Member began his speech by saying he was very anxious to get to the Bengal Ordinance and that he was not going to keep the House very long. He went so far as to object to Mr. Sim getting up and making a personal explanation. Nevertheless, Sir, he has detained the House for three-quarters of an hour. I am not going to follow his example. I believe, Sir, the Honourable Member has done his cause more harm by making this long speech at a very inappropriate time than I could if I devoted myself to taking point by point the points raised by the Honourable Member. I would like to say one thing. When I was speaking before, in the heat of the debate, I characterised a certain statement of the Honourable Member as nonsense. I understand that that is a word which is not used at any rate in the courts of law, and I beg the Honourable Member to allow me to withdraw that word. I would like to say that the statement he made regarding the way we withheld Provident Fund bonuses was entirely incorrect and misleading, and I should like to repeat the statement that we paid last year over Rs. 80 lakhs in these bonuses and withheld only Rs. 25,000. Sir, the difference between the House and me in this matter is the same difference which has occurred in every democratic Assembly in the world between that Assembly and the executive head of the Railways. It is perfectly natural—I think it has been the experience of every country in the world—that this House should want to have its own way in regard to Railways, not only in matters of general policy—there is no doubt that they have the right to enforce their ideas of policy—but also in petty questions of minor details with regard to the administration. That has been the experience of every democratic country in the world, and that is really the root of the trouble between me and the House

I am constantly asked questions regarding individual cases on Railways. I feel it strongly my duty not to pursue those questions, not to refer them to the Agents, and I give the House an answer which I know must disappoint the House. I do not do it because I like it. I do not like any more than anybody else, to make myself unpopular in the House. But, Sir, I do it because I see the grave dangers that lie before us in this matter. Let us follow the argument just a little further. Let us assume that Mr. Chaman Lall—I hope he does not mind my taking him as a type—puts me a series of questions regarding some particular person or clerk on the North Western Railway. I send those questions down to the Agent and call for a report. The particular person will find that by putting a question, he has got the Government to take action and he will set the example to his other fellow-servants in the Railways. Other people will put in the same kind of questions through their representatives. These again will be sent to the Agent. What will be the result? You have got 700,000 railway employees in India and in these 700,000 there must be some disgruntled men. What is going to be the result if every time a railway servant is disgruntled and has some cause of complaint against the administration, he goes to the Member for his constituency and asks him to put a question in the Council? What can be the result of that? There can be only one result and that is you will paralyse the efficiency of your Railways. It is bound to be so. It will not end there. Let me quote in this connection from an article by a very distinguished Frenchman, a member of the French Parliament. He says:

“It is lastly the lack of discipline which also results from the political influence at work. From the electoral point of view the lower staff being always much more numerous will always have much more power than the superior staff.”

It will not end there. It would result in interference between Agents and the staff. I again repeat that more pressure will be put on Members of this Assembly to put pressure upon the Government or the Agents of the Railways to appoint their friends and their protégés to the Railways. [What is going to be the result of that? Let me give you another instance. This is what he says:

“On the eve of handing over the Railway to the State there were 1,526 employees in the Central Office. Within three years the number had increased to 2,587 or rather it had doubled itself.”

That has been the experience of every country in the world, every democratic country in the world where there has been State management. Always the result has been the same. The Railways have become more and more inefficient, accidents become more common, trains go slower, and, finally, the result has been that the country itself becomes disgusted and says, “We will have no more of State management” and either separates the Railways entirely off from the State or hands them back to companies, as did France in the case of some of its railways. That is the danger, and the only person who can stand between that danger and this House is myself. If I give way and if you win this battle, take it from me, it means you pronounce the doom of your Railways. That is why I hope you will resist this temptation to try and interfere in the details of railway management. There is one other point I wish to make. I never said that the railway servants lived in a state of Paradise. What I did say and what I gave chapter and verse for was this. I said that as regards pay and allowances I did not believe that

[Sir Charles Innes.]

there were any real general grievances. I proved that the cost of living in 1924 according to the Bombay Labour Office statistics was 30 per cent. greater than what it was in July 1913. I proved that in 1920 we gave increases of pay all round amounting to 52 per cent. I proved that the increase of pay in regard to lower staff was very much greater than that. (A Voice: "Question.") I gave statistics for that. I pointed out that since 1920 the cost of living had gone down, and that, Sir, is the reason why at any rate we on the Railways have had no trouble with our men for 2½ years. Then, Sir, Mr. Joshi admits that he has not come here to support this Resolution in response to any demand from the railway men. As I have said, there are no general grievances in regard to pay and allowances. That there may be other grievances, I do not deny. What is the proper way to deal with those other grievances? It is not by entrusting the matter to a Committee of your Central Advisory Council. There is nothing to put before that Committee. The Committee of the Central Advisory Council would have to sit and call for everybody who has got a grievance to come forward and represent it. And that would lead to those strikes to which my Honourable friend, Mr. Chaman Lall referred. Who is it that suffers from those strikes? It would cause great loss to the Railways, it would cause great loss to the trade and prosperity of your country, but the people who suffer most are the wretched strikers, the people who are led away to strike by their so-called friends. The proper way to deal with grievances of this kind is to put pressure upon me. We have split up the railway budget this year into no less than 16 grants. We have allotted 4 days for the discussion of those grants. During the discussion on those grants every single aspect of the railway administration can be brought under review by this House. That is the proper way to deal with a matter of this kind. I do not believe that there is any one here who in his heart of hearts believes that this Resolution is a Resolution which this House ought to pass. I believe they will merely pass it because they think they have got these grievances and they ought to have some way of bringing them home to me and to Government. I have pointed out that at the end of this month for four days you will be able to review our activities in every possible aspect on the railway budget, and I suggest that the wisest thing for this House to do is not to pass this Resolution and to leave the matter over until the railway budget can be discussed.

Mr. President: Resolution moved:

"This Assembly recommends to the Governor General in Council that he may be pleased to take immediate steps to institute an inquiry into and report on the grievances of the subordinate employees of the Indian Railways with special reference to—

- (1) methods of recruitment, rates of pay or wages, service conditions, punishments including fines and removal from service, and disposal of fines funds;
 - (2) hours of work and holidays;
 - (3) provision for old age, leave, gratuity, provident fund, medical relief, etc.;
 - (4) opportunities for promotion to higher grades;
 - (5) housing accommodation;
 - (6) unequal treatment regarding the conditions of service based on racial grounds;
 - (7) unfair retrenchment;
 - (8) recognition of Railwaymen's Unions by the Railway Agents;
 - (9) the representation of the Railway employees on the Railway Advisory Committees;
- and further that the above inquiry should be conducted by the Central Railway Advisory Council or by any special committee elected by that body from among its members."

The question is that that Resolution be adopted.

The motion was adopted.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

RESOLUTION R1: PROHIBITION OF THE IMPORT, MANUFACTURE AND SALE OF LIQUOR.

Haji Wajihuddin (Cities of the United Provinces : Muhammadan Urban) :
Sir, the Resolution which I have the privilege to move to-day runs thus :

“ This Assembly recommends to the Governor General in Council that legislation be undertaken prohibiting import, manufacture, sale and use of all sorts of liquors in India, and in the meantime he be pleased to direct the Local Administrations under his control and convey the opinion of this Assembly to all other-Provincial Governments that they should take steps forthwith to grant to the local bodies within their jurisdiction the right to determine the number and location of liquor shops within their respective areas.”

I am no doubt, Sir, very fortunate by the grace of God to have a chance of moving this Resolution of vital importance after giving necessary notice of it some 3 years ago and I know a number of my Honourable friends in this House who are very anxious to have temperance reform introduced in this country without the least delay will welcome the motion in every respect.

You know very well, Sir, that Asia has always been the cradle of all the great religions of the world, and nearly all the religions that have been nestled in its bosom strongly denounce the use of liquors.

Sobriety and seriousness are so natural to us the people of the East that drinking is generally ranked among the greatest crimes in our social and moral code. No man of good social standing can ever take to public drinking without the fear of being outcasted or at least of being looked down by society with contempt. So I am fully confident that not a single dissentient voice will be raised in this House against the proposition under discussion.

I had wished that India should have been the first among all the nations of the world to take legal measures towards temperance and prohibition, but it must be admitted with regret that she was deprived of this distinction. Although we have been too late to win that honour, yet there is a chance for us too, and it is still in our power to be the first country in Asia to extirpate this threatening evil for ever. But, Sir, if we want to gain this distinction we must begin our work forthwith, lest it be too late; for the beacon light set up by the Americans will soon show all the progressive nations of the world, that the dreadful rock of “ Liquor Tariff ” stands in the way of their vessels, which if not saved, will soon be wrecked.

“ From the mistake of others a wise man corrects his own

[Haji Wajihuddin.]

In support of my claim I think it is necessary for me to quote here a few verses from the Holy Quran which run thus:

"Ya Ayyohallazina Amanoo innamal khamro wal maisaro wal ansabo wal azlamo rijsum min amalish shaitane fajtaneboocho la allakum tufiihoon. Innama yuridush shaitano ayyinuqia bainakumul adawato wal baghdao fil khamre wal maisara wa yasuddakum an zikrillahe wa anis sallate fahal antum muntahoon."

For the sake of my Honourable friends who are not familiar with Arabic I must translate these verses in English which mean "O Muslims" says the Almighty God "drinking, gambling, distribution of property by means of throwing arrows and all such things are Satannic deeds. You should abstain from them to get (eternal) deliverance. It is the wish of Satan to cause enmity and contentions among you by means of wine and gambling, and to check you from saying your prayers and remembering God. Will you not leave them?"

Sir, I also think it is my duty to read out a Hadis which from religious point of view, would no doubt be of keen interest at least to my old and esteemed colleague who has fortunately the honour to represent the feelings of Patna, Chota Nagpur and Orissa. Muhammadans in this House.

The translation of the Hadis runs thus:

"Tariq ibn Sawaid al Jafi once asked the Holy Prophet (may the blessings of God be on him) about wine, who prohibited him to manufacture wine. Tariq said 'I manufacture it as a medicine'. The Prophet said, 'It is not a medicine but a disease'."

It is related from "Muslim" and shows that its manufacture or use is not tolerated even as a medicine.

After hearing this I trust the House will agree with me that so far as the Muhammmadan religion is concerned it is totally prohibited even to use liquors as "medicines" as it is suggested I am sorry to say to be put in the shape of an amendment notice of which has been distributed to Members only last night.

I hope my old esteemed friend, if his conscience allows him, may safely fulfil his duty by supporting my Resolution without moving his proposed amendment.

However, Sir, for those who take the religious commandments lightly, strong arguments can be brought forward to prove that prohibition means a social, commercial, political, as well as moral, intellectual and spiritual blessing rather than an obstacle in the way of the progress of our country. Now there are only two classes of people who will enlist themselves among the foes of this measure, namely, those pleasure seekers, who are themselves addicted to drink and more especially those money-makers who are bent upon exploiting human frailties. The former cannot hold their own in the open day-light and will begin their dissolute habits under some pretence, and that pretence will probably be the same commercial question. All of them will cry out, "What are those to do who are engaged in the liquor traffic and who earn their bread by means of this trade". But they must know, that every pice of our capital saved from the liquor traffic will be more profitably utilized in other useful trades; every closed liquor shop will afford room for a new milk shop, and every closed brewery and distillery will be replaced by hundreds of new well managed dairies rearing

thousands of cows, the foster-mother of the human race. Sobriety is sure to promote domestic happiness and thrift. Time and money which are now devoted to a trade, which is solely responsible for all crimes and personal and social misery and mars human efficiency, will be used in the manufacture or sale of articles of utility or for providing other innocent amusements. I quote here a few words from the statement made by Mr. Warren G. Harding, President of the United States of America:

"In every community men and women have had an opportunity now to know what prohibition means. They know that debts are more promptly paid; that men take home the wages that once were wasted in saloons; that families are better clothed and fed, and more money finds its way into the Savings Bank. The liquor traffic was destructive of much that was most precious in American life. In the face of so much evidence on that point what conscientious man would want to let his own selfish desires influence him to vote to bring it back"?

The experience has proved so universal throughout the United States of America that it drew the following comment from an Insurance Journal:

"In going over the figures for the past year, compensation companies have noticed quite a reduction in the number of Monday morning accidents. This has been particularly noticeable since prohibition came into effect. The workman who would go along in the regular way during the week would very often stray from the straight and narrow path, on Sundays and holidays. He would go on a tear on Sunday and report for work Monday in rather poor shape. He would be able to perform his duties well enough until 11 o'clock when the effects of his fatigue would be most marked. Nearly all of the Monday morning accidents used to occur at 11 o'clock in the morning and 4 o'clock in the afternoon, called by the claim men the "Fatigue Hours". The resistance of the workman who is not in good shape is lowest at these two hours of the day. In other words in the days when liquor was flowing freely workmen used to report on Monday morning with a "hang over" . . . they are now reporting for duty in a more nearly normal condition and the result has been a material reduction in the number of Monday accidents."

In America many of the chief restaurants went out of business soon after prohibition came in. The man who used to eat a 10 cent meal, so as to save money for drink, now orders food costing 50 or 60 cents. The dairy industry has been greatly benefited by prohibition. There has been considerable increase in the consumption of milk in the homes. In the cities of America coffee drinking has become popular among men who used to step into a saloon for a glass of beer. The manufacture of ice-cream has grown to enormous proportions in every city and town. Reports from various States in America show that sales of ice-cream have already increased cent per cent; of butter and cheese 100 per cent; of milk, 42 per cent; of coffee 25 per cent; of confectionery 50 per cent: The dairy-men find that, in addition to the increased sale of their products due to prohibition they derive advantage through the beneficial effects of sobriety among their employees, who are more dependable and regular than they used to be under the whiskey régime. Next to eatables, the most notable increase in trade has been in the sale of shoes. The very first Saturday after the "dry" law came into effect in Omaha, Nebraska, there was an increased demand for shoes, chiefly children's, a demand which was very much larger the second Saturday. Within ten months after the triumph of prohibition in Seattle, Washington, a shoe company opened three new shops in buildings formerly occupied by five liquor shops. The president of that company stated that fifty per cent. more children's shoes and, as a rule, a better quality of shoes, are being bought now than when the wealth of the nation was being poured into the saloon-keeper's till. Clothing in much greater quantities and of far better and finer quality is being sold throughout the country than before prohibition. This is not due to extravagance produced

[Haji Wajihuddin.]

by the sudden possession of money but to the ever rising standard of living, which makes the erstwhile poor person refuse to be contented with the shoddy of the "wet" period. The volume of business transacted by many departmental stores (largely shops) increased by 35 to 40 per cent. during the latter half of the year following the coming in of prohibition as compared with the "wet" half. In Omaha, Nebraska, a large department store made 200 sales to new customers of neckties, collars, handkerchiefs, etc., on the second Saturday after the dry law came into effect. In New York the men go on "shopping jags" on Saturday afternoons and stagger home under a load of necessaries and luxuries for the family instead of reeling under the influence of drink. The jeweller's trade has never known such prosperity as has come to it under prohibition. All over the United States the working men, small merchants and farmers are buying diamonds, watches, and silver for their homes. Every form of innocent amusement is also profiting.

The experience of the *Denver Labour Bulletin*, the official paper of the Colorado State Federation of Labour, proves that the papers are not losing in the long run through prohibition. With the opening of the "dry era" in that State it lost about 50 dollars a month in liquor advertising, and about 350 subscribers who were employed in the liquor industry. At the end of the first "dry" year in Colorado its books showed, however, that it had done four times its usual advertising business, and had on its mailing (postal) list three times as many subscribers as when Denver had three hundred and fifty saloons and five breweries working. The advertisers and subscribers, moreover, paid their bills much more promptly.

If anybody expected that the revenue of hotels would fall off under prohibition, he has been disillusioned. The revenue from liquor, amounting to from 5 to 10 per cent. of the general income of the hotel, has been made up by "side lines" such as the barber shop, sweetsstand, souvenir stall, magazine and newspaper stands, taxi service, and turkish baths. In some instances these "side lines" have returned twice as much net profit to the hotel as was produced by the combined bar and wine and beer trade during the year prior to the coming of prohibition. Aside from the "side lines" the hotels have profited immensely. People are travelling about for business and pleasure more than they used to do, and are willing and able to pay more for rooms, and for the meals they eat in the hotel, restaurants and grill-rooms; as a consequence hotels everywhere are improving and enlarging their accommodation.

The brewers, distillers, and vendors of intoxicating liquors were the ones who, every one expected, would suffer the most through prohibition. No one, therefore, was more surprised than they at the turn affairs took after prohibition came in. Former breweries and distilleries are now manufacturing denatured or industrial alcohol, vinegar, malted milk, "soft" drinks, ice-cream, maraschino cherries, preserves, jams, syrup, sugar, flour and other equally harmless products. Take Washington, D. C., for instance. There were three breweries in that City. One was turned into a "soft" drink factory. Another, the National Capital Brewery, which employed about 50 men and used raw materials to the value of \$130,000 annually, was transformed into an ice-cream factory employing 150 workers and using raw materials to the value of \$400,000 annually. Instead of turning out 65,000 barrels of beer it is making 800,000 gallons of ice-cream

each year, more than one-fourth of the ice-cream used by Washington. It may be noted in passing that the consumption of ice-cream has doubled since prohibition came into effect. That record has been repeated all over the country, with slight variations in details. The houses which served as saloons were readily rented, usually at enhanced valuation. In New York City, for instance, the value of one site formerly devoted to the liquor traffic has increased from \$20,000 to 50,000. At 6th Avenue and 42nd Street six shops in a former saloon building are paying 300 per cent. more in rentals than the saloon did.

Shreveport had a brewery, in the "wet" period, which employed six non-union brewery workers who received \$12.50 per week. Under prohibition the building was turned into an ice plant providing employment to 40 union ice-makers who received \$25 a week. New Orleans, in the same State, with 2,200 saloons and 500 "blind pigs" had one of the lowest wage scales in the country.

A statistical table compiled some time ago by the Bartenders' International Union from reports received from their local unions, showed that in "wet" Cincinnati, the headquarters of the Union, bartenders were receiving \$14 per week "with board" and \$17.50 per week "without board", whereas in "dry" Seattle the members of the organisation employed in "soft" drink establishments, received \$25 a week, in "dry" Denver they received \$21 a week, and in "dry" Spokane \$19.95 a week.

As the cause of prohibition progressed, labour leaders in State after State bore testimony to its beneficent effect upon the workers. The President of the Arizona State Federation of Labour stated:

"Arizona workers are certainly better morally and financially than before prohibition was adopted, and always in shape to fight for better working conditions."

The President of the Oregon State Organisation wrote that he had always opposed the adoption of prohibition because he felt it was an infringement of his personal rights. Since it had become a law in his State, however, the benefits derived had been so great that he could not help championing the cause.

The President of the Denver Trades and Labour Assembly expressed the opinion that it was not possible to "pick up a corporal's guard of 'dry' unionists in Colorado who would vote for the return of the saloon", whereas workers bought whiskey before, they were "now putting the money into shoes for the babies".

The Deputy Organiser of the American Federation of Labour and Business Agent of the Carpenters' Union of Wallace, Idaho, was equally emphatic in regard to the beneficent results of prohibition.

"Ten years ago our town boasted of 37 saloons", he stated, "and if any one mentioned prohibition he was laughed at".

Now, however, "if a vote were taken, this district would vote dry", because "the working men now have bank accounts; and banks, not saloons are crowded on Saturday nights".

Mr. Devaki Prasad Sinha (Patna cum Shahabad: Non-Muhamadan): May I propose, Sir, that this paper which my Honourable friend is reading may be taken as read?

Haji Wajihuddin: In June, 1916, a Trade Union Dry League was organised in Duluth, Minnesota, by 400 union men who pledged themselves to help in the campaign to make that town go dry. This organisation appealed to the working man, on solid, economic grounds, in language he could understand. Later similar Trade Union Dry Leagues were organised in a number of States, and they were federated into a National Organisation.

The Secretary of the Mutual Association of Mercantile Adjusters, Detroit, Michigan, stated that whereas, before prohibition a condition of privation and destitution prevailed among the members, now "a highly satisfactory, prosperous condition" prevailed. *He added that "old debts are being paid, children received the nourishment, clothes, comforts and in many cases some little recreation which former conditions made impossible."*

The chief resident surgeon of the Philadelphia General Hospital estimates that the average stay of a patient in the alcoholic ward before prohibition was 32 days. That meant that in 1917 alone 121,392 days were lost through drunkenness by the 3,481 patients treated there. In less than a year after the "dry" law went into operation the alcoholic ward was closed, as there were practically no patients to be cared for in it.

The decrease in the number of patients treated in hospitals is resulting in saving large sums of money or enabling the authorities to effect improvements which formerly were impossible owing to lack of funds.

Figures based upon death records covering 26 States and 77 cities published in the American Year Book show that in 1917 the average death rate in license States was 14.3 per 1,000 persons, while in prohibition States the rate was 12.3. In the same year the mortality of infants under one year of age in 62 license cities was 107 per 1,000 births, whereas in 15 cities without saloons it was 82.3 per 1,000 births. In New York City the number of deaths of infants under one year was 12,567 in 1918, or 92 per 1,000, while it fell to 10,639, or 81.6 per 1,000 births in 1919. As these figures show, alcohol is responsible, directly or indirectly, for much infant mortality. Child-life is affected through heredity, through bad and insufficient food, filth, ignorance, carelessness, and in some instances, even through the administration of poison mistaken for medicine. According to Dr. Woods Hutchinson, a well-known American writer on medical subjects, teachers report that the children are going to them better fed and in better physical condition than in pre-prohibition times. They are less nervous and less easily tired, and their standing in school work and department is distinctly higher.

I will read out an interesting extract from the "Statesman" of Calcutta, dated 11th January, 1925.

PROHIBITION'S HOLD.

"SALOON DEAD AS THE STAGE COACH."

'Prohibition is not an act but a process', says a *Daily News* writer, concluding his observations on the Prohibition law made during an extensive tour of America. 'Dry advocates do not expect to secure the full effects of Prohibition before from 10 to 30 years.'

He concludes :

"The strongest case for Prohibition to-day is that it helps production. Americans believe in a bigger output and better business with something like religious zeal. It is the Ark of their Covenant, and whether they are right or wrong in that belief the fact that they are convinced that Prohibition will help it along binds millions of Americans to it who, from their personal point of view, would have no enthusiasm.

'Against them there is nobody who dare say a word for the return to conditions as they used to be.' The saloon is as dead as the stage coach. Time and the odds seem to be on the side of the 'drys,' and when there is added to that their combination of religious zeal and business interest, the rising tide of Prohibition looks irresistible.

Now, Sir, the prohibition problem in India is, in a general sense, easier to solve than was the case in the United States. Whereas liquor entered into the Sacrament there and the movement to banish it was, at one time, resisted as interference with religious practice, all our religions enjoin strict abstinence and our traditions of sobriety stretch back to the earliest ages. Even to-day after decades of an indefensible excise (abkari) policy, in the formulation of which Indians have had no part or lot, a comparatively small percentage of our people indulge in drinking. That was not the case in the United States.

The figures of excise revenue derived by various provinces need to be examined to realise how the drink evil is spreading. Officials, when questioned about the increase of excise revenue, used formerly to say that it was due to efficient administration of their department, which had practically extinguished illicit distillation of liquor. The explanation now generally given is that the people are growing in prosperity, and, therefore, are drinking more. Persons who put that excuse forward forget that a considerable percentage of Indians who consume liquor are among the poorest of the poor, as for instance, the wage workers in Bombay and other industrial centres who, at the best of times, live in a poverty so squalid as to defy description. When pressed to extinguish the liquor traffic officials in India's employ always excuse themselves on financial grounds. The revenue from excise, they say, amounts to something like 25 per cent. of the total revenue, and in view of the peculiar conditions of India, it is difficult to find the ways and means to replace it. These difficulties appear to have been increased rather than diminished by the new dyarchical system recently introduced into the major provinces, among the departments transferred to Ministers responsible to popular representatives, excise is the only one which produces a large revenue, whereas the others are heavy spenders.

As Bal Gangadhar Tilak, the Indian leader who died on August 1st, 1920, used to say, that system has put India upon the horns of a dilemma; if they wish to provide increased and better facilities for education they must make people drink more. Indians better disposed towards the new dispensation take exception to that remark. They have, moreover, to prove by actual accomplishment, that now that Indians are no longer in the position of critics and have undertaken to work that system, they are capable of working out and enforcing a scheme whereby India can get rid of a traffic which is beginning to fasten a stranglehold upon certain classes of our population. Though conditions in India differ from those in America yet there is no reason why the American experience may not be repeated in our country. It is true of India as of the United States that the State derives only a small amount of the money actually spent upon drink. The extinction of the liquor traffic may mean the extinction of the revenue derived from liquor, but it cannot mean that the money now paid for liquor will be destroyed. On the contrary, the banishment of liquor will mean that the money, instead of being wasted, will be available for productive purposes, and will help to improve the general conditions of the people, who will not be able to spend it upon intoxicants. General improvement of living conditions must favourably react upon the State Exchequer. Owing to the poverty existing in India, it may be unsafe to expect that the general rise in prosperity through the banishment of liquor will immediately benefit

[Haji Wajihuddin.]

the State to the extent of recouping the financial loss entailed upon it by prohibition. Owing to the poor standard at which various institutions are maintained by the Government, expenditure in India may not shrink as it did in the United States. It is, however, possible to resort to temporary expedients. It has, for instance, been suggested that land values in the vicinity of towns may be taxed. There is also much room for expanding taxation upon large incomes and revenue levied from death duties. Cinemas and other luxuries may also be taxed.

Only a few years ago we used to be told that the Government of India could not sacrifice the opium revenue, and that plea was used to force our opium upon the Chinese, who were not in a condition to resist. Within the last few years, however, that policy has had to be abandoned, and the revenue from that source has, in consequence, greatly decreased. The Government have not felt the pinch, although they have had to meet tremendous obligations arising out of the war. If the authorities take the trouble, the loss from liquor revenue can also be countervailed. Any temporary difficulty that may be experienced in making the necessary financial adjustments should not, in any case, be permitted to stand in the way of a reform which conforms to the religion and traditions of the people, and which demonstrably will confer incalculable benefits upon them.

Sir, I being a layman have quoted these facts and figures mostly from the "Dry America—An Object Lesson to India", compiled by Mr. St. Nihal Singh, printed in 1921, and I do hope to get strong supports in this House from my Honourable colleagues especially from my esteemed friend Pandit Madan Mohan Malaviya who is, I understand, President of the Temperance Council in my Province.

No doubt, Sir, for the defence of the country, for the education of our children, for sanitation and all other useful works we must find money to meet the expenditure, but may I ask, Sir, should we, in order to get more money make people drink more? If we think over it coolly the absurdity of this logic will be apparent. The Almighty has wisely provided that "Righteousness in the long run is profitable and evil unprofitable". For the sake of establishing one good we encourage another evil, not insignificant in its nature. Let our progeny remain quite ignorant: let the streets of our towns remain unlighted by electricity, withhold all the blessings of the present age, but for God's sake, save us from the horrors of this wickedness, which is every day tightening its grip over our people. "Where there is a will, there is a way".

"To do a thing right to-day, means less trouble to-morrow."

I may add one word more, Sir. Our aim is not "money making" and thus ruin of the country. We are not here in this House of the Legislative Assembly for profits to the Exchequer, but to render honest public service and establish prosperity and welfare in the country and so to get peace and happiness in this and in the world to come. To-day is the right moment for us to undertake such a reform, because Indians, irrespective of their religious and political differences, are determined to seize upon every opportunity to regain for India the primacy of position which she once occupied in the comity of nations.

With these words, Sir, I formally move the Resolution standing in my name and hope to get the unanimous support of the House and pray God to always help us in our honest efforts and to lead us in the right path.

Mr. President: Resolution moved:

"This Assembly recommends to the Governor General in Council that legislation be undertaken prohibiting import, manufacture, sale and use of all sorts of liquors in India, and in the meantime he be pleased to direct the Local Administrations under his control and convey the opinion of this Assembly to all other Provincial Governments that they should take steps forthwith to grant to the local bodies within their jurisdiction the right to determine the number and location of liquor shops within their respective areas."

Mr. A. Rangaswami Iyengar: I beg to move, Sir, that this debate stand adjourned. Having regard to the very important business which was set down for this day's debate by the consent of the House, I think I will be voicing the wishes of the House that this debate should now stand adjourned.

The Honourable Sir Basil Blackett (Finance Member): Sir, I should like to speak on the motion for adjournment if that is your desire. I do not wish to speak on the Resolution itself.

Mr. President: Further motion moved:

"That this debate be now adjourned."

The Honourable Sir Basil Blackett: Sir, I sympathise entirely with the Honourable Member who has made a speech, which was no doubt very interesting, but of which unfortunately I was unable to hear a word, in his righteous desire to protect the interests of the private Member. But I must make a protest also on behalf of the Government at the course which this debate has taken. I was quite prepared to allow the original arrangement to stand, by which, as I understood, this Resolution was to be formally moved and then adjourned, but it is not, I think, right or in accordance with proper procedure that a long argument should be addressed to this House in favour of a particular course and that the Government should not have any opportunity of making a reply. I do not desire to take up the time of the House, which I know is anxious to get to Bengal, which is a long way off still. I will, therefore, only say that I deprecate this procedure if it is to be regarded as anything but very exceptional, and that I must necessarily take the attitude of the House to be that, whatever its actual views regarding this Resolution, it does not regard legislation in the direction of prohibition or directions such as are proposed as of any immediate urgency.

Mr. President: The question is:

"That the debate be now adjourned."

The motion was adopted.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Sir, I have been asked to give a chance to the terrorist Ordinance Resolution, so, with your permission, I propose not to move my Resolution.*

* "This Assembly recommends to the Governor General in Council that he be pleased to take necessary steps to raise the strength of the University Training Corps to an extent demanded by the authorities of the Universities in India, so as to enable them to make military training compulsory for all University students, irrespective of sex."

RESOLUTION RE THE BENGAL CRIMINAL LAW AMENDMENT
ORDINANCE—*contd.*

Mr. President: The Assembly will now proceed to a further consideration of the Resolution moved by Mr. Duraiswami Aiyangar on the 28th January 1925. The question before the House is:

"This Assembly recommends to the Governor General in Council that steps be taken forthwith to supersede by an Act of the Indian Legislature the Criminal Law Amendment Ordinance, I of 1924, made and promulgated by His Excellency the Governor General for and in the province of Bengal."

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I rise to support the Resolution moved by my Honourable friend Mr. Duraiswami Aiyangar. In doing so I do not propose to trouble the House with well-established rules, applicable to the primary duties of the State to protect the elementary rights of the people, even under the most difficult of conditions. Enough has been said on that subject in this Chamber, in the press and from hundreds of platforms. To my mind arguments based upon those principles beg the whole question. I say so because I recognise the utter futility of our basing any arguments upon rights which, in spite of Royal Proclamations and official assurances, we know we do not possess, and cannot enjoy under an alien Government, the sole sanction for which lies, not in the will of the people but in naked, brute force. Sir, I will therefore confine myself to an examination of the grounds and the materials placed before this House by my Honourable friend the Home Member, and it will be my purpose to expose the hollowness of those grounds as offering no justification whatever for the promulgation of this Ordinance, or the action taken thereunder. I shall follow the example of my Honourable friend and go direct to the facts, or to be more accurate, the mixture of fact and fiction which he has placed before the House. Now, Sir, the Government case is this: There is a widespread movement, a deep-seated movement of a revolutionary character, which is supported by secret societies spread all over Bengal. Its object is to overthrow the British Government by murders, by other offences and by terrorism generally. So far as the existence of a revolutionary movement is concerned, I think it may be freely granted that it does exist. It may also be freely granted that there is some organisation which directs its operations. The question, however, Sir, is whether that movement is so deep-seated, and those organisations so widespread as to call for the exercise of extraordinary powers, and the suspension of the ordinary criminal law of the land. I submit, Sir, that on the materials placed by the Honourable the Home Member before this Chamber there is no such case made out, and I shall at once proceed to an examination of these materials. Now, Sir, the case for the Government has been put very tersely in one sentence by His Excellency the Governor of Bengal. The same things have been stated in various other pronouncements of the Government in a more or less diffused form; but I think I shall be putting the whole case in a nutshell if I remind the House of how His Excellency Lord Lytton put it. This is what His Excellency said in the Bengal Resolution of the 25th of October 1924, when the Ordinance was published in the Gazette:

"Terrorism of witnesses and juries, the failure of juries through fear to return verdicts in accordance with the evidence, the murder of witnesses and persons who have confessed or turned King's evidence, the fear of witnesses to disclose facts within their knowledge, all combine to render justice unobtainable under the existing law. These have already operated in more than one recent case."

Now, Sir, what we have got to do is to test the accuracy of that statement and see how far it is borne out by the actual facts. I shall crave the indulgence of the House to allow me to take it through the whole string of cases as briefly as I can in chronological order and establish to demonstration, with the confidence of one who has minutely and carefully studied each one of these cases, that the position taken by the Government is not at all tenable. The very first case which happened in May 1923, is the case of dacoity with double murder, committed at a place called Kona near Howrah. That case marks the opening of the campaign of terrorism, not by the revolutionaries but by the Government, because it was an entirely false case, fabricated by the police and supported by perjured evidence. I shall tell the House what the real facts of the case were. I am reading from the Calcutta Weekly Notes, Volume 29, No. 4:

"The Kona dacoity case. It transpired in evidence that two zamindars who were murderously assaulted in the course of the alleged dacoity died in hospital. One of them in making a dying declaration mentioned the name of some of the assailants and stated that a family quarrel was the cause of the assault. Some ladies of the family also identified the assailants. The approver who alleged that the dacoity was committed in pursuance of a conspiracy stated that he had driven the taxi-cab in which the dacoits had gone to Kona and returned. To test the truthfulness of the approver the jury suggested that the approver should be asked to drive a motor car outside the court premises. A trial was held and it was found that he did not know at all how to drive a motor car."

Then comes the comment of the Editor with which I need not trouble the House. Now, what is the lesson of that case? Here is a man assaulted murderously making a dying declaration in which he said the assault was due to a family quarrel and that it was a case of private revenge for a private wrong. The ladies of his house who gave a description of the assailants supported his story. All that is turned by the police for its own purposes and in order to make out a revolutionary movement in Bengal into a case of anarchical crime. My Honourable friend Mr. Bipin Chandra Pal referred to this incident rather playfully and the House was inclined also to take it in the same spirit, because it seemed to be a huge joke for a man to say he could drive a motor car and when put to the test to be found unable to do so. But it is really a very, very serious matter. It is not merely the inability of a man who pretends to be able to do something which he cannot do. It shows clearly what was the genesis of this terrorist movement in Bengal after the year 1919. It shows that your police is so unscrupulous, is so far gone down into the depths of depravity, that they would not scruple to let go the real assassins who had nothing whatever to do with any political movement and substitute others in their place. In order to bring the political movement into discredit they would go to the length of manufacturing a case from beginning to end implicating innocent persons whom they did not like and taking no proceedings against the real culprits who may have been some disappointed relations or friends of the zemindar. This, Sir, is, as I have already said, the beginning of terrorism in Bengal.

The next case that was referred to by my Honourable friend is described as the Ultadingi Post Office case. It was stated that a post office in Ultadingi had been looted. I have not been able to trace this case as an independent case in any of the reports, but I find that it was included in the Alipur Conspiracy case. The dacoits, or the robbers, whoever they were, were never traced. All we know is that a certain post office situated in a certain locality was plundered. Now, this formed one of the links in the chain of the Alipur case and it was put forward in that case as showing the existence of a conspiracy in Bengal. Now look into the Alipur case.

[Pandit Motilal Nehru.]

What happened? The whole force of the prosecution was directed on the double murder in Kona and this Ultadingi case. The approver having broken down entirely, the jury and the Judge both agreed after a protracted trial lasting several months that the accused were not guilty and all the accused persons were accordingly discharged. Now, I ask, in the name of common sense, could any jury in the world have convicted a person of conspiracy when the most important evidence before them was clearly fabricated and clearly perjured as to the chief events which constituted the conspiracy? The jury came to that conclusion and the Judge agreed with them and all the accused were acquitted; but no sooner did they step out of the court room into the verandah, what happened? Four of them were taken in custody again. And why? It was first alleged that it was under Regulation III of 1818; but these four knew something about it. They asked if the sanction of His Excellency the Governor General was there, if the order of His Excellency the Governor was there. These orders were not there and the police had to proceed under section 54 of the Criminal Procedure Code which they said they were doing and arrested these men. In course of time the order of the Governor General and the order of His Excellency the Governor of Bengal under Regulation III of 1818 were available and the men were consigned to oblivion.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): What is section 54 of the Criminal Procedure Code, please?

Pandit Motilal Nehru: It is the ordinary section giving power to the police to arrest any person without a warrant for a cognizable and non-bailable offence. Then, Sir, we come to the next case. It is called the Sankaritola murder case. I doubt very much if it can be connected with the revolutionary movement, but let us assume that it was connected with that movement. There cannot be the least doubt that loot was the principal object. That case may be taken with the next case, namely, the Day murder which undoubtedly was a case of revolutionary crime. That both these murders were most deplorable there can be no doubt, but is there any justification by reason of those murders for the promulgation of an Ordinance? Do those murders and the facts attending the trial of the accused reveal the state of things which has been described by His Excellency the Governor of Bengal in the extract which I just read out? Let us see what happened, in those cases? Both in the case of the Sankaritola postmaster who was murdered and in the other it was not the police—they were of course *non est*—they always arrive after the event—it was the citizens of Bengal who captured the assailants and brought them to justice. In both these cases witnesses came forward freely and gave evidence fearlessly upon which the jury convicted fearlessly. Indeed in the case of the murderer of Mr. Day there was a plea on behalf of the accused that he was insane. There was evidence supported by medical certificates that the man was a maniac; but the jury refused to consider that plea and convicted him of murder. Both these men were sentenced to pay the extreme penalty of the law. These are the cases that are dangled before our eyes in season and out of season, cases of brutal murder no doubt, but where is there any justification, pretence, for saying that justice has miscarried in any one of them?

Then, Sir, we come to a series of cases which happened in December 1923. This series begins with the robbery of some property belonging to

the Assam Bengal Railway worth, it is stated. Rs. 17,000. As usual, the robbers have not been traced. The property has not been recovered; but while the police were engaged in their investigation there was a slight scuffle between them and two young men who were subsequently discovered to have pistols in their possession. These were arrested, and how? By the villagers or by the help of the villagers and not by the police. That was one case. Next, it is said by my friend, the Home Member that a sub-inspector was shot down like a dog. That a sub-inspector was shot down was proved and proved by the evidence of Indian witnesses with the result that the accused were convicted and sentenced. Here again, I ask assuming that these cases were prompted by some revolutionary organisation where is the justification for saying that the ordinary law has failed? The real test, Sir, for the promulgation of this Ordinance and for the action taken thereunder is: has or has not the ordinary law failed? Is there a likelihood or not of the ordinary law failing in future?

Then we come to the next series. There was a bomb factory discovered sometime in March 1924. How was it discovered? Not by the action of the police. Not that they had done anything very remarkable in unearthing something which it was impossible otherwise to discover: No, they came upon a bomb factory by the sheerest accident while they were probably engaged in manufacturing evidence for some other case against some innocent person? It is admitted in the Government statements that it was by the sheerest chance that this bomb factory was discovered by the police. Well, it was discovered, men were arrested, men were tried, men were convicted and sentenced. What more do you want? (*Mr. K. Ahmed*: "What about the factory?") It was taken possession of by the Government, I suppose for future use. Lastly, three youths suspected of watching the house occupied by police officers were arrested. We do not know what they were doing there; but whatever may have been their object, these three youths were arrested, tried, convicted and sentenced. There was no witness in the case who showed any fear in giving evidence against any one of these accused; there was no juror who shook with fear when he was asked to give his verdict; they all gave it fearlessly and in the honest discharge of their duty.

Then, Sir, my friend gave the case of a "well-known member of the party arrested in Calcutta with a loaded revolver." This again was a case in which there was a conviction and sentence. I wish to ask my Honourable friend why he has mentioned these cases. Was it simply because these murders and these assaults had taken place? The mere occurrence of a case or two of murder and the mere fact of arms being found in possession of a person when those concerned are adequately dealt with by the existing law, are not enough for promulgating an Ordinance.

The last case we have is an off-shoot of the Mirzapore Street bomb case. What happened? A bomb was thrown into a *khaddar* shop; the bomb exploded; it killed one and severely injured another; the police were not there; it was the man in the shop who jumped out, gave chase to the thrower of the bomb and eventually captured him with the assistance of other people in the street. Then the police appeared and then there was a case. The result of that case was that one of the men was convicted; the other man was acquitted and I beg the House to note particularly the fact

The Honourable Sir Alexander Muddiman (Home Member): I am really sorry to have to interrupt the Honourable Member; the man was not convicted in the Mirzapore bomb case.

Pandit Motilal Nehru: I beg your pardon; the man is still under trial, I think. (*An Honourable Member:* "The Government withdrew the prosecution.") I am sorry I was thinking of the first trial. There was a reference to the High Court and then there was a retrial ordered and when the case came up for retrial the Government withdrew from the case; they did not proceed with it. (Mr. K. Ahmed here made a remark which was inaudible.) My friend, you will have your turn; do not be so impatient; if you know anything you can offer to give evidence. Now, a great deal is made of the murder of the acquitted man. My friend, the Home Member is reported in the press to have stated that this man was an approver. But my notes show that what he stated was that the man had made a statement to the police.

The Honourable Sir Alexander Muddiman: That is what I stated.

Pandit Motilal Nehru: The man who was actually tried, against whom evidence was adduced and in favour of whom there was a unanimous verdict of the jury of acquittal, could not have been an approver in the case. If he was a man who was acquitted by the jury by its unanimous verdict, I wish to know when he made the statement to the police implicating himself. Are we to believe that a man against whom the Government proceed with all their strength, give all the evidence that they can, a man who secures his acquittal by a unanimous verdict of the jury against such odds goes the very next moment to the nearest police station and says "Here I am; I am sorry the jury has acquitted me; I am really guilty; please take down my statement." Are we children? How can any man believe that a person who has been acquitted in that way will go to the police and make a statement? I should like to have that statement; I should like to know before whom that statement was made and what is more important, I should like to know through what process this man had to pass before he came to make that statement if he ever made it. But we know that he had not time enough to do so because he was acquitted on the 29th of September and on the 3rd of October his body was found in a mutilated condition somewhere between Dum Dum and some other place. Well, Sir, these are all the cases. In all these cases we find there are two or three which certainly and unmistakably point to anarchical crime. But I have admitted at the very outset that there is some such movement in Bengal. On the facts before us there is little doubt about it. I shall presently show why and how that movement came into existence. But I stop for a moment to ask again what is there to justify any one of the statements made in the extract which I read out from the Resolution of the Government of Bengal? Where is there a case where an approver has been murdered? Where is there a case in which a witness has been threatened and which has been brought to the notice of the court? Where is there a case in which the jury has failed to return a verdict of guilty in circumstances under which any other jury in the world could have returned that verdict? What has been really established is this, that wherever there has been a case in which it was possible for private citizens of Bengal to help in the detention and prevention of crime, they came forward with remarkable readiness and assisted the authorities even at the risk of losing their very lives. That is what has been established by these cases. Are you going to reward those men who have served the State, who have served the public in the manner I have shown, by putting them in the hands of the police in the way in which you have by this Ordinance? The most serious thing shown by these cases is the way, the reckless way, in which the police manufacture evidence. Sir, I venture to say that if you look into the history of crime in

other countries, you will find many more cases of this character than have occurred in Bengal. But what is the difference? In those countries crime is put down by the aid of the ordinary law, by an honest police, by a police which know how to do their duty. Here if any prosecutions have failed, they have failed simply because the police are wholly incompetent and have miserably failed in the discharge of their duties. The only thing in all the cases I have referred to that stands to the credit of the police is the accidental discovery of the bomb factory, for which they were not responsible.

The real fact is, that all these phrases, murders of approvers, murders of witnesses, intimidation of jurors, have been borrowed from the Rowlatt Committee's Report. It is not for me to go into that Report now, but whatever justification there was, even then, it is to be found in the murder of one solitary approver of the name of Gossain who was killed as far back as the year 1908 in the jail by his co-accused. Well, as I have said, it is not for me to go into the facts of that case. I say that it is unfair, it is unjust, to go into facts of any case which happened before the year 1919 when the Royal Proclamation extending general amnesty to those involved in previous cases was made. By calling those facts to your assistance, facts which happened before the year 1919, you are stultifying yourselves, you are stultifying the Royal amnesty. If you do not take any of those cases into consideration, I challenge my Honourable friend the Home Member to show even a single instance of the use of threats, ill-treatment of approvers and witnesses and intimidation of jurors that has been stated in all the Government pronouncements. What you have got to show is not the occurrence of crime—there is crime in every country—but that the ordinary law of the land is inadequate to deal with that crime. It is this that you have to show, and if you fail to show this, you do not make out a case for any Ordinance or extraordinary powers.

Now, Sir, these imaginary murders of approvers, of witnesses and jurors are not to be found merely on the brain of the Government here. The fever has been communicated to the Government in England and what do we find? This is what the Under Secretary of State, the noble Earl Winterton, stated from his place in the House of Commons in the recent debate on the motion of Mr. Scurr. I read from a Reuter's telegram dated the 19th December last.

"Earl Winterton gave examples of cases of treatment of witnesses which he said were certainly not going to recur if the Government of India and the Imperial Government could prevent. He cited *inter alia* the Alipore conspiracy and the Calcutta bomb cases in which there was murder of witnesses."

Murder of witnesses in the Alipore case and in the Calcutta bomb case!

Mr. Bipin Chandra Pal: The Alipore case of 1908.

Pandit Motilal Nehru: Yes, there was the Alipore case of 1908, the Gossain case I have already mentioned, but the Under Secretary of State had in mind the words of His Excellency the Governor of Bengal that these murders had recently happened. The exact words are "these have already operated in more than one recent case." Where is even one recent case? I shall not ask you for more than one; give me one recent case in which these things have operated, in the words of His Excellency.

As I am on this cablegram, I will read the earlier part of it also:

"Earl Winterton dealing with the Ordinance pointed out that where, was reasonable certainty that witnesses would come forward with a sense of security, convictions would follow and prosecutions would be held under the ordinary law, but where there was a strong presumption that witnesses would be intimidated and murdered, there should be no recourse to trial in ordinary courts."

[Pandit Motilal Nehru.]

Now, Sir, here is a test which I am prepared to accept. How am I to make out that there is a reasonable certainty that witnesses would come forward with a sense of security and give evidence except by showing that witnesses have actually come forward and to give evidence without requiring any security for their safety? I have shown that in every one of these cases witnesses have given their evidence fearlessly and that convictions have been secured where they could possibly have been expected. I therefore submit, Sir, that there is no justification for the Ordinance in the cases which have been referred to.

Let me now take some other circumstances mentioned by my Honourable friend the Home Member. He said that between July and October there were no less than five attempts to murder officials. How do we know that? He proudly said, that those attempts were frustrated by the vigilance of the police, and then piously added "and by the hand of God" and finally gave all the credit to the police. I am simply amazed at this credulity on the part of the Government. Here is a police informer giving information of very terrible things that were going to happen if he had not prevented them. They praise him for his vigilance and they thank God for protecting them by His own hand.

How are we to know? My friend says: we cannot put all the facts before you. Well, that is for the simple reason that they are unbelievable. What can they be? Can they be anything but your informers' reports? Can they be anything but the statements, one-sided statements collected by the police? Whatever the character of these statements, you know that nobody will believe them. Here I will point to an incident which will show how these things are done. My friend Mr. Bipin Chandra Pal referred to the humiliation and confinement of two very worthy citizens of Bengal, Babu Aswini Kumar Dutt and Babu Krishna Kumar Mitra. He just referred to it, and my friend Mr. Patel thought that they had been arrested owing to some mistake and that it was subsequently discovered that they were really innocent and set at liberty. Now it is very interesting to inquire how it happened and we have on this point no less an authority than that of Sir Hugh Stephenson, who from his place in the Bengal Council said:

"I should like to mention specifically three cases which have been used in the press to throw doubts on the efficiency, if not on the *bona fides* of our methods. The first two are those of Babu Aswini Kumar Dutt and Babu Krishna Kumar Mitra. It has been said that no one will believe that they had anything to do with terrorist crime and that therefore the secret information of the police must have been false and Government may equally well be deceived by such false information now. I never knew Babu Aswini Kumar Dutt, but I am glad to think that Babu Krishna Kumar Mitra is a personal friend and I entirely acquit him of sympathy with terrorist crime. But as far as I know no one has ever accused him or Babu Aswini Kumar Dutt of promoting crime still less of taking part in it. The Bengal Government asked for the use of Regulation III in the case of Babu Aswini Kumar Dutt because—(*now the cat is about to come out of the bag, as an Honourable Member said yesterday*)—of his whirlwind campaign of anti-Government speeches."

Now, Sir, if I am taken at this moment under this Ordinance, there would be perfect justification for it because I have raised a whirlwind of anti-Government speeches in the past and intend to continue to do so in the future. Then he continues:

"and his control of the Braja Mohan Institution from which a stream of seditious preachers are constantly pouring. In both those cases—(*now this is very important*)—"

the activities for which these gentlemen were restrained were open and public; there was no need of secret information and there was none; there was no question of Government being deceived or of police information being false and the argument that it is sought to found on these two cases falls to the ground."

The particular argument Sir Hugh was meeting was a very weak argument, and has, I admit, fallen to the ground. But Sir Hugh probably was not aware of what I hope the House will at once see from his statement, namely, that a much stronger argument has been actually conceded by Sir Hugh Stephenson. You do not arrest men because of your possession of some secret evidence against them or of their being suspected of anything. You catch hold of honest men, men you know to be innocent, men you believe to be patriots, men you believe to be working in the cause of their country. You catch hold of them. And why? Because they make anti-government speeches. That for the methods. In this connection I may be permitted to remind the House of what Lord Morley said in his 'Recollections' as to these methods, because it is exactly what has happened in the present case and history has repeated itself. Writing to Lord Minto, said Lord Morley, when nine men were caught under the Regulation and Lord Morley was pleading for their release but Lord Minto would not listen:

"You have nine men locked up a year ago by *lettre de cachet*, because you believed them to be criminally connected with criminal plots, and because you expected them to check these plots. For a certain time it looked as if the *coup* were effective, and were justified by the result. In all this, I think, we were perfectly right. Then you come by and by upon what you regard as a great anarchist conspiracy for sedition and murder, and you warn me that you may soon apply to me for sanction of further arbitrary arrest and detention on a large scale. I ask whether this process implies that through the nine *détenus* you have found out a murder-plot contrived, not by them, but by other people. You say, 'We admit that being locked up they can have had no share in these new abominations; but their continued detention will frighten evil-doers generally'."

I ask the Members of this House to tell me, I ask the Home Member to tell me what difference is there between this method of frightening evil-doers by detention and the very much abused German frightfulness? Indeed, Lord Morley himself looks upon it in that light. He proceeds to say:

"That's the Russian argument; by packing off train-loads of suspects to Siberia we'll terrify the anarchists out of their wits, and all will come out right. That policy did not work out brilliantly in Russia, nor did it save Russia from a Duma, the very thing that they deprecated and detested."

Now, my friend the Home Member was asked: "when are you going to let these men off?". He said, as soon as it was consistent with "public safety." Well, Sir, I was wondering as to what public interest and public safety might mean, and it seems to me that it can have only one meaning in this country and that is bureaucratic safety and bureaucratic interest, as is clearly shown from this correspondence which passed between Lord Morley and Lord Minto. Then, Sir, I am informed—I was not in the House at the time—that my friend, the Home Member, showed much righteous indignation and pious horror at the mention of *agent provocateur*. I was told that Mr. Bipin Chandra Pal referred to something which was said by Sir Reginald Clarke. (Mr. Bipin Chandra Pal: "Written by Sir Reginald Clarke in the columns of the *Times*.") No, it was not

[Pandit Motilal Nehru.]

written by Sir Reginald Clarke—I will give you his very words—I think it occurs in a speech of his:

“I have had much experience of these agencies in the East, and often wonder whether they do not raise more devils than they lay.”

And then, talking of police informers:

“One has to use them to fight anarchy, but their inevitable concomitants, the *agent provocateur* and the *lettre de cachet*,—alienate public opinion to such an extent that they can never be continued for long.”

I do not know if my friend meant this or some other. (*Mr. Bipin Chandri Pal*: “I meant this.”) Then, there is another document, Sir, which I wish to refer to. This is the State Prisoners' Memorial to Whitehall. It is dated 25th July, 1924, and the names of these persons are Bhupendra

4 P.M. Kumar Dutt, and Jiban Lal Chatterjee. This memorial was submitted to the Government of India to be transmitted to the Secretary of State for India. These are persons who were arrested some time in September 1923. One of them was to be the editor of the *Forward* newspaper which was then proposed to be started. The other two were the manager and the editor of two vernacular papers who had declared in favour of the Swarajist policy of entering the Councils either to end or mend them. These three were taken under the Regulation. After nine months they sent this petition which was published in the *Forward* and what I am holding in my hand is a reprint from the *Forward*. These were men to whom the general amnesty of 1919 was extended. The charges that were served upon them were these:

“(1) You were arrested in the year (given the year of the last arrest) and detained as State prisoner and released under the Royal amnesty in the year (year given). (2) You were conspiring to overthrow the British Government. (3) You started and maintained *Ashrams* which were centres of revolutionary recruitment. (4) You were directly or indirectly connected with the collection of fire-arms. (5) You were connected with the Indian agents of Bolshevik Manabendra Nath Roy. (6) You were privy to the murder of police officers.”

How delightfully vague. Who is there in this House who can defend himself against such vague charges if they were brought against him? If the Honourable the Home Member serves upon me these charges and calls upon me to defend myself, what can I say? However, I am not pleading for these men or for their release from wrongful arrest, but I am referring to their memorial to draw attention to certain facts they mention here which have a bearing upon the question whether there is or there is not an *agent provocateur* at work in Bengal. They say:

“We must state facts as they are. We do not deny, rather we are proud to declare that there is a widespread and deep-rooted—(What? *Not conspiracy*)—a deep-rooted demand for liberty and the thirst for liberty is very great amongst the youth of the land. They would sacrifice anything for freedom, etc.”

And then they say:

“After our release, when we first joined the Indian National Congress and the non-co-operation movement we found mixing freely with the young men of the country, amongst others, a certain person whose name we are ready to disclose in case of a proper and impartial inquiry into these most serious affairs. We have knowledge that while previously locked up in jail as State prisoner this man along with some others of his ilk was in touch with and helping the Secret Service even from jail. While the non-violent non-co-operation movement was at its full swing he was trying to incite young men to form a party of violence. He tried to persuade even some of us to take up

the leadership of such a party as against the party of non-violent non-co-operation which according to his preachings was doing immense harm to the country. Failing to instigate persons who knew something of men and things, he began to characterise those persons as having turned moderate and we know that with an amount of oratory and supported and financed by dark powers from behind he succeeded in getting together a batch of young men. We have very strong reasons to believe that whatever political violence has been committed in Bengal after the non-co-operation movement is the activity of this group consisting of the innocent dupes of this *agent provocateur* and was incited and engineered by him."

They go on to say:

"This *agent provocateur* has been systematically screened from the public eye and unobserved this creature of the secret service has been made to do whatever his masters have been wanting of him. His name once leaked out in an identification parade in connection with the Alipore conspiracy case and it came out in the court that his name had been penned through and that of an accused put instead. For obvious reasons this point was not pressed by the counsel for the defence."

Here is a fact mentioned in a memorial which has been presented to this Government to be transmitted to His Majesty's Secretary of State for India. The allegation is made there. The memorialists offer to give the name of the person. They indicate in their memorial enough to enable my friend the Home Member to spot the man. Who is this man? I ask him. What is he doing? Have these statements been tested? Have these facts been investigated? If not, what force is there in his righteous indignation at the mere mention of the name of *agent provocateur*? I may mention, Sir, that the general belief in the country is that there are such agents abroad. Of course it is impossible for men except those situated as these memorialists were to know much of their doings. But here are materials enough for the Government to proceed to inquire and to let us know the truth. If my friend the Home Member is not prepared to give us any information here and now, let him take as much time as he likes.

I have dealt with all the reasons so far as I have been able to follow my learned friend upon which he has stated that the Ordinance is a necessity. Another argument is used. My friend paid a very high eulogy to His Excellency the Governor General's talents as a lawyer and as a statesman; he relied on the fact that His Excellency had been Lord Chief Justice of England. That his pronouncements as the Lord Chief Justice of England are entitled to the highest respect no one denies. But to say that when the ex-Lord Chief Justice of England tells you that he has examined a certain case you must take it without going further into the matter is a very different thing and does not necessarily follow. I am perfectly certain that His Lordship himself, if we can imagine him taking his seat on the bench once more and having his own findings about the Bengal Ordinance placed before him, will be the very first to throw them out as wholly inadmissible and unreliable. The most serious pronouncements made from the Bench, if they are not of a judicial nature, and pertain to what are called extra-judicial matters, have absolutely no value with anybody whatever the authority on the Bench which makes such pronouncements. You talk of His Excellency the Governor General and the ex-Lord Chief Justice of England. I say that even if angels from heaven were to go into these police informers' reports and to base their opinions and conclusions upon them, those opinions and conclusions would be wholly unreliable because of the taint in the material, and its defective nature, and not because the materials have not been well examined. I do not think that anybody has said that whatever materials were placed by the

[Pandit Motilal Nehru.]

police before the Government were not thoroughly examined and scrutinised; but my point is, that that material is not reliable enough to form the basis of any investigation or the basis of any conclusion? Sir, some one in this Chamber the other day remarked that a judge could not be a good administrator. I do not agree with him. I say that a judge-administrator may be a very good administrator, but when you put forward his opinions as an administrator and ask us to attach the same value to them as if they had been given by the judge, I say we cannot do so. A judge, the moment he becomes an administrator, is like a boat cut off from its moorings. He has to form his judgment not upon the material which he has been using as a judge for his judicial inferences and conclusions. That material must be legally admissible evidence. The tests which have been provided by the law must be applied to it and it must stand those tests. But an administrator does nothing of the kind. You may rely upon his Lordship's experience. I have no reason to object to that—nor am I prepared to say anything about the correctness or incorrectness of the conclusions come to on the materials available. What I say is that the material itself upon which conclusions have been based was wholly unreliable.

The next point that was discussed was the fact that this House was not consulted before the Ordinance was promulgated. This House was not sitting at the time and I am not willing to attribute any motives to the Government on the score of the Ordinance being promulgated soon after the September session was over. But what I say is this, that His Excellency the Governor General having passed and promulgated this Ordinance it is wrong to say that he and he alone is responsible for keeping it in force. I do not accede to that proposition. While I admit the right and the initial responsibility of His Excellency the Governor General in issuing and promulgating this Ordinance, I deny that His Excellency is responsible for keeping it in force. On the contrary, I maintain that it is this House and this House alone which has the right and the responsibility in itself, undivided and unshared by anybody else. The moment this House came into session it was its right—it was not only its right, but under section 72 it was its duty to see whether this Ordinance was to continue a day longer or not. It was with this object that I submitted my Bill which proposed to supersede and repeal the Ordinance, but I was informed a few days ago that His Excellency under the circumstances was unable to give me his sanction to introduce the Bill. I may here refer to section 72 for a minute. It runs:

“The Governor General may, in cases of emergency, make and promulgate Ordinances for the peace and good government of British India or any part thereof, and any Ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Indian Legislature, but the power of making Ordinances under this section is subject to the like restrictions as the power of the Indian Legislature to make laws; and any Ordinance made under this section is subject to the like disallowance as an Act passed by the Indian Legislature and may be controlled or superseded by any such Act”,

that is to say, by such Act of the Legislature. I contend that this Legislature has a constitutional right not subject to disallowance by His Excellency the Governor General of superseding, confirming or repealing this Ordinance and it is this right of the House which I sought to exercise by the introduction of my Bill which I have not been allowed to do. It is, therefore, incorrect to say that the responsibility is solely that of His Excellency. My submission to the House is that, in the first place, there was absolutely no justification for His Excel-

lency to exercise the right which he undoubtedly possesses under section 72 to promulgate the Ordinance. In the second place, I say that His Excellency and the Government have no say in the matter now. It is this House and this House alone which can determine whether that Ordinance shall go on or shall at once be withdrawn. I know that there is a provision in the Act that the introduction of a Bill like mine is subject to the sanction of His Excellency. I can conceive occasions when it would be necessary for His Excellency to withhold sanction. That section must be read with section 72, and when section 72 gives this Legislature an inherent right and another section says that it is subject to sanction there must be some meaning in that. We must reconcile the two sections and the only way in which they can be reconciled is that unless there is something very, very exceptional—suppose for instance there was a general rebellion to-day and the Viceroy in those circumstances exercised his discretion and said, "No. This Bill shall not be introduced in the House." I could understand it. But what are the special circumstances in this case? There must be something very special under which the Governor General could exercise the discretion vested in him about sanctioning or withholding sanction to a Bill of this character. We are living in peaceful times, there is no rebellion afoot, we have our usual life going on, we have our big dinners and entertainments and we are going to have a Baby Show next week.

Lastly, my Honourable friend, the Home Member, told us "We are not devoid of political foresight." Well, Sir, I am very sorry to say that that commodity has never been known to be available in the bureaucratic shop. Take the recent events. Take the two big turns that the political situation has taken in quite recent times in this country and see with what political foresight. . . .

Mr. President: I cannot allow the Honourable Member to go into that. I have allowed him very great latitude indeed. I must ask him to bring his remarks to a close.

Pandit Motilal Nehru: I am very sorry to have exceeded my time-limit. There is one more point I wish to make with your permission and it is this. Whatever has been done under the Ordinance itself in the way of arresting these people and keeping them in custody could have been done under the ordinary law. There is nothing including the great round-up of the 25th of October last which could not be done under the ordinary law. I wish to know from the Honourable the Home Member if there is anything that has been done which could not be done under the ordinary law. The fact is that one kind of terrorism has been set up against another kind of terrorism. We were told by His Excellency and rightly told that no political party can continue to live with terror for a friend. Now, Sir, there is no doubt that, terrorist organisations exist in this country, but the greatest and the most powerful of these organisations is the Government of India and their terrorist agencies in the provinces. It was very rightly observed by His Excellency that the parasite kills the host. I say, Sir, that that observation applies to terrorism both of political parties and of the Government and the parasite will kill the host in either case. Neither can continue to have terror for a friend. I regret I have exceeded my time, and I thank you, Sir, for allowing me great latitude. I appeal to all Members of the House, I mean all non-official Members, to vote unanimously in favour of this Resolution.

The Honourable Sir Charles Innes (Commerce Member): Sir, the Honourable Pandit has my complete sympathy. He evidently felt himself in a very difficult position. Mr. Rangachariar made a great appeal to the House about the disrespect done to the House. The Pandit did not think it worth while to follow up that point. Mr. Jinnah told us a long story about the provisions of the Ordinance. The Honourable Pandit did not think it worth while to follow up that point. He took a line of his own—I must confess it seemed to me a singularly unpromising line. He attacked the fact of the revolutionary conspiracy. He gave us some cold lawyer-like criticism of certain cases. He tried to make our flesh creep about *agents provocateurs*. He read out some rather dull extracts about a case with which we are not concerned to-day. But what was the sum and substance of his argument? He had to admit that there was a revolutionary conspiracy, and all it came to was this, that the revolutionary conspiracy was only a little one, like the house maid's baby. Is it such a little one, Sir? Is it nothing that a bomb factory in Calcutta has been discovered? A boy was blown up in Faridpur and a bomb was used in the Mirzapur Street case in Calcutta. Is a bomb an ordinary form of crime? Is it a small thing, Sir, that we have ample proof that smuggling has been going on of ammunition of a peculiar foreign pattern and that that ammunition was used in the Chittagong dacoity case and in the murder of Mr. Day in Calcutta? Is it not a fact that at the time these things were going on we had the same old press campaign, the press campaign of the old days of the revolutionary conspiracy? Sir, the Honourable Pandit has quoted a lot of extracts from the *Forward*. Let me quote one or two sentences from the Indian Press. This is from one paper:

"Hail thee, O thou Death! Come and dispel the death fears of these sheep-like timid men."

Pandit Motilal Nehru: What paper is it?

The Honourable Sir Charles Innes: *Atmasakti*. I cannot pronounce it. The paper goes on:

"On the back and shoulders of these men marks of chains and shoes are glaring visible. It is a cruel sin to live in a place where there are no true men."

Then again:

"Indeed the calm, patient and unmoved manner and the smiling face with which Gopi Nath accepted the death sentence moved the heart of everybody in Court to pity. As to-day the heart of Gopi Nath's half-frantic mother is wailing out in lamentation, so the heart of all Bengal is wailing for this fearless youth, Gopi Nath, vowed to truth."

Mr. M. A. Jinnah: What steps have been taken against this paper?

The Honourable Sir Charles Innes: Does the Honourable Member wish us to reintroduce the Press Act? If so, he might move a Resolution to that effect.

Pandit Motilal Nehru: May I ask the date of that paper?

The Honourable Sir Charles Innes: 28th of February. *Sarathi* it is.

Pandit Motilal Nehru: What year?

The Honourable Sir Charles Innes: Last year, just after the murder of Mr. Day. It is no use for the Honourable Member to minimise this

conspiracy. I do not know, and I will not attempt to guess, who is the leader of the Swaraj party. I do not know whether it is the Honourable Pandit Motilal or whether it is Mr. C. R. Das.

Pandit Motilal Nehru: I take the fullest responsibility.

The Honourable Sir Charles Innes: But here is Pandit Motilal Nehru saying that this conspiracy is only a small one. We have Mr. Das saying on the 30th of August in one of these expansive moments which I am sure he regrets and which I am sure Pandit Motilal Nehru regrets even more:

“Undoubtedly there is a much more serious anarchist movement than the authorities realised. It is growing increasingly difficult to suppress it.”

Since the Bengal Government published its Resolution on the 25th of October last there has been so much talk about revolutionary conspiracies that it seems to me that the phrase “revolutionary conspiracy” has passed more or less into current political coin. It is regarded merely as a phrase. I can assure this House, Sir, that when we had to deal with it it was much more than a phrase. It was a terrible reality and a dangerous reality. What did it mean? It meant that you had a lot of irreconcilable men plotting to overthrow Government, plotting to overthrow the Government by every means of terrorism, by murder, by murder of witnesses

Pandit Motilal Nehru: What witnesses were murdered?

The Honourable Sir Charles Innes: By murder of policemen and by murdering anyone who gave information against them. They were prepared to use and they did use the most dangerous weapon, the bomb, the bomb which deals indiscriminate death. As often as not it misses the man it is aimed at and it kills some innocent law abiding citizen. Sometimes it kills a woman or even two. (*A Voice*: “Jallianwala Bagh.”) That is what a revolutionary conspiracy means. Mr. B. C. Pal called it a movement of revolutionary patriotism. Sir, I am glad that Mr. Rangachariar at once challenged that phrase. They are not patriots in any sense of the term. They are anarchists, men who are out to destroy, to destroy existing institutions without any clear idea of what they will put in their place. That is what they are. But I am prepared to admit that there is this much truth in Mr. Pal's phrase. One of the saddest parts in this whole matter is that these men make it their business to seduce the youth of Bengal. They make it their business to catch them at the fermenting emotional age and they keep them by methods which I would rather not describe.

Pandit Motilal Nehru: What about the men mentioned in this memorial?

The Honourable Sir Charles Innes: Sir, the danger was a real danger and I say that the first and paramount duty of a Government confronted with a danger like that is to suppress it by all means in its power. But let me leave the Honourable Pandit and refer to the two main criticisms which have been made against this Ordinance. The first is that even granting there was a conspiracy, an Ordinance was not the right way to deal with it. And the other line was the criticism of the terms of the Ordinance. Let me take the first point first. It was a point on which Mr. Rangachariar fastened. He said that we have shown disrespect to the Indian Legislature by not consulting it and he also said that at least we might have consulted the Home Department Advisory Council. Now, Sir,

[Sir Charles Innes.]

I should like to assure this House that nothing was further from the thoughts of His Excellency the Viceroy than to show disrespect to the Indian Legislature. But I should like the House to look at the facts as they presented themselves to Government when that Ordinance was issued. I should like them to realise the position as we saw it. As we saw it, the position was that there were two forces pitted one against the other. On the one side, there was this revolutionary organisation, an organisation which we regarded as very dangerous and an organisation which, according to the best of our information, was controlled by desperate men, absolutely irreconcilable against any form of Government. We knew that they were plotting to overthrow the Government, and we knew that the one thing they feared was the swoop which we have made. On the other side, there were the police watching this movement, trying to checkmate the outrages, trying to prevent these outrages but above all trying to keep track of the spread of the conspiracy. They were doing this at the risk of their lives. I regret very much the attack made by the Honourable Pandit upon the Bengal police, for I say, Sir, in this House that every one of us ought to take off our hats to Mr. Tegart and his Indian and European assistants for the work they have done during the last few months of imminent hourly peril of their lives. Our aim, Sir, was to prevent this conspiracy coming to a head. Our aim was to allow it to develop as far as we could safely do so and then make a swoop upon it. It was essential that we should arrest as many people as we believed to be implicated simultaneously. It was essential that we should search as many places as we believed to be the centres simultaneously. Surprise and secrecy were the essence of our plan. Now, had our plans failed, all the work of months would have gone for nothing. The conspiracy would have gone underground. We should have all the work to do over again with the conspirators on their guard. Is it reasonable to suppose that we should give away this advantage of surprise and secrecy by coming to the Legislative Assembly and telling them what was in the wind, explaining our intentions and asking for their approval? Surely, as every one must see, the result would have been that the conspiracy, to use Mr. Bipin Chandra Pal's phrase, would have gone deeper into the ground, that we should have lost all track of it and, as I have said, the whole work would have been done over again. Then, Sir, let me take Mr. Rangachariar's other suggestion that we should have consulted the Home Department Advisory Council. The first point I have to bring to the notice of Honourable Members is that no sooner was this suggestion made than Mr. Patel made a different one. Mr. Patel did not want the Home Department Advisory Council to be consulted but he wanted Pandit Motilal Nehru, Mrs. Besant, Mr. Gandhi and other leaders consulted. Now, let us follow this suggestion a little further. Let us assume that we had gone to Pandit Motilal Nehru. Now, the first thing that Pandit Motilal Nehru, would have said is this: "I cannot commit my party; I cannot commit the Legislative Assembly; but I will give you the very best advice I can." And I am perfectly sure that the Honourable Pandit would have given us the best advice. I am also quite certain that if we had placed all our papers before the Honourable Pandit he would have immediately said: "Good Heavens! Act at once and hit as hard as you can." But, Sir, let us assume the converse. Let us assume that the Honourable Pandit said: "I do not advise you to do

this. My honest opinion is that it would not be wise for you to take this action. You had better follow the ordinary forms of law." Supposing we followed that advice and supposing that some staggering outrage at once happened then what would have been the result? We would have been arraigned at the bar of this House by my Honourable friends opposite. I can see my Honourable friend, Mr. Jinnah, Sir, menacing us with his forefinger, and cross-examining us in this House. Had we placed ourselves in such a position I should have been very sorry to undergo Mr. Jinnah's cross-examination. He would have extracted from us an admission that we knew that there was this very serious conspiracy. He would have asked us, why did we not think it necessary to take immediate action against it by Ordinance. We would have then pleaded the advice given by the Honourable Pandit. We would have said that the Honourable Pandit advised us not to do so and we have taken his advice. Then, Sir, imagine the indictment that the Honourable Mr. Jinnah would have made upon us. He would have said: "True; that was the honest opinion of the Honourable Pandit, but where does the responsibility lie? Was it the responsibility of the Honourable Pandit, or was it the responsibility of the Government?" And, Sir, that is the answer to the Honourable Mr. Rangachariar. Mr. Rangachariar must think again.

Diwan Bahadur T. Rangachariar: I feel that the Honourable Members opposite were exactly in the same position when they were taken into consultation by His Excellency the Governor General.

The Honourable Sir Charles Innes: Let me come, Sir, to the second criticism, namely the criticism of the provisions of the Ordinance. Now, I am quite prepared to admit that the provisions of this Ordinance are exceptional and extraordinary. I am quite prepared to admit that every person has an aversion to an exceptional procedure of that kind. After all, Sir, I would ask the House to believe that the principles of *Habeas Corpus* are ingrained in every one of us. We do not like any more than you do that we should interfere with the liberties of the subjects except in accordance with the ordinary forms of law. I think you might give us credit for this. But, Sir, I would ask the House to believe that while on the one hand we have that aversion to resorting to extraordinary measures, on the other hand we have the bitter experience of many years to guide us, the bitter experience extending back to nearly 20 years of revolutionary conspiracy in Bengal. Mr. Rangachariar saw no reason why our brave police could not have dealt with the conspiracy in the ordinary way. The Honourable Pandit Motilal Nehru asked us to look at the history of crime in other countries. I would ask him, Sir, to look at the history of crime in this country and, in particular, in Bengal. Let me give Pandit Motilal Nehru some facts. Between 1906 and 1918 there were 210 revolutionary outrages in Bengal. There were 101 attempts at such outrages. Definite information was in the hands of the police of the complicity of no less than 1,033 persons in those offences. But of these only 84 persons were convicted of specified crimes in 39 prosecutions and of these 30 were tried by tribunals constituted under the Defence of India Act. Sir, is it any wonder that the Rowlatt Committee recorded the definite finding "by 1916 the forces of law and order working through the ordinary channels had been beaten"? Mr. Rangachariar said that he failed to understand what the difficulty was in dealing with conspiracy cases. He pointed out that conspiracy is a well known crime under the Indian Penal Code. He

[Sir Charles Innes.]

pointed out that the police occasionally did get convictions in conspiracy cases. He wanted to know why a conspiracy case was not launched. Sir, let me remind the Honourable Mr. Rangachariar of our experience in regard to conspiracy cases. It is written here:

"The opportunity for exercising terrorism is increased by the remarkable length of the trials in India."

Then there is a list given. In the Alipur conspiracy case arrests were made on the 2nd May, 1908; judgment was delivered on the 6th May, 1909. In the Nangla case arrests were made on the 10th April 1910; judgment was delivered in August, 1910. In the Howrah case the proceedings were commenced on the 23rd March, 1910. Judgment was delivered on the 19th April, 1911, and so on.

The Committee goes on to say:

"It must be remembered that in the course of these proceedings witnesses for the Crown have to give their evidence first before a Magistrate. Even that part of the proceedings may take weeks, during which the witnesses in waiting can be threatened. Then there is a long interval before they are called again at the trial. During this period they may be further threatened or they may partially forget the facts and develop discrepancies. They are not as a rule well-educated men, nor do they possess exact habits of mind."

History shows in the words of the Rowlatt Report that, in dealing with crimes of this kind, the forces of law and order working through the ordinary channels were beaten. Why were they beaten? Let me give you the opinion not of an autocratic executive Government, but the opinion of two distinguished Judges, one of the Bombay High Court and one of the Calcutta High Court. I refer to the late Mr. Justice Sir N. G. Chandavarkar and Mr. Justice Beachcroft. The House may know that after the Rowlatt Committee reported, these two distinguished Judges were employed to sift the individual papers of no less than 806 people who were then under arrest. Let me read an extract from their Report:

"Before the Defence of India Act was brought into force, the fair trial of a person accused of revolutionary crime had been rendered practically impossible by the murders of approvers, witnesses, police officers and law-abiding citizens suspected by revolutionaries of having given information to or otherwise assisted the police in the detection of revolutionary crime. A situation of terror was created, the current of truth and justice was disturbed so as to prevent a fair, open and impartial trial in the ordinary criminal courts."

Again:

"Under these circumstances, it is impossible to secure a fair trial by the procedure of the Evidence Act and the Criminal Procedure Code which is appropriate only to normal conditions of crime. The procedure to deal with revolutionary crime has to be practicable in the sense of being appropriate to special conditions so as to secure as fair a trial as is feasible under the exceptional situation."

As I have said, these are not the words of an autocratic Government. Those are the words of two Judges of Indian High Courts, and those Judges, Sir, may be expected to be just as sensitive to the rights of the citizen as Mr. Jinnah or Mr. Rangachariar.

Mr. M. A. Jinnah: I question that.

The Honourable Sir Charles Innes: The Honourable Member will question anything. If the House is not content with the opinion of two Judges.

let me read an extract from the judgment of the Calcutta High Court in what is known as the Madaripur case:

“It is common knowledge that many assassinations, murders and bomb-throwing outrages have taken place and are still taking place, and the victims generally have been persons assisting in Crown prosecutions, for instance, inquiring officers and approvers. In the present case the complainant was a witness who had come to give evidence against the present accused and his co-accused, and he was threatened in the manner already stated.”

Now, Sir, what is the lesson of all this? What is the conclusion? On the one hand there is this deep-rooted aversion to exceptional legislation, an aversion which I beg the House to believe is as strong on this side of the House as on the other side. On the other hand you have the lessons of experience, and you have to remember that we are responsible for the maintenance of law and order in this country. That was our dilemma; we had to choose. We might have chosen to follow the methods of the ordinary law. What would have been the result if experience is to go for anything? The conspiracy, Sir, the small conspiracy to which the Pandit refers, would have flourished unchecked. It would have got worse and worse and the whole of Bengal would have been convulsed and eventually we should have had to interfere in precisely the same way as we have done by precisely the same Ordinance, but on a far more extended and larger scale. Is this House going to be absolutely merciless to these boys in Bengal? Remember that one of the features of a conspiracy of this kind is that the leaders, these desperate men, make it their aim the whole time to get hold of the students, the young boys, and get them within their clutches. Let me read one more extract. This is an extract from a paper which was accepted by the Court in the Barisal case:

“You should preach to the best of your abilities the idea among the students so that they may not waste their time to no purpose during the vacation . . . You should first win over by sweet words the boy of your place of whose character you have written. . . . If he proves a particular source of harm, extreme measures should be adopted in his case so as to leave no clue.”

It is easy for Mr. Rangachariar who lives in Ritherdon House, Vepery, Madras, to talk in this House about gambling with the lives of a few men. I believe if Mr. Rangachariar lived in Bengal, if he had sons of university age, I believe he would feel for these Bengal fathers and mothers who, when a conspiracy of this kind is flourishing, must be haunted every day with the fear that any day they may wake up and find their son led to the scaffold with a halter round his neck because of having been got hold of by conspirators of this kind. I would ask Mr. Rangachariar to keep that in view when he talks of gambling with the lives of men.

I do not want to detain the House further. I have tried to prove that, so far as the method was concerned, our course was perfectly clear. We were faced with this conspiracy. We had reason to believe it was a dangerous and a spreading conspiracy. We had our choice between adopting the ordinary forms of law and allowing that conspiracy to flourish unchecked or of crushing it by the action we have taken. We chose the latter, and it is now for this House to give its opinion whether we were right or wrong, and when the division bell rings, the House will give its opinion. I am afraid when that time comes, we shall find in the opposite lobby some who have sacrificed their independence of thought to their party, and who are prepared to sacrifice what I believe to be the interests of their country to the expediency of their party. (*Some Honourable Members*: “No.”)

[Sir Charles Innes.]

We shall find others who have found a way out. They have been able to express their real and their sincere disapprobation of detestable murders of this kind; on the other hand they have got themselves into a position in which they are able to avoid associating themselves with the Government. That, Sir, is their position and I have no doubt they will not listen to any arguments which may drive them from it. Then again, Sir, I am afraid there may be others who regard this conspiracy as a thing for Government, a thing over which they should express their deep disapproval, but which is really a matter more for Government than for them. And I believe there may be some who regard it rather as an opportunity for embarrassing the Government. But, Sir, I am an optimist. I still believe there are enough people in this House who will dare to face the cheap abuse of the market place, who recognise that, in very difficult circumstances, the Government have done the right thing, and who will be prepared, by their vote, to stand by the Government and show to the world that this Assembly has some care for its reputation for sanity of judgment, political sense and moral courage.

Mr. T. O. Goswami (Calcutta Suburbs: Non-Muhammadan Urban): Mr. President, before I proceed further, will you permit me to say that, at the beginning of the debate on this subject last week, you allowed me an opportunity of being particularly proud of you. Not that I have not always been proud of you; but, Sir, you said very emphatically that, so long as you sat in that Chair, you would not allow the dignity of the House to be in any way impaired. Sir, when you were saying that, I was wondering, if out of this House two Members had been spirited away by an executive decree, and you had issued summonses to them to attend, and then Government refused to produce them, even under an escort,—I was wondering whether in such a contingency you would not have even raised your voice in protest against such a manifest breach of parliamentary privilege. But, there are other parliamentary institutions in this country. I shall not embarrass you, Sir, by criticising the conduct of the President of another assembly; but you know the law of parliamentary privileges in the House of Commons. You know, Sir, the famous Shirley's case—better, probably, than anyone else in this House; and, Sir, you know also this—that there is no means in this country whereby this parliamentary privilege could be protected in India. There is another thing I should like to say by way of introduction. The Rules which it is your privilege to administer in this House have exalted some very high personages into a region of unmentionability. I shall try my best to keep the unmentionables' position safe.

We have, since the promulgation of the Ordinance, been haunted by truthful, well-weighed answers that tell the blacker lie. Many statements have been made by gentlemen in high authority—containing some admissions. I submit, as I have said before outside the House, that these statements and these admissions have been more damaging to the credit of the Government than even the Ordinance. Certain incautious admissions have appeared in these various statements—including the statement which the Honourable the Home Member recently made in reply to the debate last week. One of these incautious admissions is with regard to the reason which Government had to give us to why nothing incriminating was found during the house-searches. We have been

repeatedly told, in this House and elsewhere that this Ordinance was aimed at taking people by surprise—the so-called “anarchists” by surprise. How were Government going to answer this question that during these house-searches not one single incriminating weapon of offence or even revolutionary document was found? Sir, I do not know if I am at liberty to quote here Lord Lytton’s speech; but after an awful silence of many days, during which we had been questioning him on this point, he said. (I do not know whether it was in one of those post-prandial orations), that the police were so busy in finding the suspected persons that the weapons escaped! I do not think I am travestying his statement; it is not easy to travesty Lord Lytton’s words.

The second admission that has come out is the admission that High Court Judges have refused to serve in this investigation. At the beginning of the last session—in January last year—His Excellency the Governor-General told us that the so-called “evidence” against each of the accused had been sifted by two learned Judges of High Courts. I am glad to find now a statement of high authority, that High Court Judges have been refusing to serve. I remember the words of Mr. C. R. Das in another Council. He said:

“The wonder is that Judges can be found to adjudicate upon dead records.”

In that sentence is compressed the indignation of one of the most brilliant lawyers in India, a man who has helped the administration of the law for perhaps 30 years.

The third admission was made the other day by the Honourable the Home Member. He said,—there was not sufficient evidence to go to court. I am sure he is not ashamed of that statement. For, does he not live in this country where the Government established by law—mark the words “Government established by law”—is armed by a Regulation which provides in its Preamble that:

“There may be occasions rendering it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding.”

He lives under and indeed is almost the head of a Government which is protected by such a provision. There is, therefore, no reason why he should be ashamed of his admission.

Sir, there were some arguments used in defence of this Ordinance, and I have the latest arguments adduced by Government. They are three in number again, and I will give them to you in my order. The first argument consists in drawling out the word “t-e-r-r-o-r-i-s-t”. The second argument consists in repeating a dozen times the Honourable Sir Alexander Muddiman’s historic phrase: “There is no doubt about it”! The third argument consisted in repeating—I do not know if it was a dozen times, but at least half a dozen times—the words “He was shot down like a dog”. I think I shall, at this stage, take the liberty of quoting myself. On the promulgation of the Ordinance, after I had read the Resolution of Mr. Chief Secretary Moberley, of the Government of Bengal, I wrote this:

“The pleading appears to be devoid of even the academic merits of a well-presented case, and I cannot help noticing that bankruptcy of statesmanship has been accompanied by literary deficiency and that a Government which traditionally has excelled in plausible and catching proclamations, has recently lost its hereditary art and craft.”

I do not think, after the detailed scrutiny, which was scarcely necessary, by my Honourable friend, Pandit Motilal Nehru, of the speeches

[Mr. T. C. Goswami.]

and the statements made on behalf of Government in this connection, I need hardly dwell on details. The principle which has been challenged by this Ordinance and the principle which we are out to vindicate here, is a principle of the elements of law and it does not matter, and I do not care, how many ex-Chief Justices and ex-Chancellors say to the contrary. Is it suggested that because some one responsible for this Ordinance is an eminent lawyer, that whatever he does must be accepted? Has any one the impertinence to suggest to me that Pandit Motilal Nehru or Mr. C. R. Das are not at least as eminent lawyers as any who have put their seal of approval on this Ordinance? Is this not a fundamental question of law? The question is: Is it right under any circumstances that the executive should have power to deprive citizens of their liberty without trial, and if so under what circumstances? You must clearly answer that question. I may say this, that if any one studies the constitutional history of England—and I should like my English friends particularly to refer to that history—he will find that the civil war of the 17th century was fought on one issue, namely, the definition of an Ordinance. I do not propose to give you a lecture on English history, but I think it is my duty to remind my English friends of that movement in their history. In England you are protected by the *Habeas Corpus* Act, which protection is denied to us here. You are there protected by the law regarding the offence of *Praemunire*. It is a very curiously-named offence, but it places any executive officer who sends by his order any citizen outside the jurisdiction of *Habeas Corpus* outside the protection of even the King's pardon; and he is punished by forfeiture of property and even the Crown cannot pardon him under those circumstances. Sir, the word "evidence" has been freely used by Government. They say they have sifted evidence. Mere statement can never be evidence. Lord Reading is a great lawyer and I have seen him described as a jurist, and I have no doubt that Lord Reading will admit that the material on which his Government have arrested and imprisoned a large number of citizens does not become evidence in any sense because that information was tested by other people. Information, from whatever source, cannot be treated as "evidence", unless it has been tested by cross-examination.

Sir, the new Revolutionary Pamphlet is very well timed,—like the Red Leaflets. I do not know in what press it was manufactured. But the very perfect language of those documents and a considerable similarity of the language used in those documents leads me to infer something. After all, is it seriously suggested by the Home Member that revolutions, subversions of the constitution, can be effected by issuing leaflets? It is a childish argument. I want to answer one question frankly; and it is this. It was said on the floor of this House that the lives of some high officials had been threatened. We were told by Mrs. Besant at an important meeting in Bombay that the reason why she supported the Ordinance was that the life of Lord Lytton had been threatened. Now, Sir, I want to answer that quite frankly and fearlessly. Lord Lytton's life, it is said, is in danger. He is entitled to every protection. He is entitled to the protection of the whole police force and he is entitled to have more detectives; and to that extent there is abatement of personal liberty to which we are prepared to submit. But I say this: that even the life of the highest official is not more sacred than

the liberties of the people. That is my emphatic answer to that question. I remember an incident which happened at Benares about ten years ago. I was in Benares at that time. Lord Hardinge was going to lay the foundation stone of the Benares Hindu University. All along the route every house was searched and policemen were stationed on the terrace, in the zenana and on the ground floor. And then I remember Mr. Gandhi's historic words: "It were better for Lord Hardinge to have died at the hands of an assassin than to have suffered this living death". There can be no doubt as to the answer that is to be given to such an objection. Are not lives of eminent statesmen in Europe threatened every day? Has not Clemenceau's life been attempted? Has not Millerand been shot at? Has not Mussolini been attacked? But does it mean that these people go home and ask to put the whole country under quasi-martial law? (*Cries of "Yes" and laughter*). Yes, Mussolini does; but it is something which is condemned by all European opinion. His activities, like yours, are like the gambler's last desperate cast.

It is no use telling the world that Government were anxiously considering what they persist in miscalling "evidence", while the Assembly was sitting in Simla in September last. That is a statement which is, I do not say incredible, but difficult to understand. It would be more natural for us to infer that, while the Home Member was making those speeches so full of solicitude for the Indian people, the Government, whether in Bengal or in Simla,—I do not know where—were hatching this dark conspiracy against India and against civilisation.

There is one fact to which I have drawn attention before and to which I wish to draw the attention of the House. If you compare the London *Time's* Indian correspondent's letter dated the 29th September and the Government of Bengal's Resolution dated the 25th October, you will be struck not merely by the similarity and the arrangement of arguments but even by the similarity of language. I shall not draw any inference myself. An insinuation was made in the Bengal Council by Sir, something Stephenson, speaking on behalf of the Government. He said that the revolutionaries were no longer in need of funds—I am quoting a newspaper report—and were therefore not required to go in for dacoities simply because they were being financed. There was an obvious insinuation in that, but I do not, again, propose to dwell on that insinuation. I propose to treat it as it deserves to be treated.

You may enthrone tutored untruth, drape it in blue and in ermines, starred and bejewelled, it will not deceive us.

You say that there are instances of anarchism; but we have here legalised and licensed anarchism. As I have expressed myself before, if by anarchism is meant distrust of the law, violation of law, subversion of law, then *this* Government is a corporation of anarchists. And, Sir, I assure you that I weigh every syllable of what I say, when I tell you that I would rather be lectured on the subject of ordered progress and peaceful citizenship by brigands and assassins than by this Government;—and for this reason: that brigands and assassins cannot carry on a campaign of terrorism and personal vendetta on nearly the same scale as a government committed to a policy of terrorism. You punish honest people by means of a certain well-known law in this country for trying to bring Government into hatred

[Mr. T. C. Goswami.]

and contempt. I wonder if any seditious agitator can so successfully bring Government into hatred and contempt as their own high-installed officials. The whole system of administration, by Government's arbitrary acts, has become, to my mind, loathsome like a foul disease; and when I am asked by people, "How are you going to fight this Government which is so powerful?", I say to myself: "Is not pestilence powerful? Does not the mightiest monarch bow before it? Are not plague and pestilence powerful? In the same way is this Government powerful." It is our misfortune to live under this Government. I must tell this Government that if they cannot rule except by Ordinances, the only honourable course for them is to lay down this heavy load of responsibility; and I hope their passports will be made and Neptune's choicest winds will fill their sails.

There is one word with which I shall close, and that is about the revolutionaries. The revolutionaries have been condemned in this House. I hate revolutionary methods, not merely because of an instinctive abhorrence of murder and bloodshed, but because the methods of revolutionaries—the French Revolution methods—are out of date and are likely to be entirely ineffectual. The old French revolutionaries believed that across a sea of blood lay the promised land. I do not personally believe that; I believe such a policy is dangerous; and if I have used caution in my language with regard to revolutionaries, it is not because my words might otherwise give a handle to *this Government*, but because they might offer undue encouragement to those youths, who are ready to sacrifice their lives for their country, to plunge into anarchism. All honour to their primary motive. All honour to their spirit of sacrifice which leads them to dastardly acts. We must say this to them from this Assembly—and I cannot help saying that—I will not have these revolutionaries condemned in this House unless this Assembly condemns the Government which has produced these anarchists. Sir, I can quite understand the attitude of those who believe strictly in non-violence as a matter of religious conviction. But those who think that it is the right and duty of a country to fight against foreign foes cannot deny the moral right of revolt—I use Pandit Motilal's powerful phrase, the God-given right to revolt—against internal oppression. I may protest, but I cannot help sympathising with those who by bitter experience have lost faith in the gentle art of taming the brute. I say this to make my position perfectly clear, and I will end by quoting from a recent leading article in the *Statesman* newspaper, which has so long been carrying on vigorous propaganda in connection with the famous Gopinath Shah Resolution. Indeed I find with pleasant surprise Shadwell deviating into sense. The *Statesman* quotes from the letter of Mr. N. N. Sen Gupta, the ex-anarchist friend of Lord Lytton, with evident approval, and says:

"Mr. Sen Gupta, in our opinion, goes to the root of the matter when he suggests that the young men who are engaged in conspiracy are such as he himself was, they are not the dregs of society, but recruited from amongst the most promising spirits of their generation. They come from the 'young men who see visions and who dream dreams'. They are the energetic youths who are anxious to sacrifice their lives for 'a noble cause'."

Mr. C. R. Das supported the resolution moved at a meeting in respect of Gopinath Shah, and there was a terrific agitation. I shall not use

the epithet which I generally use outside in connection with that agitation. Mr. Lloyd George and Mr. Winston Churchill in the past have been reported to have spoken of the murderer of Curzon Wylhe—Dinghra—in terms which expressed approbation of his motives. I saw, the other day, in one of the leading newspapers of London,—in connection with what we in this county would call a dirty case, I mean, the Bywaters murder case—the Editorial opinion that whatever might be said about the crime, the accused throughout the trial had behaved in a perfectly “British manner”.

Both the Home Member and the Honourable Sir Charles Innes have been rattling off the set sentence about approvers and witnesses being murdered. I challenged the Honourable the Home Member to say how many approvers, how many witnesses, have been murdered. Of course, he has persistently refused to answer that question, because there is no answer to be given. With regard to the only murder of an approver in 1909, even the English editor of the *Pioneer* said, that murder was of many hues. I am not preaching here murder and violence. I think that is loathsome. But I say this again with all emphasis, that I will not have the revolutionaries condemned in this House unless in the same breath you condemn tenfold the Government which have provided every incitement to anarchism.

Prince A. M. M. Akram Hussain Bahadur (Bengal Nominated Non-official): Sir, it is easy to swim with the tide and difficult to swim against it. I am in that unhappy predicament to-day. Coming as I do from Bengal and knowing some of the conditions prevailing in that province, I feel that the occasion is one on which I should make a few brief observations. I think it the more necessary to take this opportunity, because I expressed no opinion on this question in the public meeting organized in Calcutta in support of the Ordinance, although I was present at it. I regret I am not in agreement with the Resolution of the Honourable Mr. Duraiswami Aiyangar. Indeed, Sir, I am one of those who welcomed the Ordinance. In my humble opinion and according to Mr. B. C. Pal, the action of Government was tardy. His Excellency the Governor General in the statement made explaining the necessity of the Ordinance himself observes in paragraph 4:

“Though the situation in 1923 was grave, I was reluctant to invoke the powers conferred upon me by the Government of India Act until I was persuaded that all other means for dealing with the emergency had been exhausted.”

He further observes:

“Evidence has been placed before me which shows to my satisfaction that the movement is deep-seated and dangerous.”

In paragraph 5 of his statement, His Excellency also gives this assurance:

“The Ordinance will in no way touch or affect the interests or liberties of any citizens whether engaged in public or private affairs, so long as they do not connect themselves with violent criminal methods.”

After this I for one believe that the Ordinance promulgated by the Governor General and the local Statute presented by the Bengal Government in substitution of the Ordinance were sheer necessities. I deplore with every one else that circumstances in Bengal should have necessitated the enactment of such a law, for with all the care possible, it is not impossible that

- [Prince A. M. M. Akram Hussain Bahadur.]

a few really innocent men should be mixed up with the others and deprived temporarily of their liberty. But it is better even that a few innocent men should suffer rather than that a great majority of our countrymen should be confronted with a menace which threatens public security. Anybody who has read the Governor General's explanation dealing with the necessity of the Ordinance and the speeches of His Excellency the Governor of Bengal dealing with the subject cannot but feel convinced that there was no alternative except to have this special enactment. It is impossible, Sir, to demolish the arguments of His Excellency Lord Lytton or to add anything to them in justification of these extraordinary powers. The chain of reasoning is exhaustive and complete, and I am surprised that any one after reading those speeches can be in doubt as to the necessity of such a measure. Lord Lytton in his Durbar address in Calcutta dealt with the subject very exhaustively, and though I also had at one time some doubt as to the necessity of such secrecy and detention without trial and represented it to Government in the manner open to me as a visitor to some of these détenus, I must confess that all my arguments were completely met by His Excellency the Governor of Bengal's pronouncement at the Durbar and the doubts I entertained were completely removed

Sir, I have come in contact with some of these State prisoners and I wish to say for the enlightenment and knowledge of the House that every care is being taken of them and all reasonable comforts are provided for them. To say then that this measure was absolutely unnecessary or that it is unduly harsh in operation is gross misrepresentation and exaggeration. The allegation that this measure is directed to crush the legitimate activities of the Swaraj Party is absolutely without foundation. I shall invite your attention for a moment to what the Governor of Bengal said in his speech, *vis.*, that the special powers obtained were not for the purpose of repressing liberty but for the repression of crime. That there has been a recrudescence of anarchical crime in Bengal nobody seriously doubts. If that is so, it is up to us to assist Government in the complete eradication of this cancerous growth. Secret societies with their ramifications and bomb factories have been discovered in Bengal. Books and pamphlets have been written admitting their existence and boasting that the operations of Government in dealing with them were ineffective. I admire the patience and dignity of this Government and the very considerate and lenient treatment meted out to persons who are openly in favour of anarchy and chaos and do not realise the evils which are bound to result on a colossal scale if they succeed in paralysing the administration. Had there been any other Government but the British, whose patience and leniency are as great as their power and strength which is a direct result thereof, we would have indeed a very different tale to tell. Sir, the Government of Bengal are clearly of opinion that the use of Regulation III of 1818 and the powers obtained under the Defence of India Act effectively crushed the conspiracy in Bengal and if the powers had been retained by Government, it could never have been revived. If that is their opinion, is there any justification for us to stand in their way? Open trials of those suspected is out of the question as secrecy must be met by secrecy. The difficulties of the situation are known to the executive alone. We, the House of Legislature, ought to realise their troubles and strengthen their hands by our approval of such measures as they think essential for the safety of the State. To allow lawlessness

to grow is to my mind the reverse of patriotism. A small section of the people whose tactic of employing violence is objectionable to us and which we are certain cannot advance us an inch in the path of progress towards the realisation of self-government is allowed to demoralise a whole population by intimidation and threat of violence. People in the discharge of their duties are threatened with loss of life. There is no freedom of action, no liberty of speech. The atmosphere of Bengal is so surcharged with terrorism that people cannot speak their minds. Now I ask you what freedom and liberty we will have if this is the foundation of that discipline and control on which we are to build up the beautiful structure of a Swarajist Government? We talk of liberty and freedom very glibly without realising the true import of those terms. Evidently when we talk of liberty and freedom, we talk of our own liberty divorced from the liberty of a whole population. Liberty and freedom of which much play has been made in this House are only relative terms. We have no liberty if that liberty is not commensurate with the liberty and freedom of the people. When our own liberty is assailed, when we are terrorised into silence or dereliction of duty, should we respect and care for the liberty of those who are out to destroy our own? The manners of the youth of Bengal are gradually being so degenerated and there is so much excitement and inability to control that excitement that nobody is allowed to open his lips in a public meeting unless he sacrifices his conscience and plays to the tune which the audience may desire. Now, I ask you if that is freedom and liberty? The whole fabric of good citizenship is undermined by loose thinking and undisciplined action. Sir, it is not infrequently that in matters of liberty and freedom India is compared to England. But it is a fallacious argument. What is one man's meat is another man's poison. It is impossible to compare India to England. The conditions which prevail in this country in the matter of faithfulness and loyalty do not exist and never can exist in England. The analogy therefore is most incorrect.

As late as the 30th January, anarchists have been distributing leaflets in several towns even outside Bengal. In my opinion the Ordinance or the Bill intended to be substituted for it in Bengal are not too drastic and harsh. Government never sanction the detention of anyone in jail unless there is independent and sufficient proof of incrimination of a person. If there was full proof to establish his guilt before the ordinary Court of law he would be punished, but his detention in jail where he is pretty comfortable and has no hard labour is no punishment. His family moreover, if dependant upon his earnings, are given subsistence allowance. There is no hardship at all in this measure and no man who is really innocent need have any fear of it. It can affect only the guilty or those people who stand on the borderline of guilt and innocence. A man who values his reputation, who values his liberty, and has some stake in life is well within his province and has nothing to fear at all. It is only the impressionable, misguided and impetuous youth, some of whom if not criminals already are potential criminals, who will allow themselves to be entangled in the meshes of this law.

His Excellency the Governor in his speech to the Council narrated the story of Mr. Sen Gupta, who was let off by the High Court and who upon his own admission was guilty. He made a clean breast of his guilt subsequently, and in so far as he has done so and repeated his past misdeeds, we all respect and honour him. Like him I hope there may be others who will com-

[Prince A. M. M. Akram Hussain Bahadur.]

to the right path and fight the battle of progress openly and constitutionally, instead of letting loose the forces of demoralisation and disorder and destroying the peace and prosperity of this country.

I take this opportunity also to say that it is a matter of considerable pride and pleasure that so far no Muhammadan has been found in the subterranean passages of conspiracy, anarchy and revolution. It has been alleged in some quarters that that is because a Muhammadan is not trusted. I hope that he will always be mistrusted in such nefarious pursuits. My own personal opinion is that my community do not believe in underhand business and are also hundreds of thousands of them against the disruption of factors that tend to good Government and are therefore loyal to the British Government which in the present state of the country is a blessing.

Sir, I oppose this Resolution.

Mr. Harchandrai Vishindas (Sind: Non-Muhammadan): I move, Sir, that the question be now put.

(Several other Honourable Members also rose at the same time and moved that the question be now put.)

Mr. President: The question is:

“That the question be now put.”

The motion was adopted.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, since we last met to discuss this Ordinance I came across two incidents in the papers which I think are worth mentioning to the House. One is that Subash Chandra Bose and others who have been interned with him have been, I am told, removed to some other place. It is not known where to. A more deplorable incident is that a gentleman named Mahendra Kumar Chakravarti, who has been arrested under the Bengal Ordinance, was not permitted to see his father on his death bed. His father died and he was not allowed to see even his corpse. His father's funeral ceremonies were celebrated and he was not allowed to attend them. And yet we are told by Prince Akram Hussain Bahadur that the treatment which is given to these State prisoners is nothing but admirable. Sir, Jurists tell us that the object of punishment is the production of a deterrent, preventive, or reformative effect, but I have never considered punishment to be vindictive. Was it not possible for this Government to show so much of humanity to this prisoner as to allow him to see his dying father under proper escort? Yet, Sir, this has been the kind of treatment which has been given to this State prisoner.

Sir, the Honourable the Home Member has, in reply to my remarks, quoted several facts, and as I expected he has taken us from 1912 back to 1908. To-day the Honourable Sir Charles Innes has taken us still earlier to 1906 and I was expecting some Government Member to rise and to take us back to the Great Indian Mutiny in order to support this Ordinance. Sir, all that has been said in regard to matters of detail has-

been fully answered by Pandit Motilal Nehru and I will not take up much of your time by going into those details. The only thing that appears most prominent is that what is considered more sacred in Bengal than the liberty of the citizens there is the peace of mind of Mr. Tegart. It is for the peace of mind of Mr. Tegart that all these steps seem to be taken, and if that is the case, I would suggest that the simplest thing to do is to send Mr. Tegart quietly with me to Madras rather than retain him in Bengal and disturb the peace of the citizens of Bengal. Sir, it is said that twice was he aimed at and twice he escaped. Well may he exclaim like Robert Clive that he is reserved for something great. But let his greatness be achieved elsewhere if for that object we are going to introduce an Ordinance in Bengal. Very often Mr. Das, Pandit Motilal Nehru and Babu Bipin Chandra Pal are quoted in this House as having conceded the existence of a revolutionary movement in Bengal. Sir, sitting as I do in this Assembly, and proceeding to form conclusions upon legal and substantial evidence, I am not prepared to act on the statement of Mr. Das or Pandit Motilal Nehru or Babu Bipin Chandra Pal any more than I am prepared to act on the statement of the Honourable the Home Member so long as these statements are made on mere surmises. The liberty of Bengal cannot be sacrificed on the mere rhetoric of Mr. Das or on the poetic picture of Pandit Motilal Nehru or on the humorous eloquence of Mr. Bipin Chandra Pal. We want substantial evidence to say that there is really a political revolutionary movement in Bengal, and for that I have been searching for evidence and there has not been a single instance quoted either by the Government Member or the pro-Ordinancers. Robberies and dacoities may exist. They do exist in large numbers in all the provinces. Are you going to eradicate them? When is the millennium to come, Sir? So far as these movements are concerned, I wish Government Members to point out distinctly how they trace any of the robberies or dacoities to any political party or political movement. If you want to say that all these robberies and dacoities are committed by these people for financing the Swaraj party, say so plainly and say that your Ordinance is aimed at the Swaraj Party. Don't say in one breath that it has nothing to do with political parties and in the same breath characterise these robberies and dacoities as part of a political movement in this country. I am therefore against accepting any statement for the mere authority of the person who makes that statement. Pandit Motilal Nehru is as far away from Bengal as I myself and I would ask him to produce evidence that there is a revolutionary movement, and unless we are satisfied on this point we have no right to condemn Bengal. The Honourable the Home Member has said that bomb factories have been discovered and that foreign bombs have been smuggled into this country. For how long have your vigilant police, vigilant customs officers and other people been watching the smuggling of foreign bombs into India so that you suddenly rise up now with an Ordinance? Does it not show that this is a sad commentary on the criminal administration of Bengal that you have been allowing all these bombs to be stocked there from other countries and now you suddenly rise on the 25th October, 1924, to issue an Ordinance? The Honourable the Home Member has also referred to the Red Bengal pamphlets as having been distributed at the Town Hall meeting and yet it is not traced to the person who distributed them. It is not shown who distributed them. It is not shown wherefrom they came, and yet it is stated that these have been distributed in a public meeting at the Town Hall. Sir, between July, 1924 and 25th October, 1924, the date of the Ordinance, it is stated that

[Mr. C. Duraiswami Aiyangar.]

six more lives have been aimed at by these revolutionaries, but who those six people are who were going to be victimised by these revolutionaries the Honourable Member refuses to say. He refuses to say what the evidence is about that. On what ground? On the ground that the lives of the informers will be in danger. How can the lives of the informers be in danger if the six persons aimed at know that they were aimed at and the assassins know whom they were aiming at? These are the two parties concerned. The assassins know against whom they have been aiming and the persons aimed at know that they have been aimed at. Between whom is the secrecy to be kept? Is it before this House? Is it this Assembly that is unfit to know what the assassins know and the persons who were aimed at know? It is not for curiosity that we want the names of the persons aimed at but in order to judge what the nature of that aim is and in order to find that out, we must know the nature of the persons who were aimed at. You have mentioned Mr. Tegart and we argue upon it. But you will not give any other information. With bureaucratic obstinacy you refuse every possible information and you ask us to come to the same conclusion as you, Sir, the Honourable the Home Member have come to without even that evidence which you say you are in possession of. Sir, the crowning argument of the Honourable the Home Member was that this Ordinance has been promulgated by a liberal politician and not a sun-dried bureaucrat of India. I do not refer to the ex-Lord Chief Justice and other credentials but only to this aspect. Sir, if we are pricked by thorns and if we complain of the pain, is it any consolation to be told that these are the thorns of a rose plant? Sir, India knows no liberalism; India knows no conservatism; India knows no labourism. To India there is only one "ism" and that is Bahadurism. Sir, liberalism may be as fine as butter so long as it is in England. But when the parcel is opened at the Gate of India, it is found melted into ghee, and after a little travel round India, with a little mustard oil from Bengal, ground-nut oil from Madras, cocoanut oil from the West Coast and gingelly oil from Bombay mixed in that ghee where is the form of that liberalism? Where is the taste of it? Where is the smell of it? It is all gone. Therefore, Sir, it is no use for us to be told that this Ordinance was promulgated by a liberal politician. We want actual justice to be imported from England to India. If you are going to give us that personal freedom which is considered a sacred birthright in England, you ought to assure us and guarantee us that freedom, and if you do that, that is proof of liberalism.

Now, Sir, the Honourable the Home Member says that I should not have found fault with the selection of Sessions Judges for going into this evidence, examining it and making a report. Sir, it is not I who blamed that practice. It is contained in Lord Lytton's own words. Lord Lytton says that High Court Judges are unwilling because they are asked to do in an executive capacity what they would be prepared to do only in a judicial capacity. The Sessions Judges are prepared to do that and therefore I take exception to Judges of any standing being made use of for executive purposes in a matter in which judicial capacity, judicial experience, judicial knowledge and judicial discretion are necessary. And after all, what are the materials which you place before the Sessions Judges? They are scraps of paper which magistrates have produced. The police may bring any informer before any magistrate. It may be a parrot that speaks to the magistrate or it may be the re-sounding of a gramophone that the

magistrate records, and thereafter the witnesses evaporate. Lord Lytton has definitely stated on the 2nd December 1924 that he is not prepared to produce any witnesses anywhere. Sir, if upon that paper which has been recorded by an ordinary magistrate the Sessions Judges have got to report, without seeing the witnesses what good can be expected? And at the time the Sessions Judge is reporting the accused is not permitted to be present. It is confidential. If you have completed your evidence and placed it for report before the Sessions Judges, why should not the Sessions Judges take an explanation from the accused as to what appears against them and then make a report? Why is it confidential? Do you expect the Sessions Judges to fill up the gaps and advise what more evidence is necessary? If the evidence is complete, there is absolutely no reason why it should be confidential at the report stage. Now, Sir, my Honourable friend, Colonel Crawford has taken it upon himself to defend the action of Government, but in fact I thought that much of what he stated was in our support. He condemns the practice of promulgating an extraordinary Ordinance like this which cuts at the root of personal freedom. He says that his community is also opposed to it, but at the same time he says that the public opinion of Calcutta demanded it and he considers the opinion of the European Association to be the sole meter of public opinion in Bengal. I do not mind the other arguments of his, but there is one thing which is very important. He does not see any political tinge in these movements, but he says that the whole thing is due to economic causes. Have you investigated that? Colonel Crawford on behalf of the European Association gives you that information. The root-cause is economic, not political. Now, Sir, as regards his ideas about the ways and the working of the C. I. D. Mr. Jinnah has sufficiently answered them. But I must say this to my Honourable friend that we are not now dealing with military manœuvres, but with legal submarines and legal manœuvres and he may very well leave it to persons like Mr. Jinnah to expose the ways of the C. I. D. Then he says that there is Bolshevik influence here and mentioned the name of Manabendra Nath Roy. About this I only wish to point out that in the memorial submitted by two State prisoners, a portion of which was already read out to the House by my Honourable friend Pandit Motilal Nehru, it is stated thus:

"We are not yet certain if this Manabendra Nath Roy is not the man from the moon and we have even less knowledge about his Indian agents. We have always differed from the views appearing in the press of this so-called Bolshevik. As for letters and papers supposed to be coming from this man if there is really a man of that description and if the whole thing is not the creation of some interested party as in the case of more serious things related hereafter in course of this statement, then we can say so much that this man has not perhaps spared a single address he has come across, not even the English Premiers excepted and no one can be responsible for coming into contact with an accidental addressee of such a correspondent."

That is the man. Have you ever traced that man? Have you found out that man? What is that man? Then why do you give the name of a fictitious man; *i.e.*, without there being a corresponding reality and call him a Bolshevik and say that all the movements in India are being regulated, controlled and guided by him. And yet that is one of the charges which has been made against the prisoners who have submitted that memorial. The Honourable Sir Charles Innes, finding himself absolutely helpless in his defence of the present Ordinance, has gone back to the Rowlatt Act and he went on to recount all the circumstances relating to the Rowlatt Act in order to defend the present Ordinance. That only reminds me, Sir, of the Aesop's fable of the wolf and the lamb, "If you are not guilty

[Mr. C. Duraiswami Aiyangar.]

your father was." Now, Sir, My Honourable friend, Prince Akram Hussain, has enunciated one proposition to-day which I now learn for the first time after a 25 years' experience in the legal profession. I heard him say that it is rather advisable to convict ten innocent men than allow so many people to suffer outside. All along I have learnt one maxim, one elementary maxim, that half a dozen, ten or a dozen guilty men may escape rather than one innocent man be convicted. That is the principle on which the rule of evidence is based, upon which the administration of justice is based, and yet we are told by our Prince friend that a different maxim must rule in India. (*Mr. M. A. Jinnah*: "India is advancing!")

I wish to say only a word about the constitutional aspect of the matter which I have raised and to which I have received no answer from the Honourable the Home Member. I said constitutionally this Ordinance is *ultra vires*. Constitutionally there must be the condition precedent in emergency, and constitutionally it must be within the powers of His Excellency the Governor General to supersede the ordinary law. I have already pointed out that this power, as it is not specifically provided for in the Government of India Act, must be taken from the traditions of England, and the King of England never possessed this power under the Statute of Proclamations of 1539—the power to take away the life and liberty of his subjects. And yet, Sir, if you want to exercise such a power by the present Ordinance a specific authority is needed under the Act. As for the efficacy of the Ordinance sections 3 to 10 do not give you any more weapon to pounce upon the malefactors than what the ordinary Code of Criminal Procedure gives in the first stage. The method of arrest is the same, but the forum, the tribunal, the method of trial, the calling of evidence—it is these things that change, and yet what is the efficacy of the expressions "surprise" and "secrecy" which have so often been repeated in this House in defence of this Ordinance? You are only chasing, according to my view, a will o' the wisp. I do not know how long you are going to chase it, but in the meantime it is our innocent men who suffer. If it is for the peace and good government of Bengal that you have promulgated this Ordinance, I may say that there cannot be peace under this Ordinance. If A is arrested for giving peace to B, B will think to himself, "what is my peace? I may be arrested to-morrow for giving peace to C". Under section 14 of the Ordinance you have given *carte blanche* to police officers and we easily know that with powers like this the police officer always thinks that all is fish which falls into his net. Under this Ordinance an innocent man is deprived of the guarantee of liberty which is given him by the ordinary law. Even the *Habeas Corpus* Act, when it is suspended in England in extraordinary times, is so suspended under an Act of the Legislature. I do recognise that heré we have not got a sovereign legislative body, but a non-sovereign law-making body. I do recognise that, but all the same, Sir, if a law is to supersede the ordinary law, it must have the sanction, the moral sanction, behind it and I say, Sir, that that sanction is not existent in so far as this Ordinance is concerned. There has not been a single ground shown and yet by this Ordinance you have suspended the *Habeas Corpus* provided by section 491 of the Criminal Procedure Code. You have given an indemnity to the officers acting under it. All these are combined in section 24 of the Ordinance and without any specific authority for so much of legislation under the Government of India Act. Sir, I therefore feel that on important points we have not had a sufficient answer.

We have been told, and only told, that there is revolutionary conspiracy. These revolutionaries are simply actuated by the stupid idea that if Mr. Tegart's life is taken away, Swaraj comes to India as though he is the King. Killing a police officer here and a police officer there cannot get Swaraj. It will be no compliment to the young men to whom you ascribe so much intelligence, organisation and shrewdness, for us to suppose that those young revolutionaries are under the impression that taking away the life of one officer here or there will get self-government for India. I therefore feel, Sir, that there is no political manoeuvre underlying it. Even assuming there is, there has not been any ground shown as to why an emergency measure like this Ordinance should have been promulgated.

The Honourable Sir Alexander Muddiman: Sir, I do not propose to detain the House at any length at this late hour. The debate has already taken the best part of two days, but I must make one or two observations. In the first place, let me congratulate my Honourable friend, the Mover of the Resolution on his gallantry and on his courage. He and he alone apparently in the House is still doubtful whether there is a revolutionary conspiracy in Bengal. My Honourable friend, Pandit Motilal Nehru, in his carefully reasoned speech did not attempt to deny it; he admitted it. It was left to the Honourable the Mover of the Resolution to put forward the plea that there is no such organisation. Therefore I will say no more on that. To do so would be simply wasting the time of the House. As to the so-called constitutional point, I will also say little. I did not gather whether the Mover was arguing that the Ordinance was *ultra vires*. If that is the argument, there are ready means of testing it. If he contended that there was no moral sanction behind it, then I do not know that is a constitutional point. I will make one comment and one comment only on his remarks about the occurrences in Bengal. In the course of his remarks he referred to "alleged attempts" on the life of Mr. Tegart and he referred to them in somewhat, if I may say so, unfeeling terms. I am sure he did not mean to do so, but it seemed to me that he did. I will not use the phrase that has been objected to. I will not say that there is no doubt that an attempt was made, but I will treat it as incontrovertible that several attempts have been made on the life of Mr. Tegart. They do not rest upon my statement or on any statement made by the Government. They rest upon the statement of the man who was hanged for shooting Mr. Day; and I do think that when the Honourable Member was talking of "alleged attempts" on Mr. Tegart, he might have expressed some regret at the attempt to take the life of this police officer, a distinguished police officer, who is doing what he at any rate is paid to do. So much for that point and for the Mover. Now, the real issue raised by my Honourable friend, the Pandit, was not that there was not a conspiracy, but that there was not a sufficiently important conspiracy to justify the action taken, if I understood his arguments correctly. He agreed that there was a conspiracy, but he said "You should really have let it grow bigger before you took this action." That is a question of fact. I have done my best to put the facts before the House. If I have not placed before the House facts which would convince any reasonable man that there was widespread conspiracy, I have wasted my breath. Sir Charles Innes supported the fact by quotations of non-officials. I do not really depend on non-official sources for information, though I welcome the ample confirmation of the information I have given

[Sir Alexander Muddiman.]

to this House from those sources. So much on the question of whether there is or is not a terrorist conspiracy and what is the magnitude of that conspiracy. The next point that I should like to make is this. Once we arrive at that position, the only other ground on which we can be attacked is that the steps we have taken were unnecessary and unjustified and that we could have carried on by resort to the ordinary law. In my previous speech, I put before the House facts and arguments that seem to me—perhaps I am wrong—to have been entirely unshaken on these points and I will not detain the House by repeating them. I have read to the House a pamphlet which has been circulated which shows that the propaganda is widespread and well engineered. I think I heard from one of my Honourable friends—I am afraid I have forgotten which Honourable Member it was, though I think it was the Honourable Mover of the Resolution—raising some doubt as to the existence of outside interference from foreign sources. I commend to him the judgment of the Allahabad High Court in the Cawnpore case. He is a lawyer and demands legal proof! He will find that there is no question of conjecture. It is a matter which has been judicially proved in the highest court in the province. Now, I think there is very little else on which I need detain the House. There is, however, one point which I wish to mention and it is this, that I did not hear my Honourable friend, Pandit Motilal Nehru suggest—and I am very glad that I did not hear him suggest—that this Ordinance was made and promulgated for the purpose of suppressing any political party. I do not think that it is part of his argument. At any rate, we have brought the Assembly nearer the facts in that respect. Now, before I close and before this House proceeds to vote on this important question, I would ask them to consider the position as it has been laid before them by Government, to consider the fact that we have been charged with not bringing up this matter before this House, but I submit we did act constitutionally. It is admitted by my Honourable friend, the Pandit, that we could not have done so before acting, but it is said we ought to have done so afterwards. We had it brought before the Bengal Legislative Council. That is the legitimate and proper place for special legislation relating to Bengal to be brought and that Council has rejected it. The time has now come for this House to vote. I have no desire to suggest that any Member of this House will vote otherwise than in accordance with his conscience, otherwise than by what he thinks are the political needs and the best interests of this country, but I do ask Members most seriously to consider what the effect of these actions if this motion is carried will be. Will you not be sending out a message of encouragement, will you not be encouraging crime? (*Voices: "No, no."*)

6 P.M. You may think not, but I ask you to consider what will be said of the Assembly. It is being watched very narrowly and very clearly. May I remind the House that the decisions of this House are written—that they stand on record. "*Pereunt et imputantur.*"

Mr. President: The question is:

"That this Assembly recommends to the Governor General in Council that steps be taken forthwith to supersede by an Act of the Indian Legislature the Criminal Law Amendment Ordinance, I of 1924, made and promulgated by His Excellency the Governor General for and in the province of Bengal."

The Assembly divided :

AYES—58.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aiver, Sir P. S. Sivaswamy.
 Alimuzzaman Chaudhri, Mr.
 Aney, Mr. M. S.
 Chaman Lall, Mr.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Goswami, Mr. T. C.
 Hans Raj, Lala.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Haji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Kartar Singh, Sardar.
 Kasturbhai Lalbahai, Mr.
 Kelkar, Mr. N. C.
 Lohokare, Dr. K. G.
 Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Narain Das, Mr.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Pal, Mr. Bipin Chandra.
 Patel, Mr. V. J.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shafee, Maulvi Muhammad.
 Shams-uz-Zoha, Khan Bahadur M.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Venkatapatiraju, Mr. B.
 Vishindas, Mr. Harchandrai.
 Yakub, Maulvi Muhammad.

NOES—45.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Blackett, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chalmers, Mr. T. A.
 Clarké, Sir Geoffrey.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Duval, Mr. H. P.
 Fleming, Mr. E. G.
 Fraser, Sir Gordon.
 Gidney, Lt.-Col. H. A. J.
 Graham, Mr. L.
 Hira Singh, Sardar Bahadur Captain.
 Hndson, Mr. W. F.

Hyder, Dr. L. K.
 Innes, The Honourable Sir Charles.
 Lindsay, Mr. Darcy.
 Makan, Mr. M. E.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddiman, The Honourable Sir Alex-
 ander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Naidu, Mr. M. C.
 Raj Narain, Rai Bahadur.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V. Visva-
 natha.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted :

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th February, 1925.

LEGISLATIVE ASSEMBLY.

Monday, 9th February, 1925.

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

MEMBERS SWORN:

Mr. Thomas Eyeborn Moir, C.S.I., C.I.E., M.L.A., and Mr. Alexander Marr, C.I.E., M.L.A.

QUESTIONS AND ANSWERS.

INDIANS AND EUROPEANS HOLDING CERTAIN APPOINTMENTS IN THE DIFFERENT DEPARTMENTS OF THE GOVERNMENT OF INDIA.

784. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state the number of Indians and Europeans holding the following posts in each of the different Departments of the Government of India Secretariat during the years 1920 and 1925:

1. Secretaries to the Government of India.
2. Joint Secretaries to the Government of India.
3. Additional Joint Secretaries to the Government of India.
4. Deputy Secretaries to the Government of India.
5. Additional Deputy Secretaries to the Government of India.
6. Under Secretaries to the Government of India.

The Honourable Sir Alexander Muddiman: The information is being collected and will be supplied to the Honourable Member in due course.

COLLISION AT DIGHWARA STATION ON THE BENGAL AND NORTH WESTERN RAILWAY.

785. *Mr. Gaya Prasad Singh: (a) Is it a fact that a serious railway collision took place on or about the 16th January, between a passenger train, and a goods train at Dighwara railway station (B. N. W. Railway), in which "a number of carriages were smashed to pieces, and it is reported that a number of passengers have been killed or wounded?"

(b) Will the Government call for a report as to the exact extent of the casualties and the cause of the accident?

(c) What steps, if any, do the Government propose to take in the matter?

Mr. G. G. Sim: (a), (b) and (c). A collision took place on 15th January at about 4 hours between Nos. 4 Down Passenger and 169 Up Goods trains at Dighwara, resulting in the engine and tender of the goods train being derailed and three wagons being capsized. Two compartments of the leading third class bogie carriage on the No. 4 Down train were telescoped and one other carriage was damaged. The driver of No. 4 Down train and seven third class passengers were seriously injured, and one of the latter subsequently died. The report of the Senior Government Inspector is awaited.

ADMISSION OF GRADUATES AS ADVOCATES OF THE CALCUTTA HIGH COURT.

786. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state whether its attention has been drawn to the letter entitled "High Court Advocateship published in the *Amrita Bazar Patrika* of the 21st November 1924 (Town edition) and to the petition submitted by the graduates to the Chief Justice of Bengal, published in the *Bengalee* of 2nd December 1924, urging the modification of the draft rules for the admission of graduates as advocates, framed by the Calcutta High Court? If so will the Government be pleased to state, whether they propose to take any steps to amend the draft rules framed by the Calcutta High Court for offering better facilities to the graduates for enrolment as advocates?

The Honourable Sir Alexander Muddiman: Government have seen the letter and petition referred to. They understand that the question of amending the rules is under the consideration of the High Court with the other recommendations of the Indian Bar Committee.

ENROLMENT OF VAKILS AS ADVOCATES OF THE CALCUTTA HIGH COURT.

787. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state whether they propose to take steps to have the rules of the Calcutta High Court for enrolling vakils as advocates, so amended as to entitle them both to plead and act as recommended by the Indian Bar Committee?

The Honourable Sir Alexander Muddiman: The Indian Bar Committee did not make the recommendation alleged in the question. The action to be taken in regard to this point will, however, be considered when replies to the reference made by the Government of India to Local Governments and High Courts are complete.

COMPLAINTS AGAINST MR. H. G. PRINCE WRIGHT, TRAFFIC INSPECTOR IN THE DACCA DISTRICT OF THE EASTERN BENGAL RAILWAY.

788. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether it is a fact that Mr. H. G. Prince Wright, the present Traffic Inspector in the Dacca District, E. B. Railway, had been in the service of the D. H. Railway and whether he was forced to resign his service on that Railway?

(b) Are the Government aware that there have been complaints against him while he is in the service of the Eastern Bengal Railway?

(c) If so, what steps have the Government taken or propose to take in the matter?

Mr. G. G. Sim: The question has been sent to the Agent for remarks.

COMPLAINTS AGAINST MR. H. G. PRINCE WRIGHT, TRAFFIC INSPECTOR
IN THE DACCA DISTRICT OF THE EASTERN BENGAL RAILWAY.

789. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state whether it is a fact that on 3rd July, 1924, Mr. H. G. Prince Wright, the present Traffic Inspector in the Dacca District, E. B. Railway, travelled in a first class compartment of the 7 Up Train along with the guard of the said train?

(b) Whether it is also a fact that Mr. G. C. Naha, a jute merchant of Ramamritagunge complained to the Traffic Manager of the E. B. Railway that on the same date he was travelling by the same train from Dacca to Ramamritagunge and having received a message from his agent at Ramamritagunge, he had to extend his journey up to Mymensingh and on the advice of the station master of that station he went to the brake van to obtain permission of the guard who was not found in the van, but was seen in a first class compartment from where he gave the signal for the train to start, which compelled the merchant to terminate his journey at Ramamritagunge and suffer a heavy loss in consequence?

(c) If the answers to (a) and (b) be in the affirmative, will the Government be pleased to state:

(1) Whether Mr. H. G. Prince Wright is entitled to travel in a first class compartment?

(2) what action has been taken by the E. B. Railway authorities in the matter of the merchant's complaints referred to in part (b)?

Mr. G. G. Sim: Government have no information. A copy of the question and answer has been sent to the Agent of the Eastern Bengal Railway.

RECRUITMENT OF EUROPEANS OR ANGLO-INDIANS AS "A" CLASS GUARDS
ON THE EASTERN BENGAL RAILWAY.

790. ***Mr. Amar Nath Dutt:** (a) Will the Government be pleased to state if any Europeans or Anglo-Indians have been recruited from outside in the list of E. B. Railway guards, during the years 1923 and 1924, on the maximum pay of "A" Class Guards?

(b) If so, whether such recruitment from outside has affected the interests and prospects of the passed and qualified guards already in the service in the same class?

(c) If the answer to (b) is in the affirmative, what steps have the Government taken or propose to take to safeguard the interests of such guards?

Mr. G. G. Sim: Government have no information. The filling of posts of the class referred to, either by promotion or outside recruitment, is a matter which must be left to the discretion of the Agent.

**GRANTS TO RECREATION CLUBS FROM THE FINE FUND ON THE EASTERN
BENGAL RAILWAY.**

791. ***Mr. Amar Nath Dutt:** Will the Government be pleased to inform the House as to:

- (a) what amounts were granted out of the Fine Fund in the E. B. Railway, to the recreation clubs for European and Anglo-Indian employees in the years 1922-23 and 1923-24?
- (b) what amounts were granted out of the same Fund to the Indian employees in the same years?

Mr. G. G. Sim: The amounts granted on the Eastern Bengal Railway to the recreation clubs of European and Anglo-Indian employees were Rs. 6,570 in 1922-23 and Rs. 7,361 in 1923-24, and to similar clubs of Indian employees the amounts were Rs. 3,605 in 1922-23 and Rs. 4,300 in 1923-24.

**RETRENCHMENT OF EUROPEANS, ANGLO-INDIANS AND INDIANS ON THE
EASTERN BENGAL RAILWAY.**

792. ***Mr. Amar Nath Dutt:** Will the Government be pleased to state separately as to how many European, Anglo-Indian and Indian employees of the Eastern Bengal Railway, have been discharged from service of the said Railway under retrenchment during the years 1922, 1923 and 1924, respectively, and what amounts under the three different heads have been saved in these years?

Mr. G. G. Sim: I would refer the Honourable Member to the reply to a somewhat similar question No. 2087 asked by him on the 17th September 1924.

**PROVISION OF FREE QUARTERS FOR GOODS CLERKS AND TALLY CLERKS
EMPLOYED AT ROAD-SIDE STATIONS ON THE EASTERN BENGAL RAILWAY.**

793. ***Mr. Amar Nath Dutt:** (a) Is it a fact that the goods clerks and tally clerks of road-side stations on the Eastern Bengal Railway, have to work from 6 hours to 18 hours daily including Sundays, and gazetted holidays, and that they are not provided with free railway quarters?

(b) If the answer to (a) be in the affirmative, why should not these employees be provided with free quarters, like the other employees of the road-side stations on the same Railway?

Mr. G. G. Sim: (a) The reply to the first part of the question is in the negative and that to the latter part in the affirmative.

(b) This concession is ordinarily allowed only to such staff as are liable to be called upon at any time without notice to attend to the business of the railway and are consequently required to live on railway premises.

WORKING HOURS OF STATION MASTERS AND ASSISTANT STATION MASTERS.

794. *Mr. Amar Nath Dutt: (a) Is it a fact that the train passing staff such as station masters and assistant station masters have to work 84 hours a week, i.e., 12 hours daily including Sundays, and gazetted holidays?

(b) If so, will the Government be pleased to state whether they are paid any extra pay or allowance for such extra work?

(c) If not, why not?

Mr. G. G. Sim: The Honourable Member does not mention any particular line or station. He is, however, referred to the reply given to Mr. Lohokare to a similar question on 4th June 1924.

PROVISION OF SUITABLE OFFICE BUILDINGS FOR GOODS CLERKS AT CERTAIN STATIONS ON THE EASTERN BENGAL RAILWAY.

795. *Mr. Amar Nath Dutt: (a) Is it a fact that the goods clerks in certain stations such as Saidpur, Parbatipur, Santahar, Naraingunge, Domar, Mahimagunge, Cooch-Behar, Dhubri, etc., on the Eastern Bengal Railway, have to work in sheds which are built of corrugated iron throughout and are partly used as godowns?

(b) If so, are the Government prepared to take necessary steps for providing them with separate sanitary office buildings?

(c) If not, why not?

Mr. G. G. Sim: Government have no information on the subject. A copy of the question and answer will be sent to the Agent.

POSTING OF ADDITIONAL TRAIN PASSING STAFF ON THE B. S. B. SECTION OF THE EASTERN BENGAL RAILWAY.

796. *Mr. Amar Nath Dutt: (a) Are the Government aware that the E. B. Railway Administration has not posted additional train passing staff on the B. S. B. section in spite of a special sanction for the same, on account of abnormal extra running of trains in that section?

(b) If not, why not?

Mr. G. G. Sim: Government have no information and do not propose to inquire, as matters of this sort are left to the discretion of the Agent.

APPOINTMENT OF INDIANS TO THE HIGHER GRADES OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EASTERN BENGAL RAILWAY.

797. *Mr. Amar Nath Dutt: (a) With reference to Government reply to question No. 527, asked on the 21st March, 1921, will the Government be pleased to state as to whether any Indian station masters and assistant station masters have up to date been promoted to the higher grades?

(b) If so, how many and where have they been posted?

Mr. G. G. Sim: Government have no information. I will inquire and let the Honourable Member know.

CASE OF LACHMAN PERSHAD, LATE SUB-STORE-KEEPER, P.-W. D.,
BARAKHAMBHA, DELHI.

798. *Lala Duni Chand: (a) Is it a fact that one Lachman Pershad, late sub-store-keeper, P. W. D., Barakhamba, Delhi, was discharged from service from 1st January 1923?*

(b) Is it true that the same Lachman Pershad has had to his credit overseas service in Mesopotamia, during the great war?

(c) Is it a fact that he had declined when required by the store-keeper to verify the receipt of full quantity of goods which were really short by 20 cwts. as compared with the quantity given in the bill and this exasperated the store-keeper and the Store and Traffic Officer with the ultimate result that his services were dispensed with?

(d) Is it also a fact that since his discharge the said Lachman Pershad has been and even before that had been persistently asking the higher authorities to inquire into his allegations which would among other things prove the embezzlement of Rs. 62,000 of Government money?

(e) Are the Government prepared to order an independent inquiry into the allegations of the said Lachman Pershad and after that reconsider his case?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes, Lachman Pershad who was a temporary sub-store-keeper was discharged on the 1st January 1923.

(b) It was reported at the time of his appointment that the man had worked for a year as a Store Keeper in the Electrical and Mechanical Section, Basra.

(c) In August 1920 Lachman Pershad reported that certain bills were being passed for payment although the articles had not been received in full. On investigation it was found that he had been given a bill to check which was incorrect. There was, however, no loss to Government and suitable disciplinary action was taken against the persons concerned. It is not true that the services of Lachman Pershad were dispensed with as a result of his report. He was discharged nearly 2½ years later for breach of discipline.

(d) Allegations were made by Lachman Pershad both before and after he left the service. They were inquired into and were found baseless.

(e) The answer is in the negative.

REPRESENTATION OF THE CENTRAL LEGISLATURE ON THE GOVERNING
BODY OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

799. *Kumar Ganganand Sinha: (a) With reference to the reply given to question No. 1587 on the 3rd September 1924 regarding the addition of the Members of the Legislative Assembly and the Council of State to the Governing Body of the Lady Hardinge Medical College and Hospital will the Government be pleased to state the names of persons so added?

(b) Whether they were elected or nominated and in either case by whom?

(c) If no Member of the Indian Legislature has yet been added, will the Government be pleased to state reasons for the same?

Mr. J. W. Bhore: (a) and (c). The Governing Body have proposed the addition to their numbers of two Members of the Legislative Assembly and one Member of the Council of State to be nominated from panels elected by each House. Owing to pressure of legislative business it was not found possible to arrange for the election last September, but Government propose to take steps to that end during the present session.

(b) Does not arise.

GRANT TO THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

800. ***Kumar Ganganand Sinha:** Will the Government be pleased to state what action they have taken to ensure that the grant of rupees 2 lakhs made by the Assembly every year is properly spent by the Governing Body of the institution and what share, if any, has the Legislature, in the management of the funds?

Mr. J. W. Bhore: The present grant of Rs. 2 lakhs is given without any condition and Government have no reason to think that the present Governing Body does not exercise proper control over the expenditure of the College funds. So far as the Legislature is concerned, I have already told the Honourable Member that it will now have its representatives on the Governing Body who will share in that control.

AUDIT AND INSPECTION NOTES REGARDING THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

801. ***Kumar Ganganand Sinha:** (a) Are the Government aware of the fact that the audit inspection note concerning the Lady Hardinge Medical College laid on the table is very unfavourable so far as it relates to the stock and equipment?

(b) If so, what action are the Government going to take to ensure the proper application of its own contribution to the College?

(c) Will the Government be pleased to lay on table the latest audit and inspection notes and objections regarding the College?

Mr. J. W. Bhore: (a) No

(b) Does not arise.

(c) The audit and inspection note for the period October 1923 to September 1924 has not yet been received.

QUINQUENNIAL REPORTS OF THE LADY HARDINGE MEDICAL COLLEGE, DELHI.

802. ***Kumar Ganganand Sinha:** (a) Is it a fact that the Lady Hardinge Medical College and Hospital issues no annual report of any kind?

(b) Is it a fact that it has been decided to publish a quinquennial report?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to say if it is out? if not, why; and when the report is likely to be out?

Mr. J. W. Bhore: (a) The Honourable Member is referred to the reply given to his question No. 1029 on the 24th March 1924.

(b) Yes. So far two quinquennial reports have been published.

(c) A copy of the last quinquennial report has been placed in the Library of the Assembly.

THE CHINA BAKIR LIGHTHOUSE.

803. ***Mr. M. C. Naldu:** (a) Will the Government be pleased to state what has been done with the light, when the China Bakir Lighthouse near the mouth of the Rangoon river, was dismantled?

(b) Will the Government be pleased to state whether it is true that an old-fashioned light vessel has been placed 8 miles from the land, and are the Government aware that during the monsoon, ships are not able to see the light and have therefore got to anchor where they are?

(c) Will the Government be pleased to state whether it is a fact that during the North East monsoon, this light vessel is removed and replaced by a Noah's Ark with a very old-fashioned fixed light?

(d) Are the Government prepared to consider the question of installing on each bank a lighthouse of the latest pattern?

(e) Are the Government prepared also to consider the desirability of installing a sound signal on a light vessel which will be of great use during fog and heavy rains?

The Honourable Sir Charles Innes: It is understood that the plant and machinery of the dismantled lighthouse are being stored till it is seen whether they can be usefully employed elsewhere.

Government are aware that the existing temporary arrangements for the exhibition of a light near the site of the China Bakir Lighthouse are not regarded by the shipping community as satisfactory. On the recommendations of the Local Government a new permanent light vessel fitted with a stronger light has already been ordered and every effort is being made to have it in position off China Bakir by the next monsoon. It was not found possible to take this step earlier owing to the financial stringency prevailing.

The proper lighting of the entrance to the Rangoon river has been carefully examined by the local authorities, but so far as the Government of India are aware no representation has as yet been made that a sound signal should also be attached to this light vessel.

APPOINTMENT OF A MANURES COMMITTEE.

804. ***Mr. K. Venkataramana Reddi:** Will Government be pleased to state whether they are aware of the recommendation of the Board of Agriculture contained in the proceedings of its meetings in 1922 and 1924 that the Government of India should be requested to appoint a Committee to investigate the economic position of indigenous fertilizers and formulate a definite constructive policy to ensure their use for the benefit of the Indian ryot? What action have Government taken or propose to give effect to the above recommendation?

Mr. J. W. Bhore: Yes, the appointment of a Manures Committee will be considered when certain other projects for agricultural development which are considered of prior importance have been provided for.

TREATMENT OF INDIANS IN SOUTH AFRICA.

805. ***Mr. K. Venkataramana Reddi:** (a) Are Government aware that methods of propaganda are being adopted to speed up the scheme of repatriation by the Agents of the South African Government?

(b) Has Government's attention been drawn to the proceedings of the Conference of white farmers in the Union reported in an issue of the *Indian Opinion* received during mail week (November 20th, 1924) suggesting the following methods to carry out the drastic policy of repatriation:

- (1) Cancellation of licenses,
- (2) Segregation,
- (3) Disallowing Asiatics to purchase land,
- (4) that those owning property should retain it for their life-time and the State should take the same over at a valuation and the property to be sold to a European?

(c) Are Government further aware that the Conference also passed the following Resolution:

"That their Congress presses for legislation in the case of Asiatics and Natives carrying on a business under a company or assumed name, that shall make it compulsory for all such persons to display in a clear manner on all note papers, advertisements, etc., the proprietor's name, in order that it may be clearly seen that the business is a native one."

(d) What action, if any, do Government propose to take in the matter?

Mr. J. W. Bhoré: (a) Government have no further information than what has appeared in the press, but the matter is under investigation.

(b) and (c). The answer is in the affirmative.

(d) The Honourable Member's attention is invited to the answer given by His Excellency the Viceroy to an influential deputation which waited on him to make representations regarding the Indian position in South Africa. A copy of the reply has been placed in the Library.

RECRUITMENT OF ACCOUNTANTS IN ENGLAND.

806. ***Mr. K. Venkataramana Reddi:** (a) Will Government be pleased to state whether its attention has been drawn to an advertisement in the columns of the *Accountant*, a weekly published in London, which runs as follows: "The Secretary of State for India invites applications for appointments for a period of five years for the purpose of setting up and auditing the accounts of Government institutions in India run on a commercial basis."

(b) Have the Government of India been consulted with regard to the necessity of recruiting candidates in England for the proposed appointments?

(c) Was any attempt made to find Indians for the posts before candidates were advertised for in Britain and did the Government suggest this to the Secretary of State?

(d) How many appointments have so far been made in this direction? What is their scale of pay?

The Honourable Sir Basil Blackett: (a), (b) and (c). The Secretary of State acted at the instance of the Government of India, who were guided by the advice of the Auditor General. The latter stated:

"It is now undoubtedly the desire of Indians to have Indians trained for special work rather than to obtain European experts from England and I am in full sympathy with them. The training of a Chartered Accountant however requires a period of 5 years' articles with a firm of Chartered Accountants and it will not be practicable to depute a number of junior Indian Officers to serve apprenticeship in England as the cost thereof will be prohibitive. I therefore require an expert who will train in India selected members of the Indian Audit and Accounts Service."

It will be seen that the specific purpose of the action taken is to train Indians for the work required.

(d) One appointment has been made on a fixed pay of Rs. 2,000 per mensem.

NAVAL BASE AT SINGAPORE.

807. *Mr. K. Venkataramana Reddi: Are Government aware that His Majesty's present Government has decided to construct a naval base at Singapore? Will Government be pleased to state what, if any is the financial burden that India may be called upon to bear in this respect?

Mr. E. Burdon: The attention of the Honourable Member is invited to the reply given on the 28th January to starred question No. 432.

NAVAL ARMAMENTS IN THE MEDITERRANEAN, EAST INDIES AND HONG KONG.

808. *Mr. K. Venkataramana Reddi: Are Government aware of the fact that sweeping changes are proposed to be introduced in the Naval Armaments in the Mediterranean, East Indies and Hong Kong? How are the Government of India affected financially in this proposal?

Mr. E. Burdon: The Government of India have received no official communication on the subject and are not affected financially.

COLOUR BAR IN SOUTH AFRICA.

809. *Mr. K. Venkataramana Reddi: (a) Has Government's attention been drawn to the following telegram from Cape Town dated 23rd January 1925 published in the *Pioneer* in its issue dated 25th January 1925 at page 4 under the title: "The Colour Bar in South Africa":

"The Government is introducing a Bill to amend the Mines and Works Act to legalise the colour bar by refusing certificates of proficiency in any occupation to Natives or Asiatics in specified Provinces, etc."

(b) Will Government be pleased to state whether Indians in the Colony would be adversely affected by the proposed legislation? If so, do Government propose to take immediate and effective measures to protect Indian interests in South Africa?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) The Honourable Member may rest assured that Government will watch the situation carefully and take such action as circumstances may require.

MEMORIAL FROM OFFICERS OF THE MADRAS PROVINCIAL POLICE SERVICE.

810. *Haji S. A. K. Jeelan: (a) Will the Government of India be pleased to state if they have received advance copies of the appeal submitted by the officers of the Madras Provincial Police Service against the orders of the Madras Government depriving them of two of the listed posts of Superintendents of Police?

(b) Have they requested for telegraphic orders to the Government of Madras to stop the final orders and the notification in the Gazette regarding the confirmation of Imperial Officers in the two posts reserved for the Provincial Police?

(c) Have the Government of India issued necessary orders on the subject?

(d) Do the Government of India propose to call for all the records of the controversy regarding this subject and to dispose of the appeal on its merits?

The Honourable Sir Alexander Muddiman: (a) and (b). The answer is in the affirmative.

(c) and (d). The Government of India will consider the matter when the representation reaches them through the Local Government.

DISTRICT SUPERINTENDENTSHIPS LISTED FOR THE PROVINCIAL POLICE SERVICE.

811. ***Haji S. A. K. Jeelani:** Will the Government of India be pleased to state when they propose to issue orders on the question of the number of District Superintendentships to be listed for the Provincial Police Service on the strength of the recommendations of the Lee Commission?

The Honourable Sir Alexander Muddiman: The question is under consideration and orders will be issued as soon as a decision has been arrived at.

RESERVING OF POSTS OF SUPERINTENDENTS FOR MEMBERS OF THE PROVINCIAL POLICE SERVICE.

812. ***Haji S. A. K. Jeelani:** Do the Government of India propose to take into consideration request 3 in the summary of requests in the appeal sent by the Madras Provincial Police officers to facilitate orders on the Lee Commission being given effect to?

The Honourable Sir Alexander Muddiman: I would refer the Honourable Member to the reply just given to him with reference to parts (c) and (d) of his former question regarding this representation.

ISSUE OF RETURN TICKETS BY THE EAST INDIAN RAILWAY.

813. ***Maulvi Muhammad Yakub:** (a) Are the Government aware that the East Indian Railway does not issue return tickets like the Oudh and Rohilkhand Railway?

(b) Now that the East Indian Railway is under the direct management of the Government of India, and is administered with the Oudh and Rohilkhand Railway, do the Government propose to direct that return tickets be also issued by the East Indian Railway?

Mr. G. G. Sim: The matter is within the competence of the Railway Administration and Government do not propose to issue any orders. A copy of the question and answer will, however, be sent to the Agent.

EMPLOYMENT OF INDIANS IN BURMA.

814. *Mr. E. G. Fleming: 1. Will the Government be pleased to state whether the views of the Government of Burma, as expressed in paragraph 8 of the letter No. 404-A.—24, dated Rangoon, the 30th July, 1924, from the Secretary to the Government of Burma, Home and Political Department, to the Secretary to the Government of India, Home Department, relative to the non-allotment of Indians, successful in competitive examinations for the All-India Services, in London, to Burma and the non-allotment of Burmans, similarly successful, to India, have been specially pointed out to the Secretary of State for India?

2. If the reply to question No. (1) be in the affirmative, will the Government be pleased to state, whether they are now prepared to direct the special attention of the Secretary of State, to the views of the Government of Burma, as detailed above?

The Honourable Sir Alexander Muddiman: The matter is still a subject of correspondence with the Local Government and no reference to the Secretary of State has as yet been made.

EXPORT OF WHEAT.

815. *Lala Duni Chand: 1. (a) Has it come to the notice of Government that large purchases of wheat are being made by foreign companies for being exported to foreign countries?

(b) Has it also come to the notice of Government, that even standing crops of wheat are being purchased by means of forward contracts at unusually high rates?

2. If the reply to question No. (1) be in the affirmative, will the Government be pleased to place some restrictions on the export of wheat to foreign countries?

Mr. J. W. Bhore: 1. The Government have no information on the subject, but will obtain it and inform the Honourable Member.

2. In view of the above the question does not arise.

COMPULSORY RETURN TICKETS FOR PILGRIMS TO THE HEDJAZ.

816. *Maulvi Mohammad Shafee: (a) Will the Government be pleased to state whether it is a fact that the Government of India proposed the desirability of introducing the system of compulsory return tickets for the voyage between India and the Hedjaz in their letter dated the 27th of November 1905 to the Local Governments?

(b) Is it a fact that the opinions of the leading Musalmans and Associations obtained by Local Governments showed that the majority of the community were opposed to the proposal?

(c) Is it a fact that in consequence of the opposition, the Government of India conveyed in their letter to Local Governments No. 733-742, dated 18th May 1907, their decision to abandon the proposal?

(d) Is it not a fact that in a further reference from the Government of India in their letter dated 18th August 1910, the Bombay Government

replied by letter dated 15th March 1912 that the Haj Committee of Bombay were of opinion that the system of compulsory return tickets could not be effectively introduced without fixing the fares for passage to and from Jedda?

(e) Is it not a fact that the Government of India was again moved to write to the Government of Bombay on 5th August 1912 requesting that the further consideration of the question be expedited and that the Government of India may be informed what immediate measures could suitably be taken for the purpose of mitigating the evils complained of other than reminding intending pilgrims of the extreme desirability of either securing return tickets or depositing money sufficient to cover the cost of the return journey on their way to the Holy Places?

Mr. J. W. Bhore: (a), (b), (c), (d) and (e). Yes.

PILGRIM TRAFFIC TO THE HEDJAZ.

817. *Maulvi Mohammad Shafee: (a) Is it not a fact that the Bombay Government reported to the Government of India on the 28th December 1912 that "there was a possibility of a well-known firm of good standing entering for this pilgrim traffic after buying up or otherwise ousting the two companies which at present absorb about the greater part of this traffic"?

(b) Is it not a fact that by the "well-known firm of good standing" in the above communication, the Bombay Government meant Messrs. Turner, Morrison and Company who were about to buy the Persian Mussalman's ships running under the name of the Bombay and Persia Steam Navigation Company and another called the Arab Steam Navigation Company?

Mr. J. W. Bhore: (a) and (b). The answer to the first part of the question is in the affirmative. As regards the second part, one of the companies, whose interests Messrs. Turner Morrison & Co., intended to acquire, was the Bombay and Persia Steam Navigation Company. The Government of India have no information as to which the other Company was.

HAJ PILGRIMS.

818. *Maulvi Mohammad Shafee: Will the Government be pleased to furnish the figures under the following heads for each of the years from 1913 to 1924 in regard to the Haj pilgrimage?

- (a) The number of pilgrims who left for the Hedjaz from the different parts of India.
- (b) The number of pilgrims who returned to India.
- (c) The number of pilgrims who were stranded at Jedda.
- (d) The number of pilgrims who were repatriated.
- (e) The amount of money spent by the Government on repatriation.
- (f) The amount if any subscribed by the people for the purpose.

Mr. J. W. Bhore: A statement giving such information as is available is laid on the table.

Statement.

Year.	Number of outgoing pilgrims.	Number of returning pilgrims.	Number of pilgrims stranded at Jeddah.	Number of pilgrims repatriated.	Amount spent by Govt. on repatriation.	Assistance given by the shipping companies and other bodies towards repatriation.	REMARKS.
1912-13	15,555	12,725	No definite information available.	1,237	Es. 17,000	The Bombay Haj Committee provided Es. 3,000. The shipping companies repatriated 500 pilgrims free of charge. The cost of the repatriation of 237 pilgrims was met from local funds and private subscriptions, etc., collected in Jeddah.	The sum of Rs. 20,000 paid by the Government of India and the Bombay Haj Committee was for the repatriation of 500 pilgrims.
1913-14	15,186	13,489	No information available.	600	...	The shipping companies repatriated 600 pilgrims free of charge. They also carried some pilgrims at the reduced rate of Rs. 10 per pilgrim.	.....
1914-15	13,336	14,069	...	...	...	.....	Owing to the outbreak of the war the Government of India made special arrangements for the return journey of the pilgrims.
1915-16	2,419	4,570	No information available.	No information available.	...	H. E. H. the Nizam contributed Es. 10,000 for indigent pilgrims. 1,200 destitute pilgrims were helped by the Muhammadans of Bombay to return to their homes from Bombay.	Pilgrims were warned against abnormal conditions in the Hedjaz, Mecca. Turner Morrison and Co. issued only return tickets owing to the peculiar conditions created by the war.
1916-17	2,286	5,307	Do.	610	886	Es. 5,774 was spent from the Indigent Pilgrims Fund, Bombay.	Efforts were made to warn intending pilgrims from proceeding to the Hedjaz in view of the war.

1917-18	1,320	1,012	Do.	123	835	Rs. 1,462 was spent from the Indigent Pilgrims Fund, Bombay.	The pilgrimage was restricted on account of the war.
1918-19	1,327	1,400	Do.	89	815	Rs. 875 was spent from the Indigent Pilgrims Fund, Bombay.	The pilgrimage was restricted on account of the war.
1919-21	12,181	11,627	Do.	Please see Column 8.	...	No information available	The Government of India made special arrangements at considerable expense to induce shipping companies to issue return tickets at pre-war rates. Single tickets were issued only to such pilgrims as did not intend to return to India.
1920-21	22,089	20,227	Do.	Exact number is not known.	...	No information available	The Government of India again made special arrangements as in the preceding years; but some shipping companies, who agreed to issue return tickets, issued a limited number of single tickets.
1921-22	10,874	10,474	Do.	300	40,000	.....	.....
1922-23	12,840	11,410	1,105	1,105	...	The Central Haj Committee spent over Rs. 30,000. The shipping companies also repatriated a few destitutes.	.....
1923-24	24,450	21,724	2,705	2,705	35,300	1,040 of the destitutes were repatriated free of charge by the shipping companies. The Central Haj Committee also contributed Rs. 2,500.	.....
1924-25	18,000	15,758	100	100	5,120	.....	The shipping companies introduced a system of deposits to meet the cost of the return voyage.

NET SURPLUS IN THE INCOME OF THE POST OFFICE.

819. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that there has been a net surplus in the Post Office income in the year 1923-24, excluding the incomes derived from the Telegraph branch?

(b) If so, will Government please state the amount?

SEPARATION OF THE ACCOUNTS OF THE POSTS AND TELEGRAPH DEPARTMENTS.

820. *Khan Bahadur Sarfaraz Hussain Khan: (a) Have the Government separated the accounts of the Post and the Telegraph branches?

(b) If not, will they please state when they are going to do it?

BRANCHES OF THE POSTAL DEPARTMENT RUN AT A LOSS.

821. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that one of the two branches of the Postal Department is being run at a loss?

(b) If so, will the Government be pleased to state the branch which is being so run?

The Honourable Sir Bhupendra Nath Mitra: With your permission, Sir, I propose to answer questions Nos. 819, 820 and 821 together.

I would refer the Honourable Member to the answer given by me on the 3rd instant to Raja Raghunandan Prasad Singh's starred question No. 705.

FURTHER RETRENCHMENT IN THE POSTAL DEPARTMENT.

822. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that a sum of Rs. 1,77,67,000 has been reduced in the Postal Department as the result of the recommendations of the Inchcape Committee?

(b) Will the Government be pleased to state whether a fresh Retrenchment Committee called the Ryan Committee has been appointed to make further retrenchment in that Department?

The Honourable Sir Bhupendra Nath Mitra: I would refer the Honourable Member to the answer given by me on the 3rd instant to Raja Raghunandan Prasad Singh's starred question No. 706.

CREATION OF NEW APPOINTMENTS IN THE POSTAL DEPARTMENT.

823. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that new posts of officers carrying salaries of Rs. 500 and above have been created in the Postal Department since the recommendations of the Retrenchment Committee were made?

(b) If so, will the Government be pleased to state the number of such posts created?

Sir Geoffrey Clarke: (a) The reply is in the negative.

(b) Does not arise.

RETRENCHMENTS IN THE TELEGRAPH DEPARTMENT.

824. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that the Inchcape Committee recommended reduction of expenditure in the Telegraph branch?

(b) If so, will the Government please state whether those recommendations have been given effect to?

(c) If the answer to part (b) be in the affirmative, will they please state the amount so retrenched?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member is referred to my reply to starred question No. 706 asked by Raja Raghunandan Prasad Singh on the 3rd February 1925.

GUARDING OF POST OFFICE AT NIGHT BY POSTMEN.

825. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is it a fact that an assurance was given by the Director General of Posts and Telegraphs that the postmen and menials not provided with free quarters, will not be required to guard the post offices at night after their day duties?

(b) If the answer to the above be in the affirmative, will the Government be pleased to state whether effect has been given to that assurance?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member's attention is invited to the reply given by me on the 3rd February, 1925, to Raja Raghunandan Prasad Singh's starred question No. 711.

PROVISION OF SPECIAL TRAINS FOR THEIR ROYAL HIGHNESSES PRINCE AND PRINCESS ARTHUR OF CONNAUGHT.

826. ***Mr. T. C. Goswami:** Is it a fact that Prince and Princess Arthur of Connaught, who are now on a visit to India, travel by special trains which are provided for them at the expense of the State, even though they are not State guests? If so, why?

Mr. Denys Bray: At the suggestion of Government the Railways concerned are making no charge for haulage as an act of courtesy towards members of the Royal Family.

PROVISION OF SALOONS FOR RAILWAY OFFICIALS.

827. ***Mr. T. C. Goswami:** Is it a fact that railway officials down to Traffic Inspectors are given saloons to travel in, and that this means a very considerable amount of expenditure?

Mr. G. G. Sim: Railway officials are given saloons or reserved carriages to travel in for the efficient execution of their duties. It is essential that officers and upper subordinates of Railways, who have to travel about continually in the discharge of their duties, must be provided with suitable accommodation on such journeys, if they are to discharge these duties effectively and without damage to their health. There are two methods of providing such accommodation; reserved saloons or carriages and, secondly, a large number of rest-houses at frequent intervals throughout the Railway. If expenditure on the first method is reduced or entirely eliminated, a corresponding amount of expenditure will have to be incurred on the provision of rest-houses under the second method, and is left to Railway Administrations to decide which is the most efficient or economical method to be adopted in the special circumstances of each railway.

UGANDA TOWNSHIP RULES.

Sir Purshotamdas Thakurdas: Sir, I have given private notice of the following question to my Honourable friend, Mr. Bhore, who has agreed to answer the same to-day.

(a) Are Government aware that the Government in Uganda have come to a decision regarding the subject matter of my starred question No. 546 this session with regard to Township Rules lately notified in the Uganda Official Gazette entailing restrictions on Indians (excepting domestic servants) being eligible to reside or trade in prescribed areas without the sanction of the Governor in writing?

(b) If the reply to the above be in the affirmative, will Government be pleased to say when they expect to make a definite statement in this connection?

Mr. J. W. Bhore: (a) The reply is in the affirmative.

(b) I am glad to be able to inform the Honourable Member that the rule to which he refers has been repealed by the Uganda Government and all notices issued under it cancelled.

Sir Purshotamdas Thakurdas: I am much obliged to the Honourable Member.

UNSTARRED QUESTIONS AND ANSWERS.

IMPORTS OF A SUBSTITUTE FOR GHEE.

81. Baboo Runglal Jajodia: (a) Are the Government aware of the fact that certain traders are importing a vegetable product and are selling the same as a substitute for ghee?

(b) Will the Government please state under what class the same is classified, the duty that is levied on it, the total quantity imported up to date and the total amount of revenue derived therefrom?

(c) Will the Government state what steps they propose to take for restricting the sale of the same in the market?

The Honourable Sir Charles Innes: (a) Yes.

(b) It is assessed to duty under item 69 of the Statutory Tariff Schedule, namely:

“Provisions and Oilman's stores, and Groceries, all sorts, excluding vinegar in casks”.

The Government have no exact information regarding quantities and revenue realised, as imports of the article are not separately reported.

(c) None.

INDIA'S LIABILITY IN RESPECT OF INTEREST ON RAILWAY CAPITAL AT CHARGE, ETC.

82. Baboo Runglal Jajodia: Will the Government of India be pleased to lay on the table a statement showing India's present liability as regards

(a) interest on capital charge,

(b) railway materials purchased during the year.

(c) the amount of capital, (i) amount already repaid, (ii) balance to pay,

(d) capital contributed to Indian States and Railway Companies and interest thereon,

(e) miscellaneous railway expenditure?

Mr. G. G. Sim: The information asked for by the Honourable Member will be found recorded in paragraph 32, the statement appended to paragraph 33 and paragraphs 45 and 73 of Volume I of the Report by the Railway Board on Indian Railways for 1923-24. It is presumed that in item (a) the Honourable Member has in mind the interest on railway capital at charge and that in item (d) capital contributed by Indian States and Railway Companies is meant.

MILEAGE OF RAILWAYS.

83. Baboo Runglal Jajodia: Will the Government be pleased to lay on the table statements showing the mileage of railways run in India under broad gauge, metre gauge and narrow gauge lines with figures for maintenance, stores purchase, cost of supervision, demonstrating them under each head?

Mr. G. G. Sim: All the available figures on the subject referred to by the Honourable Member will be found in statements V and VII of the financial and statistical summaries, statement 31 of the financial and statistical statements and Appendix A of Vol. II of the Report by the Railway Board on Indian Railways, copies of which are available in the Library.

REDUCTION OF RAILWAY FREIGHTS.

84. Baboo Runglal Jajodia: (a) Will the Government be pleased to lay on the table the figures showing earnings of the last few years of the Government railways since the freight rates have been increased?

(b) Will the Government please show the expenses for these years incurred in the cost of maintenance and supervision, showing the percentage of decrease or increase under each head and show how they compare with figures for the year preceding the enhancement of the said rates and freights?

(c) Are the Government prepared to consider the desirability of bringing down the freights to their pre-war level?

Mr. G. G. Sim: (a) and (b). The information will be found in the Annual Reports (copies of which are in the Library) on Indian Railways for the years 1921-22, 1922-23 and 1923-24.

(c) The desirability of reducing freights when this is practicable is constantly receiving the attention of Government and the Railways. It is not possible at present to reduce them to pre-war level.

REPORT REGARDING OUTRAGE ON AN INDIAN WOMAN IN THE FEDERATED MALAY STATES.

85. Baboo Runglal Jajodia: (a) Will the Government please read before this House the report they promised to obtain from their Agent in the Malay States on the subject of 'Outrage on an Indian woman' in reply to Mr. Jamnadas Mehta's question No. 1649?

(b) Will the Government state what special steps have been taken by the Agent, at the instance of the Government of India to prevent the recurrence of such outrages?

Mr. J. W. Bhore: (a) and (b). A copy of the report in question and of certain other relevant papers which indicate the steps taken in the matter have already been placed in the Library of the House.

• **RETRENCHMENTS IN GOVERNMENT OF INDIA DEPARTMENTS.**

86. Baboo Runglal Jajodia: (a) Will the Government please lay on the table statements showing the extent of retrenchments effected in the various departments of the Central Government since the Inchcape Report was published, (i) by Indianisation of services, (ii) by reduction of substantive posts held by Indians, Anglo-Indians and Europeans?

(b) Will the Government please lay similar figures for the various All-India (Imperial) Services?

(c) To what extent have retrenchments thus effected been covered by revisions of pay, promotions and extra allowances of the employees in (a) and (b) above?

The Honourable Sir Basil Blackett: I am not sure that I clearly understand the purpose of the question. Full statements have been laid on the table of the House from time to time showing the progress of retrenchment since the report of the Inchcape Committee was received; and I regret that I cannot usefully add to them.

• **TRAINING OF INDIAN APPRENTICES AT JAMALPUR AND KANCHRAPARA.**

87. Baboo Runglal Jajodia: Will the Government be pleased to state (a) how many Indian apprentices were trained, and the class (grade) in which trained, for railway service at the Jamalpur and Kanchrapara workshops, respectively, during the last three years?

(b) how many of them have completed their course and what provision has been made for them?

Mr. G. G. Sim: (a) and (b). The information on the subject in possession of Government is as follows:

In the Jamalpur shops the numbers under training are not known, but the following number of apprentices completed their course:

Special grade	12
First grade	6
Third grade	408

of these, 5, 2 and 407, respectively, were given employment. At Kanchrapara the number who (a) were under training, (b) completed their course, and (c) were appointed, are as follows:

Class I	{ (a) 149 (b) 14 (c) 7
Class II	{ (a) 211 (b) 3 (c) 1
Class III	{ (a) 574 (b) 49 (c) 31

Appointments are dependent on vacancies and the regulations clearly lay down that no guarantee of appointment is given.

CLASSIFICATION OF EMPLOYEES DOING CLERICAL WORK AT KANCHRAPARA AND HALISAHAR AS *KHALASIS*.

88. Baboo Runglal Jajodia: (a) Is it a fact that in the Stores offices at Kanchrapara and Halisahar a number of employees required to do clerical work were maintained on the roll-book of *khalasis*?

(b) If the answer be in the affirmative, do the Government propose to issue instructions for the discontinuance of such practices in the future?

Mr. G. G. Sim: (a) and (b). Government have no information and do not propose to call for it.

MILITARY SLAUGHTER HOUSES.

89. Baboo Runglal Jajodia: (a) Will the Government be pleased to state whether any statistics are kept at the military slaughter houses of the number of cattle slaughtered?

(b) If the answer be in the negative, are the Government prepared to issue orders for the maintenance of such statistics?

(c) If the answer be in the affirmative, will the Government state the number of bovine cattle slaughtered in 1922, 1923 and 1924 under separate classification namely, (a) bullocks and bulls, (b) cows, (c) buffaloes, (d) calves and the approximate number slaughtered every year? What proportion does it hold to the total number of consumers?

(d) Are the hides and calf-skins thus obtained the property of the Government? If so, what was the sum thus realised in 1922, 1923, 1924.

(e) Are there other sources of supply than the military butcheries? If so, what is the number of such butcheries and what quantity of beef is supplied by them?

(f) What is the total amount spent by Government every year for the maintenance of these military butcheries and what proportion does each butchery hold to the total amount thus spent?

Mr. E. Burdon: (a) A statement is maintained showing the number of cattle slaughtered daily in military butcheries.

(b) Does not arise.

(c) The attention of the Honourable Member is invited to the reply given on the 26th January to part (1) of starred question No. 182.

(d), (e) and (f). The attention of the Honourable Member is invited to the reply given on the 10th March 1924 to parts (b) and (e) of starred question No. 692. It is not possible to give the remaining information desired by the Honourable Member without a reference to local military authorities. This would entail the expenditure of a great deal of labour, which, in the opinion of Government, would not be justified by the results obtainable.

RAILWAY BOOKSTALLS.

90. Baboo Runglal Jajodia: (a) Will the Government please state whether it is a fact that bookstalls at railway stations are governed by a monopolist policy?

(b) If the answer be in the negative, will the Government state what are the principles covering the grant of license to Messrs. Wheeler and Company for opening book-selling stalls at stations throughout most of the railways in India?

(c) Have the railways been ever approached by any other firm or individual with tenders for the purpose?

(d) Is it a fact that in the stalls as at present no sufficient care is taken to exhibit vernacular publications to cater to the Indian section of the passengers? If so, will the Government state reasons for the same?

Mr. G. G. Sim: The Honourable Member is referred to question No. 420 and answer thereto in this Assembly on 25th February, 1924.

PASSENGER SUPERINTENDENTS ON THE EASTERN BENGAL RAILWAY.

91. **Baboo Runglal Jajodia:** (a) When were the posts of Passenger Superintendents created on the Eastern Bengal Railway?

(b) How many were appointed?

(c) On what annual cost?

(d) What extra amounts have been collected through them during any one year?

(e) What are the functions of their services?

Mr. G. G. Sim: (a) In 1910.

(b) Twelve.

(c) Rs. 15,120.

(d) Superintendents are not empowered to collect any amounts from the travelling public.

(e) The Honourable Member is referred to the reply to item (c) of question No. 1051, asked in this Assembly on 8th September, 1924.

NUMBER OF INDIAN GAZETTED OFFICERS ON STATE RAILWAYS.

92. **Baboo Runglal Jajodia:** Will the Government be pleased to lay on the table statement showing the number of Indians employed on State-managed railways as gazetted officers and officials, (i) drawing Rs. 250 and over, (ii) drawing Rs. 500 and below Rs. 750, (iii) drawing Rs. 1,000 and over for the years 1919, 1920, 1921, 1922 and 1923 and their percentage to the total strength of the services under each head arranged under Stores, Audit, Traffic and Engineering Departments?

Mr. G. G. Sim: The information is not available and Government cannot undertake to collect it. The Honourable Member is, however, referred to the Railway Board Classified List—a copy of which is in the Library—which shows the names of Indian officers and subordinates at present employed on State Railways and the pay drawn by them and also Annexures A and B of the Explanatory Memorandum of the Railway Budget for 1924-25, a copy of which was supplied to all Members of the Assembly.

**NUMBER OF DEPARTMENTAL TELEGRAPHISTS, TELEGRAPH MASTERS,
TRAFFIC AND ENGINEERING SUPERVISORS IN THE TELEGRAPH
DEPARTMENT.**

93. **Mr. Gaya Prasad Singh:** Will the Government be pleased to say:

- (a) How many departmental telegraphists there are in India? What education standard is required of candidates for appointment as telegraphists, and what is the nature of the test which candidates have to pass before admission into service?
- (b) How many Telegraph Masters Traffic are there, what is their pay? Are they recruited from departmental telegraphists? If so, what is the proportion of their appointments to that of departmental telegraphists?
- (c) What is the number and pay of Engineering Supervisors? Are they recruited from departmental telegraphists after training in Engineering? If so, what is the proportion of the number of Engineering Supervisors to that of departmental telegraphists?

Sir Geoffrey Clarke: (a) There are at present 3,269 departmental telegraphists. Recruitment through Departmental Training Classes is closed at present. Recruits are now being obtained through Training Classes attached to certain selected schools and colleges and the educational qualification of candidates is the passing of the Matriculation Standard of an Indian University or the passing of the Junior Cambridge Standard. The course of telegraph training extends over 2 years by which time candidates are required to attain the Intermediate Standard of an Indian University or the Standard of Senior Cambridge in addition to the subjects in telegraphy. The final tests in which candidates have to pass before admission into the service are as follows:

- I. Handwriting.
- II. Signalling—By hand and high speed apparatus.
- III. Typewriting.
- IV. Technical Subjects.
- V. Traffic Rules.

(b) There are 353 Telegraph Masters in the Department and the scales of pay for these are:

	Rs.
General Service Cadre	270—10—325
Local Service or Station Service (A) Cadre ...	200—10—250
Station Service (B) Cadre	180—10—230

They are recruited solely from departmental telegraphists. The proportion of Telegraph Masters to Telegraphists is 1: 10.

(c) The number of Engineering Supervisors, General, 'Phone and Electrical is 141, 49 and 58, respectively, total 248. The pay of this class of officials is Rs. 80—5—100—10—250—20—350. They are all recruited from departmental telegraphists after training in Engineering. There is no fixed proportion, the number being determined by the requirements of the Engineering Branch. At the present moment the proportion is 1: 14.

TELEGRAPH MASTERS, TRAFFIC, AND POSTAL SIGNALLERS.

94. **Mr. Gaya Prasad Singh:** (a) Have Telegraph Masters, Traffic, ordinarily any technical or engineering duties? Have they any out-door duties?

Whose duty is it to fit up instruments, batteries, and wire in a departmental telegraph office, and to put them right when they are out of order?

(b) To what higher appointments can Telegraph Masters Traffic rise? What is the pay and number of each class of such higher appointments, and what proportion does the number of each class bear to the number of Telegraph Masters?

(c) How many postal signallers are there in India? Is it a fact that as regards Telegraph work their duties are the same as those of departmental telegraphists, and that they have, in addition, to master postal work in all branches, and that many of them have postal work and monetary responsibilities in addition to telegraph duties?

(d) How many higher appointments of similar pay to that of Telegraph Masters Traffic and Engineering Supervisors can postal signallers rise to? What is the proportion of the number of such appointments to that of such signallers?

(e) To how many higher appointments of similar pay to that of the higher Telegraph Traffic officers referred to in question (b) can postal signallers rise to, and what is the proportion of the number of such appointments to that of the officers referred to in question (d)?

Sir Geoffrey Clarke: (a) Telegraph Masters, Traffic, have ordinarily to do certain technical duties, such as, adjusting instruments, testing, etc. They have no engineering or out-door duties.

It is mainly the duty of the Technical or Electrical Branch staff to fit up instruments, batteries and wires in a departmental telegraph office and to put them right if they get out of order, but the Traffic Branch Supervising staff are required as far as possible to rectify defects which may occur in the working instruments and to maintain Repeater, Wheatstone or Baudot Apparatus in working order.

(b) The sanctioned strength of Telegraph Masters, Traffic, is 353. The class, pay and number of the higher appointments to which they can rise and the proportion of the number in each class to the number of the Telegraph Masters are as follows:

- (1) Deputy Superintendents, 2nd class, on Rs. 350—450, 34, 9·6 per cent.
- (2) Deputy Superintendents, 1st class, on Rs. 500—600, 20, 5·6 per cent.
- (3) Superior Traffic Branch, 2nd Division, on Rs. 350—700, 35, 10 per cent.
- (4) Superior Traffic Branch, 1st Division, on Rs. 800—1,400, 14, 4 per cent.

(c) The number of postal clerks employed on telegraph duties in combined post and telegraph offices at the close of the last official year was 4,455. Their duties are not entirely the same as those of departmental telegraphists. Subject to the condition that telegraph duties have the first

claim upon him, a postal clerk entrusted with such duties in a small combined office may also as part of his day's work be given postal duties and be required to undertake monetary responsibilities in the same way as any other postal clerk.

(d) The number of higher appointments in the Post Office carrying similar pay to that of Telegraph Masters, Traffic, and Engineering Supervisors, to which postal clerks qualified in signalling can rise along with other postal clerks, is 1,302. The proportion which this number bears to the total number of postal clerks employed on telegraph duties in combined offices, as at the close of the last official year, is 29·2 per cent.

(e) The number of higher appointments in the Post Office carrying similar pay to that of the higher Telegraph Traffic officers, referred to in part (b) of this question, to which postal clerks qualified in signalling can rise along with other postal clerks, is 243. The proportion which this number bears to the total number of postal clerks employed on telegraph duties in combined offices, as at the close of the last official year, is 5·4 per cent.

PROVISION OF FREE QUARTERS FOR POSTAL SIGNALLERS.

95. **Mr. Gaya Prasad Singh:** (a) Is it a fact that general scale telegraphists are supplied with free quarters and free furniture? Is the same concession allowed to postal signallers?

(b) Are not postal signallers and general scale telegraphists equally liable to frequent transfers?

Sir Geoffrey Clarke: (a) General Service telegraphists are provided with free quarters when available and with free furniture, on prescribed scales, for such quarters. Postal signallers are not provided with free quarters except where necessary, nor in any case with free furniture.

(b) General Service telegraphists are liable to frequent transfers throughout India and Burma. This, however, is not the case with postal signallers, who belong either to a station cadre under a first class head postmaster or to a divisional cadre under a Superintendent of post offices.

EXPENDITURE ON FURNITURE FOR PRIVATE QUARTERS OF TELEGRAPH OFFICERS.

96. **Mr. Gaya Prasad Singh:** (a) Is it a fact that Telegraph Masters Traffic and Deputy Superintendent, Telegraphs are supplied with free furniture? Is the same concession allowed to any officers on the postal side? If not, why not?

(b) Is it a fact that though Deputy Superintendents, Telegraph Masters and departmental telegraphists are supplied with furniture by Government, they are, when transferred, allowed to draw freight for transport of furniture at the same rate as any other class of Government servants?

(c) What expenditure was incurred by Government during the financial year ending 31st March 1924 on account of purchase of furniture for use in the private quarters of all Telegraph officers who are entitled to free furniture?

Sir Geoffrey Clarke: (a) The reply to the first part of the question is in the affirmative, when free Government quarters are provided.

The reply to the second part of the question is in the negative. The concession to the former class of officers has existed for a very long time, previous to the amalgamation of the Postal and Telegraph Departments. Due allowance for concessions in kind of this sort is made in fixing the pay and allowances of the various services.

(b) They are only allowed to draw the actual cost of transporting personal effects, including any private furniture they may have had, subject to a limit of 60, 30 and 15 maunds weight according to the grade of officers.

(c) Rs. 23,572.

DUTIES, POWERS AND RESPONSIBILITIES OF SUPERINTENDENTS, TELEGRAPH TRAFFIC, AND SUPERINTENDENTS OF POST OFFICES.

97. **Mr. Gaya Prasad Singh:** (a) Have Superintendents Telegraph Traffic any Engineering duties or duties of a technical or scientific nature? If so, what is the nature of such duties?

(b) Is it a fact that a Superintendent of Post Offices has all the post offices and combined post and telegraph offices in two or three districts with several hundred clerks, postal signallers, and postmasters, besides several hundred postmen and menials under his charge; appoints clerks, is empowered to promote, transfer, punish and grant leave to all except a very few postmasters of the highest class, grants pension to certain classes of officials, looks after all classes of postal work, sanctions contingent expenditure up to Rs. 20 in each case, scrutinizes the revenue of post offices, deals with all questions of construction repair and renting of buildings for post offices, controls the work of the Inspectors of Post Offices, proposes and takes steps to open new post offices and telegraph offices attached to post offices, deals with public complaints, investigates cases of fraud, prosecutes offenders and inspects the more important post offices as well as the telegraph branches of post offices?

(c) Has a Superintendent, Telegraph Traffic, any such duties, powers and responsibilities?

Sir Geoffrey Clarke: (a) No.

(b) This is generally correct except that a Superintendent of Post Offices does not inspect the telegraph branch of the more important combined offices.

(c) Yes, he has some of these duties.

PAY OF SUPERINTENDENTS, TELEGRAPH TRAFFIC, AND SUPERINTENDENTS OF POST OFFICES.

98. **Mr. Gaya Prasad Singh:** (a) Is it a fact that the inspection of the telegraph branch of a combined post and telegraph office is identical in all respects to the inspection by a Superintendent, Telegraph Traffic, and that both have to look into the same matters and answer the same questions?

(b) Is it a fact that when a Superintendent, Telegraph Traffic, detects irregularities during the inspection of the telegraph branch of a combined office he has to bring them to the notice of the Superintendent of Post Offices for remedy?

(c) Is it a fact that public complaints in connection with telegrams issued from or to combined offices are inquired into and necessary action taken by the Superintendent of Post Offices?

(d) Is it a fact that the work of inspection of the telegraph branch of many of the combined offices which used to be done by Superintendents, Telegraph Traffic, has now been transferred to Superintendents of Post Offices in addition to the inspection of telegraph offices which the latter used to do?

(e) Is it a fact that the inspection of the telegraph branch of a combined office usually takes a day and often only a few hours while the inspection of a head post office takes a week and that of most sub-post offices two days or more?

(f) On what considerations has the pay of Superintendents, Telegraph Traffic, been made similar to that of Superintendents of Post Offices.

Sir Geoffrey Clarke: (a) Yes, but the telegraph branches of all the more important combined offices are inspected by Superintendents of Telegraph Traffic.

(b) Any irregularities noticed by a Superintendent, Telegraph Traffic, during the inspection of a combined office are entered in the Traffic Visiting Book of the Office. The Head of the Office forwards copies of these remarks to the Postmaster General, Telegraph Traffic Branch, through the Divisional Superintendent of Post Offices who endorses on them particulars of the action taken on the points which needed attention.

(c) In the event of such complaints being received by Superintendents of Post Offices they are required to take action if the complaint is a local one and they are competent to deal with the same. Otherwise all public complaints in connection with telegrams are dealt with by the office of the Director-General of Posts and Telegraphs and by the Postmaster General.

(d) The work of inspection of the Telegraph Branch of unimportant combined offices has been transferred to Superintendents of Post Offices.

(e) The inspection of the Telegraph Branch of an important combined office generally occupies one or two days, but there is no hard and fast rule laying down any definite time limit for the purpose. The average length of time required for the inspection of a Head Post Office is 6 days and of a sub-post office 2 days.

(f) The scales of pay of Superintendents, Telegraph Traffic, and Superintendents of Post Offices are as follows:

	Rs.
Superintendents, Telegraph Traffic ...	350—700
Superintendents of Post Offices ...	250—700

All men of the former class are promoted from the lower grades. The scales of pay have been fixed as most suitable, taking into consideration all the circumstances of the cadres to which these classes of officers belong, and the work on which they are employed.

INDIAN SUPERINTENDENTS OF TELEGRAPH TRAFFIC.

99. **Mr. Gaya Prasad Singh:** How many Superintendents of Telegraph Traffic are Indians and how many are non-Indians?

Sir Geoffrey Clarke: Two are Indians and seventeen are non-Indians.

PROVISION OF FREE QUARTERS FOR SUPERINTENDENTS OF POST OFFICES.

100. **Mr. Gaya Prasad Singh:** Is it a fact that Superintendents, Telegraph Traffic, are given free houses and free furniture? Are Superintendents of Post Offices given the same concession? If not, why not?

Sir Geoffrey Clarke: The reply to the first two parts of the question is in the negative. The third part of the question does not, therefore, arise.

DUTIES OF SUPERINTENDENTS, TELEGRAPH TRAFFIC.

101. **Mr. Gaya Prasad Singh:** What was the pay of the officers who used to perform, before the amalgamation of the Posts with Telegraphs, the duties now performed by Superintendents, Telegraph Traffic? Is it a fact that those officers had engineering duties as well which Superintendents, Telegraph Traffic, have not?

Sir Geoffrey Clarke: The pay was Rs. 380—1,250 in the Imperial Service and Rs. 250—850 in the Provincial Service. The reply to the latter part of the question is in the affirmative.

OFFICERS OF THE 1ST DIVISION, SUPERIOR TRAFFIC BRANCH.

102. **Mr. Gaya Prasad Singh:** (a) What is the number and pay of the officers of the 1st Division Superior Traffic branch? Is it a fact that their pay is equal to that of postal Deputy Postmaster General and Assistant Directors General?

(b) How many posts in the 1st Division Superior Traffic branch are now held by officers who entered Government service as telegraphists, and how many of them are Indians and how many are non-Indians?

Sir Geoffrey Clarke: (a) The number is 14 with a time-scale of pay rising from Rs. 800 by annual increments of Rs. 60 to Rs. 1,400 a month. The reply to the latter part of the question is in the affirmative.

(b) Six posts are now held by officers who entered Government service as telegraphists and none of them are Indians.

RECRUITMENT OF SUPERINTENDENTS, TELEGRAPH TRAFFIC.

103. **Mr. Gaya Prasad Singh:** (a) Is it a fact that half the appointments as Superintendent of Post Offices are made by direct recruitment and half by promotion, whereas appointments as Superintendents, Telegraph Traffic, are made exclusively by promotion from the rank?

(b) What principle is observed in making the appointments of Superintendent, Telegraph Traffic, and is a University qualification taken into consideration?

(c) How many Superintendents of Telegraph Traffic who get the same pay as Superintendents of Post Offices and enjoy free furnished quarters are graduates, and how many Superintendents of Post Offices possess that qualification?

Sir Geoffrey Clarke: (a) Yes.

(b) The principle observed in making the appointments is that the men selected are fit in every respect to hold charge of an important Telegraph office and to carry out the duties of a Superintendent, Telegraph Traffic. No University qualification is taken into consideration.

(c) The scales of pay of Superintendents, Telegraph Traffic, and Superintendents of Post Offices are not similar and the former do not enjoy free furnished quarters. There are no graduates among the Superintendents, Telegraph Traffic. Of 181 Superintendents of Post Offices, 97 are graduates.

COLLECTION OF DUTIES UNDER THE COTTON DUTIES ACT FROM SMALL FACTORIES CONSISTING OF LOOMS RUN BY OIL ENGINES.

104. **Mr. K. Venkataramana Reddi:** Will Government be pleased to state:

- (a) the number of small factories in India consisting of looms run by oil engines,
- (b) their total output of cloth,
- (c) whether the Cotton Duties Act (II of 1896) applies to these factories also and if so, the total amount collected from them in 1914 and 1923 respectively?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The information is not available with the Government of India.

(c) Yes. The Act applies. Duty collected from small factories is not separately recorded.

YIELD FROM THE IMPOSITION OF NEW TAXES SINCE 1902.

105. **Mr. K. Venkataramana Reddi:** Will Government be pleased to state the total additional revenue raised by the imposition of new taxes since 1902 by the Central Government?

The Honourable Sir Basil Blackett: I am afraid it is impossible to calculate accurately the yield from the imposition of new taxes. I would invite the Honourable Member's attention to the answer given by me to a similar question by Mr. Neogy on 28th January, 1925, and the statements laid on the table in that connection.

PUBLICATION OF CONTRACTS WITH RAILWAY COMPANIES.

106. **Mr. K. Venkataramana Reddi:** Is it a fact that the Government have discontinued since 1900 the publication of the contracts entered into with the different Railway Companies with the Annual Administration Report? If so, will Government be pleased to publish the same with the Annual Administration Reports or place copies of them in the Library of the House?

Mr. G. G. Sim: The publication of contracts and agreements in the Annual Administration Report on Indian Railways was discontinued as the main provisions are given in the Railway Board's publication entitled "The History of Indian Railways constructed and in progress" which is brought up to date every year and copies of which are available in the Library.

TOTAL MILEAGE OF RAILWAYS OPEN FOR TRAFFIC SANCTIONED OR UNDER CONSTRUCTION ON THE 31ST MARCH 1924.

107. **Mr. K. Venkataramana Reddi:** Will Government be pleased to state the total route miles of railways open for public traffic on 31st March 1920 and 31st March 1924, respectively, and the total mileage sanctioned or under construction on 31st March 1924?

Mr. G. G. Sim: The information asked for by the Honourable Member will be found in Appendix 2 of Volume II of the Administration Report on Indian Railways for 1919-20 and in Statement VII of the Statistical Summaries in Volume II of the same report for 1923-24, copies of which will be found in the Members' Library.

TRAINING OF INDIAN STUDENTS IN ALL DEPARTMENTS OF RAILWAY WORKING.

108. Mr. K. Venkataramana Reddi: Will the Government be pleased to state what effect, if any, has been given to the recommendation of Sir Abdur Rahim contained in his minute at page 417 of Volume I of the Report of the Public Services Commission, 1917: that Government should subsidize suitable Indian students to qualify themselves in Europe for appointments in the Locomotive, Carriage and Wagon Departments of the Railway?

Mr. G. G. Sim: Action on the lines suggested was taken on the East Indian Railway. The present idea is, however, to improve facilities in this country for training students in all departments of Railway working and the Railway Board have at present under consideration the necessary measures for this purpose.

APPOINTMENT OF INDIANS AS FOREMEN, ASSISTANT FOREMEN AND CHARGEMEN ON INDIAN RAILWAYS.

109. Mr. K. Venkataramana Reddi: (a) Will Government be pleased to state whether it is a fact that not even one Indian has been appointed until now either as a Foreman, Assistant Foreman or Chargeman in the Locomotive, Carriage and Wagon Departments of the Railways?

(b) What steps, if any, do Government propose to take to remedy this grievance?

Mr. G. G. Sim: (a) and (b). The Honourable Member is referred to the reply to part (a) of Mr. K. C. Neogy's question No. 1507 of the 11th June, 1924.

PAY OF ANGLO-INDIAN AND INDIAN APPRENTICES IN RAILWAY WORKSHOPS, ETC.

110. Mr. K. Venkataramana Reddi: (a) Will Government be pleased to state whether the rates of pay allowed at present to Anglo-Indian apprentices in the Locomotive and Carriage Workshops are higher than those given to Indians?

(b) Is it a fact that the R. M. Railway Schools at Ajmer are reserved for Europeans and Anglo-Indians only? If so, what steps do Government propose to take to rectify the same?

Mr. G. G. Sim: (a) The practice is not uniform, but different rates appear to be paid to European and Indian apprentices on some lines. Government have at present the whole question of arrangements for training on all lines under consideration.

(b) No. Indians are admitted if they have the necessary educational qualifications.

EDUCATIONAL QUALIFICATIONS OF CANDIDATES FOR THE SUPERIOR STORES
AND TRAFFIC STAFF ON STATE RAILWAYS.

111. **Mr. K. Venkataramana Reddi:** (a) Will Government be pleased to state the standard of education required of candidates who seek employment in the Railway Stores and Traffic Establishments?

(b) Is it a fact that the standard of education required in the case of Anglo-Indians is lower than that in the case of Indians? If so, will Government be pleased to take early steps to have the above distinction removed? If not, why not?

• **Mr. G. G. Sim:** (a) The Honourable Member's question presumably relates to Indian recruits for the Superior Stores and Traffic staff on State Railways. Hitherto no definite standard of education has been laid down for candidates seeking appointment to these establishments. For the future it is intended to provide definite standards both of preliminary education and subsequent training in these Departments.

(b) No such differentiation as suggested has existed in the past or is contemplated in future.

COST OF MAINTENANCE OF BOARDS OF DIRECTORS OF COMPANIES WORKING
STATE RAILWAYS.

112. **Mr. K. Venkataramana Reddi:** Is it a fact that each company working the State Railways is controlled by a Board of Directors in England and that the cost of maintaining them is met by the gross earnings of the respective Railways? Will Government be pleased to state the approximate cost of maintaining the Boards in each case and whether losses by exchange are also met from the gross earnings?

Mr. G. G. Sim: The reply to the first part of the question is in the affirmative.

As regards the second part, the Honourable Member's attention is invited to the statement of demands for revenue expenditure on railways for 1924-25, which was supplied to the Honourable Member in March last and which gives the information on the subject. Loss by exchange debitable to Revenue is met from gross earnings.

PAY OF INDIAN DRIVERS, SHUNTERS AND GUARDS ON STATE RAILWAYS.

113. **Mr. K. Venkataramana Reddi:** (a) Are Government aware that the State Railways Open Code, Volume II (1908 edition), paragraph 230, note (2), contains the following:

"The maxima salaries for native drivers, shunters and guards are fixed at two-thirds of those for Europeans."

(b) Are Government further aware that the above ruling is opposed to the Secretary of State's despatch No. 451-Financial, dated 6th December, 1871 and the recommendations of the Royal Commission (1917) contained in paragraph 55 of their Report?

(c) Are Government prepared to withdraw the above obsolete ruling in the case of lower subordinates of the Railway Establishments?

Mr. G. G. Sim: (a) and (b). Yes, but I may inform the Honourable Member that the State Railway Code referred to is not up to date and contains much that is now obsolete. There is in actual practice on State

lines no differentiation in pay between Indians and Europeans of the classes referred to. The revision of the Code is under consideration and the note will be deleted in the revision.

(c) In view of reply to (a) and (b) above, this question does not arise.

INDIAN, ANGLO-INDIAN AND EUROPEAN APPRENTICES ON RAILWAYS.

114. **Mr. K. Venkataramana Reddi:** What steps have Government taken or propose to take:

- (a) to throw open the technical schools attached to Locomotive-Carriage and Wagon Workshops of State Railways, worked by Government and by Companies, to Indians also,
- (b) to widen and raise the courses of instructions and to provide classes both for superior and the subordinate grades of those departments,
- (c) to lay down uniform rules for admission of apprentices, Indians, Anglo-Indians and Europeans, together with uniform scales of stipends and future prospects?

Mr. G. G. Sim: (a) Technical instruction is imparted to all classes of literate apprentices irrespective of nationality by railway officials or at schools where such exist.

(b) This question is under consideration.

(c) Rules for the admission of apprentices, Indians, Anglo-Indians and Europeans, are uniform; as regards the rest of the question the Honourable Member is referred to the reply given to Mr. Chaman Lall's question No. 542.

GOVERNMENT CONTROL OVER THE EXPENSES OF RAILWAYS WORKED BY COMPANIES.

115. **Mr. K. Venkataramana Reddi:** Is it a fact that the Companies working the State Railways possess absolute discretion in defraying all expenses from the gross earnings of the Railways? If not, will Government be pleased to state the extent of Government control in this respect?

Mr. G. G. Sim: No. Government control over the working expenses of Company-worked Railways is in essentials the same as on State-worked Railways. Its scope is detailed in the Railway Codes and Standing Order of Government.

REPAIRS TO RAILWAY TUNNELS, BRIDGES, ETC.

116. **Mr. K. Venkataramana Reddi:** Will Government be pleased to furnish the House with a statement showing all the railway constructional works such as tunnels, bridges, etc., that had to be repaired within four years of their construction?

Mr. G. G. Sim: Government have not got the information required and would prefer not to put Railway Administrations to the trouble of compiling it.

PURCHASE OF STORES BY THE ARMY CANTEN BOARD.

117. **Raja Ghazanfar Ali Khan:** Will the Government be pleased to state whether it is a fact that the Army Canteen Board, India, wanted to buy the stores of the outgoing Contractors of Lahore District, at 5 per cent. below Karachi prices?

Mr. E. Burdon: The Army Canteen Board did not wish to buy any of these stores as it was not to their advantage to take over old and in many cases deteriorated stock. The contractors had had 4 to 8 months' notice within which to clear their stocks by other means. In cases, however, where contractors themselves inquired as to the terms on which the Board would take over their stocks, they were notified that the Board would meet them in this at 5 per cent. under Karachi market prices. This is above the average price at which the Board can themselves import the same articles.

DEBTS CONTRACTED IN KARACHI BY THE ARMY CANTEN BOARD ON THE PURCHASE OF STORES.

118. **Raja Ghazanfar Ali Khan:** Are the Government aware that while maintaining that it gets all its stores from Europe the Army-Canteen Board, India, has contracted debts in Karachi to the extent of over one lakh, for goods purchased from the local merchants?

Mr. E. Burdon: The Army Canteen Board (India) import the majority of their stores from overseas, purchasing, wherever possible, direct from manufacturers. Recently, as the quantity of commodities sold has been in excess of estimates, this causing shortage of stocks, it became necessary for the Board to make certain purchases in local markets. Government are aware that the Board have creditors in Karachi to the extent of over Rs. one lakh.

DEBTS OF THE ARMY CANTEN BOARD.

119. **Raja Ghazanfar Ali Khan:** Are Government aware of the rumours that the Army Canteen Board, India, is running into heavy debt, and that it is unable to pay its supplies for several months?

Mr. E. Burdon: Government have heard no rumours and do not require to rely upon rumours for information regarding the financial position of the Army Canteen Board. Government have in their possession a list of sums due from the Board to merchants and are aware that owing to a largely increased turnover and shortage of working capital they have at present to trade upon credit terms to a larger extent than is desirable.

LIABILITY OF GOVERNMENT FOR THE DEBTS OF THE ARMY CANTEN BOARD.

120. **Raja Ghazanfar Ali Khan:** Will the Government be pleased to state whether they are responsible to pay up the debts incurred by the Army Canteen Board and if so to what extent is the liability of the Government involved, since the Army Canteen Board, India, has no capital of its own, and is trading on the loan advanced to it by the Imperial Bank of India, under the guarantee of the Government?

Mr. E. Burdon: The legal liability of Government is confined to guaranteeing the loans received from the Imperial Bank of India up to a maximum of Rs. 20 lakhs. But the Honourable Member will see from the latest balance sheet that the Board having overcome the difficulties of formation and initial development is now making a profit, after paying interest on the Bank loan and rebate to regimental units.

REBATES PAID BY THE ARMY CANTEEN BOARD TO REGIMENTAL FUNDS.

121. Raja Ghazanfar Ali Khan: Will the Government be pleased to state the average amount of rebate per soldier per mensem paid by the Army Canteen Board, India, to the regimental funds, at the rate of 7 per cent. on the sales, and the total amount thus paid per annum for each regiment?

Mr. E. Burdon: The Board pay rebate at 7½ per cent. on cash sales to troops and messing sales since the 1st May 1924 only. Before that date rebate was paid at Rs. 2/8 per head per month fixed. For the period from the 1st May 1924, to the 31st December 1924, the average amount of rebate per soldier per mensem paid by the Army Canteen Board (India) to regimental funds on the 7½ per cent. basis amounted to Rs. 2/8¼, the total amount of rebate paid being Rs. 2,54,977-2-0.

BRITISH UNITS CATERED FOR BY THE ARMY CANTEEN BOARD.

122. Raja Ghazanfar Ali Khan: Will the Government be pleased to state the total number of British Units being served by the Army Canteen Board, India, giving in detail number of Infantry Regiments, Royal Field Artillery, Royal Garrison Artillery, Motor Transport Company, Armoured Car Company, Tank Corps, etc.?

Mr. E. Burdon: The total number of British units served by the Army Canteen Board (India) on the 31st December 1924 amounted to 47 in 67 Institutes, not including Camps as shown below:

British Cavalry regiment	2
Royal Horse Artillery Brigades	2
Royal Field Artillery Brigades	5
Royal Garrison Artillery Brigades	4
Royal Garrison Artillery Batteries (not Brigades)	2
British Infantry regiments	16
Mechanical Transport Companies	2
Armoured Car Companies	3
Signal Details	8
Royal Army Medical Corps Details	3

EXTENSION OF THE OPERATIONS OF THE ARMY CANTEEN BOARD TO THE LAHORE DISTRICT.

123. Raja Ghazanfar Ali Khan: Will the Government be pleased to state whether before extending the Army Canteen Board to the Lahore District, the Commanding Officers in this area were consulted, and if not why this was not done, to get the opinion of those who were going to be affected by the change of installing the Army Canteen Board, India, in this area?

Mr. E. Burdon: The Commanding Officers of individual units were not consulted. His Excellency the Commander-in-Chief did not think it necessary to consult them.

COMPLAINTS REGARDING THE UNSATISFACTORY WORKING OF THE ARMY CANTEEN BOARD.

124. Raja Ghazanfar Ali Khan: Will Government be pleased to lay on the table the various complaints they have received from Commanding Officers of different Units regarding the unsatisfactory working of the Army Canteen Board, India, and to state what action has been taken thereon?

Mr. E. Burdon: The Government of India have received no complaints from Commanding Officers of units. It would not be in order for Commanding Officers to submit such complaints to the Government of India.

UNITS TAKEN OVER BY THE ARMY CANTEEN BOARD FROM INDIAN CONTRACTORS.

125. Raja Ghazanfar Ali Khan: Will Government be pleased to state the number of Units the Army Canteen Board, India, has been taking over each year from the Indian contractors since they have been established?

Mr. E. Burdon: I have not been able to obtain the information desired by the Honourable Member. His attention is, however, invited to the reply given to his question No. 122. The numbers there shown, include 6 institutes in Waziristan which were not in existence before the Board opened them.

EXTENSION OF THE OPERATIONS OF THE ARMY CANTEEN BOARD TO THE LAHORE DISTRICT AND KARACHI.

126. Raja Ghazanfar Ali Khan: Will Government be pleased to state, why in spite of the assurance given by His Excellency the Commander-in-Chief to the Members of the Legislative Assembly, when they waited in deputation on His Excellency headed by Sir Zulfiqar Ali Khan, Kt., C.S.I., on 29th September, 1921, that the Army Canteen Board, India, would confine its operations to the North Western Frontier and Rawalpindi, it has now been extended to the Lahore District and Karachi?

Mr. E. Burdon: The Honourable Member has, I am afraid, been misinformed. On the occasion referred to, His Excellency the Commander-in-Chief stated that it was not proposed *at present* to go further than the territories named. The plan originally contemplated by the Government of India was that the Army Canteen Board should ultimately extend its operations to the whole of India.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State have at their meeting held on the 5th February, 1925, agreed without any amendments to the following Bills which have been passed by the Legislative Assembly:

- (1) A Bill further to amend the Indian Paper Currency Act, 1923;
- (2) A Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law."

ALLOTMENT OF DAYS FOR THE DISCUSSION OF THE GENERAL
AND RAILWAY BUDGETS, ETC.

The Honourable Sir Alexander Muddiman (Home Member): Sir, when we last met I mentioned the matter of holidays in March to the House. The question was, as Honourable Members will recollect, whether those three holidays must be observed; one holiday is Holi, the second is Sab-i-barat, and the third is the holiday called the Dulanthi. I have had no indication from Members of the House officially, and so far as I have been able to ascertain from private inquiries the general feeling which has reached my ears at any rate is that in the case of Holi and Shab-i-barat, those holidays should be observed. As regards the Dulanthi there seems to be no general feeling that it is necessary to observe that holiday. If that is the view of the House, I will submit the matter to His Excellency for his direction.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): There was an informal discussion about it in our party meeting yesterday. The general feeling at that meeting was, although we, the Members from Madras, did not want the holidays, that these three holidays should be observed.

The Honourable Sir Alexander Muddiman: All the three?

Diwan Bahadur T. Rangachariar: Yes. (*Several Honourable Members:* "Yes.")

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): May I ask the Leader of the House how many days it is proposed to allot for the second stage of discussion of Part II of the Budget?

The Honourable Sir Alexander Muddiman: 2 days for Part II and one day for Part I of the Budget—that is, general discussion. For the voting of Demands for Grants in respect of Part II of the Budget, as at present proposed, 5 days.

Mr. Harchandrai Vishindas (Sind: Non-Muhammadan): Am I to understand that the general discussion on the main Budget will last for two days?

The Honourable Sir Alexander Muddiman: The present proposal is 2 days.

Mr. Harchandrai Vishindas: And the Demands for Grants? 15 days?

The Honourable Sir Alexander Muddiman: 4 days for the Railway Budget and 5 days for the general Budget—that is, 9 days on the whole.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I want to be perfectly clear on the matter. The general discussion on Part I of the Budget will be for one day, and the Demands for Grants will take 4 days. In regard to Part II of the Budget, the general discussion will take place for 2 days and the voting on the Demands for Grants will take 5 days.

The Honourable Sir Alexander Muddiman: Yes, that is correct.

Mr. Harchandrai Vishindas: May I inquire whether the exact dates have been fixed or they will be fixed hereafter?

The Honourable Sir Alexander Muddiman: As the Honourable Member is aware, this is a matter for His Excellency's orders and it is in His Excellency's discretion. I was merely ascertaining the views of the House with regard to those three holidays.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): May I know whether the dates of these holidays have been fixed?

The Honourable Sir Alexander Muddiman: For the Holi there is a fixed date, *i.e.*, 9th March; for Dulandhi also there is a fixed date, that is, 10th March. As my Honourable friend is aware, being himself a Muhammadan, the question of the date on which Shab-i-Barat is to be observed depends on the appearance of the moon. That is not a matter within the control of the Leader of the House. (Laughter.)

THE INDIAN SOLDIERS (LITIGATION) BILL.

The Honourable Sir Alexander Muddiman (Home Member): I beg to move that the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, as reported by the Select Committee, be taken into consideration.

Sir, this Bill was referred to a Select Committee as the result of a decision of this House on the 15th September last. The House then affirmed the general principle of the Bill which is to extend protection to Indian soldiers serving under special conditions. The Committee have now sat and their report has been laid before the House. The amendments which the Committee have suggested in the Bill are all, I think, well within the scope of the principle that has been affirmed by the House, that is to say, they extend the protection, in so far as they amend the law at all, given to Indian soldiers serving under special conditions. The amendments made are not of a very important character and I will only very briefly refer to them.

The first amendment is made in clauses 7 and 9 of the Bill. The result of that amendment is to give the benefit of postponement of proceedings in the case of soldier plaintiffs as well as of soldier defendants, both in the case of soldiers serving under special conditions and in the case of soldiers on leave within the meaning of clause 9 of the Bill. That, Sir, is the first amendment of substance which has been made by the Select Committee.

The second amendment has been made in sub-clause (2) of clause 10. The object of that amendment is to make it clear that the soldier has in no case a less period of limitation than that provided by Article 164 of the Indian Limitation Act, as the Select Committee thought that the special protection given by clause 10 might operate in certain circumstances to prevent a soldier availing himself of the benefit of the ordinary law. That, Sir, is the second amendment.

[Sir Alexander Muddiman.]

The third amendment is in clause 11 of the Bill. Clause 11 has been amended so as to cover the case both of soldier defendants and soldier plaintiffs, and I think I may say that that amendment is on the analogy of section 13 of the Indian Limitation Act, which provides:

"In computing the period of limitation prescribed for any suit, the time during which the defendant has been absent from British India and from the territories beyond British India under the administration of the Government shall be excluded."

A further amendment to this clause also provides that the benefit given by the clause shall accrue when any party is an Indian soldier and alters the date as originally drafted. The rest are of a purely drafting nature.

Opportunity has been taken to amend the drafting of sub-clause (4) of clause 10. The draftsman considered that the drafting of that section is somewhat defective and the Select Committee agreed and it has been amended as it now stands in the Bill.

I do not know that I need detain the House further on this matter. The report of the Select Committee has been on the table of the House for some days, and the Bill has been before the House since September last. I have not seen any notice of any amendment in connection with the Bill, and I therefore move the motion that stands in my name.

The motion was adopted.

Clauses 2, 3, 4 and 5 were added to the Bill.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Santhal Parganas: Non-Muhammadan): On a point of information, Sir, may I ask the Honourable Member why in clause 6 pre-emption has been excluded from the scope of the Bill?

The Honourable Sir Alexander Muddiman: The explanation to that is that it was contained in the original Bill and was then dealt into and no change has been made by the Select Committee in that respect.

Clause 6 was added to the Bill.

Clause 7, as amended by the Select Committee, was added to the Bill.

Clause 8 was added to the Bill.

Clauses 9, 10, and 11, as amended by the Select Committee, were added to the Bill.

Clauses 12, 13, 14 and 15 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 Alexander Muddiman: I move that the Bill, as amended by the Select Committee, be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 10th February, 1925.

LEGISLATIVE ASSEMBLY.

Tuesday, 10th February, 1925.

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

QUESTIONS AND ANSWERS.

DEPORTATION OF HAFIZ SAID AHMED FROM BALUCHISTAN.

828. ***Mr. C. S. Banga Iyer:** (a) Is it a fact that Hafiz Said Ahmed a resident of Jullundur was the Imam and Mutwali of the Juma Mosque of Quetta since 1888?

(b) Is it a fact that he was nominated a member of the Quetta Municipality for over ten years and was a guest at the Coronation Durbar, Delhi, in 1911, and represented the Muhammadan community?

(c) Is it a fact that the Hafiz owned considerable landed property and occupied a respectable position in Quetta?

(d) Is it a fact that the Baluchistan Government granted a Jagir of Rs. 50 per annum for the life time of the Hafiz?

(e) Is it a fact that on the 5th May, 1924, he was turned out of Baluchistan escorted by a Sub-Inspector of the C. I. D. without giving him any chance to see his friends and relatives and making any arrangements for his journey?

(f) Will the Government give reasons for the deportation of the Hafiz?

(g) Will the Government be pleased to state if any order was issued for the deportation of the Hafiz? If "Yes," what is the text of the order? If "No," is the Hafiz permitted to return?

Mr. Denys Bray: The information is being obtained from the local Administration and will be furnished to the Honourable Member in due course.

WITHDRAWAL OF THE CONCESSION OF INCREASED PAY TO CLERKS AND SUPERINTENDENTS OF THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, TRANSFERRED FROM CALCUTTA TO DELHI.

829. ***Mr. T. C. Gowami:** (a) Is it a fact that, when a certain number of clerks and Superintendents in the Office of the Accountant General of Central Revenues were transferred from Calcutta to Delhi, with the removal of the office in the year 1921, they were clearly given to understand that they would, in consideration of the transfer, receive 25 per cent. in excess of the normal salaries; and, further, is it a fact that the Auditor General (Sir Frederic Gauntlett) admits that this increase was with a view to induce an adequate number to leave Calcutta.

(b) Is it a fact that this concession has recently been withdrawn, on the ostensible ground that the Main Office has now been removed to Delhi?

(c) Is it a fact that these (or some of these) clerks sought to memorialise the Governor General through the Auditor General and the Deputy Accountant General of Central Revenues, and that these memorials were withheld under Rule 11 (4) of the Memorial Rules? Is it a fact that the Rule does not apply to Government servants and relates to petitions "for employment from a person not in the service of Government"? If so, why were the memorials withheld?

(d) Will these clerks, in the alternative, receive the benefit of the additional "personal pay" and bonus sanctioned for the Main Office?

The Honourable Sir Basil Blackett: The information required by the Honourable Member is being obtained and will be supplied to him in due course.

AIRING OF GRIEVANCES OF GOVERNMENT EMPLOYEES THROUGH MEMBERS OF THE INDIAN LEGISLATURE.

830. ***Mr. T. C. Goswami:** (a) Will Government please state how many, and which, Departments still continue to keep in force circulars to the effect that Government employees should not approach Members of the Legislature in connection with their grievances? Are all these circulars more or less in the same terms?

(b) Will Government please lay on the table a copy of such a circular?

The Honourable Sir Alexander Muddiman: (a) Only one circular was issued on the subject. The circular merely warns the members of the Secretariat establishments against the breaking of rule 17 of the Government Servants Conduct Rules. The rule applies to all Departments.

(b) A copy of the circular was laid on the table of the Assembly in September, 1922, and the Honourable Member will find it printed at page 141 of Volume VIII No. 3 of the Assembly Debates for September 1922.

Mr. Devaki Prasad Sinha: What is the reason for issuing that circular?

The Honourable Sir Alexander Muddiman: The reason for issuing that circular is to prevent a breach of the rule.

Diwan Bahadur T. Rangachariar: May I ask the Government, Sir, whether they would reconsider that circular?

The Honourable Sir Alexander Muddiman: No, Sir, I have no intention of reconsidering the circular.

Mr. N. M. Joshi: May I ask whether this rule applies only to subordinates and not to men in the superior services who are able to approach Members of Parliament?

The Honourable Sir Alexander Muddiman: The rule applies to all Government servants as I have indicated.

Diwan Bahadur T. Rangachariar: Have the Government applied the order to the person who furnished the O'Donnell Circular to the press?

The Honourable Sir Alexander Muddiman: I have no information on the point.

Diwan Bahadur M. Ramachandra Rao: Does this rule include the members of the Indian Civil Service?

The Honourable Sir Alexander Muddiman: The members of the Indian Civil Service are Government servants and it applies to all Government servants.

ABOLITION OF THE POSTS OF DEPUTY POSTMASTERS GENERAL.

831. ***Maulvi Muhammad Yakub:** (a) Will the Government be pleased to state the duties and functions of the Deputy Postmasters-General?

(b) Do the Government propose to abolish the post of Deputy Postmasters General in the interest of economy?

Sir Geoffrey Clarke: (a) Deputy Postmasters General are attached to the larger Postal Circles to relieve the Postmasters General of immediate control over certain branches of work and to enable them to devote sufficient time and attention to the more important matters of administration. Officers also designated Deputy Postmaster General are placed in charge of Railway Mail Service or small Postal Circles, for the whole administration of which they are responsible.

(b) No.

ABOLITION OF THE POST OF SUPERINTENDENT OF INVESTIGATION IN THE POSTAL DEPARTMENT.

832. ***Maulvi Muhammad Yakub:** Is it really a fact that the investigation work in the Postal department is particularly done by the Inspectors and not by the Superintendent of Investigation? Do the Government propose to abolish the post of the Superintendent of Investigation?

Sir Geoffrey Clarke: In the Post Office there is no such appointment as "Superintendent of Investigation". A Superintendent of Post Offices is in charge of a Postal Division and is assisted in investigation as well as in general work by Inspectors of Post Offices.

HARDSHIPS OF SORTERS IN THE RAILWAY MAIL SERVICE.

833. ***Maulvi Muhammad Yakub:** Are the Government aware that the sorters of the R. M. S. are liable to be called to duty during the time of their rest, much to the detriment of their health and convenience? Do the Government propose to take necessary steps to remedy this hardship?

Sir Geoffrey Clarke: The sorters of the R. M. S. are liable to be called out for duty during their rest and they are paid an allowance to compensate them for the inconvenience caused to them. Steps are being taken with a view to increasing the leave reserve which will reduce to a great extent the chances of the men being thus called out for duty during their period of rest.

GRANT OF OUT-STATION ALLOWANCE TO SORTERS OF THE RAILWAY MAIL SERVICE.

834. ***Maulvi Muhammad Yakub:** Are the Government aware that there is a great deal of heart-burning and dissatisfaction amongst the sorters of the R. M. S. on account of the out-station allowance not being sanctioned for them? Do the Government propose to take steps in order to pacify them?

The Honourable Sir Bhupendra Nath Mitra: Representations have been received for the grant of out-station allowances. Government are not prepared to entertain the proposals.

ABOLITION OF THE POST OF MAIL SUPERINTENDENT.

835. ***Maulvi Muhammad Yakub:** Is it not a fact that the Mail arrangements are made at the initiative and by the personal knowledge of the Inspectors of the Mail? Under the circumstances do the Government propose to abolish the post of the Mail Superintendent?

Sir Geoffrey Clarke: There are no such appointments as "Inspectors of the Mail" or "Mail Superintendents". Mail arrangements in Postal and Railway Mail Service Divisions are made, respectively, by the Superintendents of Post Offices and Superintendents, Railway Mail Service, in charge of the Divisions. They are assisted in that as well as in other work by Inspectors.

PROVISION OF QUARTERS FOR SORTERS AND CLERKS OF THE RAILWAY MAIL SERVICE.

836. ***Maulvi Muhammad Yakub:** Are the Government aware that the sorters and the clerks of the R. M. S. are put to great inconvenience on account of not having residential quarters? Do the Government propose to provide residential quarters for the clerks mentioned above?

Sir Geoffrey Clarke: Government are not aware that any such general inconvenience exists. In certain places there is a difficulty in obtaining houses and in some of these quarters for Railway Mail Service sorters have already been provided and in others the provision of quarters is under consideration.

HOLIDAYS OF SORTERS AND CLERKS IN THE RAILWAY MAIL SERVICE.

837. ***Maulvi Muhammad Yakub:** Are the Government aware that the R. M. S. sorters and clerks are deprived of all sorts of holidays even on the days of their most important religious festivals? Do the Government propose to make some such arrangements that they may be able to avail themselves at least of some important holidays on the occasion of religious festivals?

The Honourable Sir Bhupendra Nath Mitra: It is not possible to give sorters, who work on running trains, days off on Post Office holidays, nor is it in the opinion of Government necessary to do so. These men generally get one or two days' rest between trips and are not badly off in the matter of holidays, in comparison with other Post Office officials. Sorters and clerks attached to offices of Superintendents R. M. S. and stationary R. M. S. offices are allowed Post Office holidays in rotation.

DEPORTATION OF HAFIZ SAID AHMED FROM BALUCHISTAN.

838. ***Lala Hans Raj:** 1. Is it a fact that Hafiz Said Ahmed a resident of Jullundur was the Imam and Mutwali of the Juma Mosque of Quetta since 1888.

2. Is it a fact that he was nominated a member of the Quetta Municipality for over ten years and was a guest at the Coronation Durbar, Delhi, in 1911 and represented the Muhammadan community.

3. Is it a fact that the Hafiz owned considerable landed property and occupied a respectable position in Quetta.

4. Is it a fact that the Baluchistan Government granted a Jagir of Rs. 50 per annum for the life time of the Hafiz.

5. Is it a fact that on the 4th May 1924 he was turned out of Baluchistan escorted by a Sub-Inspector of the C. I. D. without giving him any chance to see his friends and relatives and making any arrangements for his journey.

6. Will the Government give reasons for the deportation of the Hafiz.

7. How is it that no action was taken on his application to the Superintendent, Police, Political Agent and A. G. G., dated the 23rd May, 16th July and 18th August 1924, respectively, and why no copies were given to him, when he had applied for them.

8. What action do the Government propose to take against the public servants responsible for the deportation of the Hafiz? Is it a fact that he was not deported by the Baluchistan authorities?

Mr. Denys Bray: The information is being obtained from the local Administration and will be furnished to the Honourable Member in due course.

**GRANT OR INCREASED PENSIONS TO OFFICERS OF THE SUPERIOR SERVICES,
WHO RETIRED PRIOR TO THE 23RD JULY 1913.**

839. ***Colonel J. D. Crawford:** Will Government be pleased to state whether it is their intention to address the Secretary of State on behalf of those officers of the Superior Civil Services (other than the Indian Civil Service), Indian and European, who retired prior to July 23rd, 1913, with a view to granting them similar rates of pension as have been granted to officers of the same Services retiring subsequently to the above date, *vide* Government of India Finance Department Resolution No. 1085-E.A., dated 15th November 1919, published in Supplement to the Gazette of India of same date; if not, will Government be pleased to state the reasons for the grant of increased pensions to the officers of those Services retiring subsequent to July 23rd, 1913, and the reason for the exclusion of those who retired prior to that date.

The Honourable Sir Basil Blackett: The answer to the first part of the Honourable Member's question is in the negative.

As regards the rest, the revised rates were applied retrospectively to officers who retired after the 23rd July, 1913, because a pledge to that effect had been given in an official letter of that date. It was only in order to redeem this promise that the practice of not giving retrospective effect to increases of pay or pension was modified in this case.

Colonel J. D. Crawford: Are the Government aware that Lord Hardinge has recently written to the memorialists stating that he fully intended that the concessions given in July 1913 should apply to all?

The Honourable Sir Basil Blackett: My attention has not been drawn to that fact.

EMPLOYMENT OF COTTON EXPERTS UNDER THE INDIAN CENTRAL COTTON COMMITTEE.

840. ***Mr. Jamnadas M. Mehta:** (1) Has the attention of Government been drawn to the statement recently made by the Vice-President, Indian Central Cotton Committee regarding the dearth of qualified Indian scientists and cotton experts?

(2) Are Government aware that there are many Indians with high European and American qualifications in chemistry and other sciences?

(3) What is the proportion of European scientists and experts and Indian scientists and experts at present serving under the Indian Central Cotton Committee and Provincial Committees?

(4) What policy do these Committees follow in making such appointments?

Mr. J. W. Bhore: (1) Yes.

(2) The Vice-President of the Indian Central Cotton Committee doubtless referred to the Committee's difficulty in obtaining a cotton research Botanist with special qualifications. The post was advertised twice in India and twice in England and has not yet been filled.

The difficulty experienced by the Committee is not an uncommon one. Indian science students who go abroad rarely take up plant-breeding or special cotton research, but either take the degree course of a University or specialise in purely laboratory work. As a result it has been found difficult just at present to get men qualified to initiate and carry out practical investigations in the field in plant-breeding, plant diseases or plant physiology.

(3) If the Secretary, who is appointed by the Government of India, and Mr. and Mrs. Howard, whose services have been lent by the Government of India, are included, the number of European experts is five. Excluding these three officers of the Indian Agricultural Service and including only experts appointed by the Committee the number of Europeans is two. The total number of Indian scientists and experts paid from the funds of the Committee at present is thirty-four. A further twelve posts, which are being advertised in India only, will be filled during the next few months.

(4) It will be obvious from the answer to (3) that the policy of the Committee is to appoint qualified Indians where obtainable. Their Research Studentship scheme, which has now been working for about eighteen months, is directly designed to provide Indian science graduates with better opportunities of obtaining a practical knowledge of scientific research methods as applied to the improvement of cotton growing.

Mr. V. J. Patel: What is the Honourable Member's ground for stating that it applies to Botanists only with reference to the second part of the answer?

Mr. J. W. Bhore: That is my impression, Sir. I have not been able to find that it applies to anything else.

Mr. V. J. Patel: Will the Honourable Member find out whether it does apply to Botanists only?

Mr. J. W. Bhore: I will certainly find that out.

UNSTARRED QUESTIONS AND ANSWERS.

HAJ PILGRIM TRAFFIC.

127. **Maulvi Mohammad Shafee:** Will the Government be pleased to place on the table a copy of the letter of the Government of Bombay, No. 2896, dated the 11th April 1913, with regard to the proposals relating to the conduct of the Haj pilgrim traffic, sent to the Government of India?

Mr. J. W. Bhore: The Honourable Member is referred to the Department of Education Notification No. 836, dated the 20th May 1913, which appeared on pages 518-524 of Part I of the Gazette of India dated the 24th May 1913.

HAJ PILGRIM TRAFFIC.

128. **Maulvi Mohammad Shafee:** Will the Government be pleased to place on the table a copy of the letter of the Government of Bombay to the Government of India, Department of Education No. 3097, dated the 21st April 1914 together with the notes of the informal conference held on 31st July 1913 at the Council Hall in Poona for the purpose of considering the proposals in connection with the Haj pilgrimage formulated in the Bombay Government's letter to the Government of India No. 2896, dated 11th April 1913?

Mr. J. W. Bhore: The Honourable Member is referred to the Department of Education Notification No. 1263, dated the 4th July 1914, which appeared on pages 1193-1220 of Part I of the Gazette of India, dated the 4th July 1914.

THE SPECIAL LAWS REPEAL BILL—*contd.*

Mr. President: The Assembly will now resume consideration of the motion by Mr. Patel moved on the 3rd February:

“That the Bill to repeal certain special enactments supplementing the ordinary criminal law, be taken into consideration.”

Mr. W. F. Hudson (Bombay: Nominated Official): Sir, the House will recollect that when this debate was adjourned last week Mr. Patel was unfortunately only about half way through one of his characteristic speeches. Perhaps I ought to say his characteristic speech, for I have observed that whatever the subject matter of the debate may be, Mr. Patel always manages to do and say the same thing. He stands there like a prophet of old, denouncing the misdeeds of a tyrannical Government and warning them of the wrath to come if they do not mend their ways and turn to him for political counsel and advice; and I have also noticed that if the Front Bench refuses to look as dejected as men in such a perilous position ought to look, he thumps the desk in front of him, hoping thereby to lend to his arguments point and force which perhaps to the cynical observer they appear sometimes to lack. He was doing that for a good twenty minutes last Tuesday, when, if you remember, it was gently conveyed to him, not by a cowering Treasury Bench, but by some of his unsympathetic friends around him that, much as they liked his talk, they liked their tea better and meant to have it; and so we went home, knowing of course that Mr. Patel had not changed his views on the subject of Government, but knowing very little about the Bill,

[Mr. W. F. Hudson.]

and less about the reasons why he had brought it forward, and still less about the kind of harm he thought had occurred, or was likely to occur, from the laws which he was proposing to repeal. Well, Sir, we have had the fireworks and we have enjoyed them. Now let us turn from bomb factories and round-table conferences and the fate of the next budget, and the other fascinating subjects which Mr. Patel dilated on in his speech, and let us come down to the Bill itself. It seems to me, on looking at it, that, short as it is, it is uncommonly like a massacre of the innocents, (Laughter) and I can well imagine Mr. Patel, as he put the finishing touches to the Schedule, chuckling to himself and saying "six at a blow!" I do not use the phrase the massacre of the innocents in quite the usual sense, because, as you will remember, the original innocents who were murdered by a frightened tyrant were babes of tender years, whereas the victims on this occasion have most of them reached a ripe old age in the service of the State. In fact so venerable are some of them, that one almost wonders that any one, even a prophet, should dare to lay hands upon them. The one in which I am specially interested, Bombay Regulation XXV of 1827, although the youngest of the three Regulations, has passed its 98th birthday, and it seems to me almost a pathetic circumstance that Mr. Patel, himself a Bombay man, should be proposing to strangle it, in its beautiful old age, just before it has attained to the dignity of its centenary. (Laughter). Sir, the Statement of Objects and Reasons says that the Indian Penal Code was not on the Statute-book when the Bengal, Madras and Bombay Regulations were enacted, and presumably the inference we are supposed to draw from that rather obvious fact is that, once the Indian Penal Code was passed, nothing further was or could be necessary. Now, Sir, I never can understand the rather slavish admiration which the Indian Penal Code appears to elicit now-a-days. Of course every one will admit that it is a very useful and handy piece of work, a practical Code which has made the administration of justice, by inexperienced magistrates and a not too learned bar, fairly efficient, but I am sure none of the eminent authors of the Indian Penal Code would ever have claimed for it that it had the sanctity of the Shastras or the finality of the Ten Commandments. It seems to me a complete *non sequitur* to say that because a certain provision of law is not to be found in the Indian Penal Code, therefore there can be no necessity for it, and I desire to put in a word for the continuance of the Bombay Regulation, which is one of the innocents which it is now proposed to slaughter. I call it an innocent advisedly, in spite of its hoary old age, because it is a perfectly harmless Regulation, which is only used under very special circumstances, and which when used against any one, is almost invariably the means of saving him from something a good deal more unpleasant. I do not know whether any one here has ever read Bombay Regulation XXV of 1827. I have been helping to administer the law in the Bombay Presidency for more than 25 years, and I confess that till last week, as far as I can remember, I had never read this Regulation. But I should like to enlighten the House as to the nature of this dangerous and repressive measure. This is the Preamble (I am not going to read the whole Regulation, so do not let any one be nervous):

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility and from internal commotion, occasionally render it necessary to place under personal restraint individuals against whom there may

not be sufficient ground to institute any judicial proceedings, or when such proceedings may not be adapted to the nature of the case, or may for other reasons be inadvisable or improper;

and whereas it is fit that, in every case of the nature herein referred to, the measures adopted should emanate immediately from the Governor in Council; . . . the following rules have therefore been enacted :—

and the rules go on to say that, first of all, the warrant of commitment must be signed and issued by the Governor in Council. Then the Governor in Council (such is the solicitude for the State prisoner) has to fix a personal allowance for the prisoner, and every six months the officer in charge and the District Magistrate have to report to the Local Government on the health and treatment of the prisoner. Now, Sir, I do not know if any one has ever seen a State prisoner in Bombay. They are very rare birds indeed. And here I should like to point out that a State prisoner under this Regulation does not ordinarily mean a man who has committed an offence against the State in the sense in which that phrase is used in Chapter VI of the Indian Penal Code. The Statement of Objects and Reasons remarks that the ordinary criminal law is sufficient to deal with persons convicted of offences against the State, and that certainly seems to suggest that the Honourable Mover believes that this Regulation is primarily directed against those who are guilty of sedition or criminal conspiracy, or waging war against the King. But such is emphatically not the case. In the last 11 years in the Bombay Presidency there have been only two men incarcerated under this Regulation, both of whom had nothing to do with sedition. One of these men I knew personally for years, and, after hearing the story of his case, I think he was certainly one of the most fortunate men in India. He was not an Indian British subject at all, and he was not incarcerated for any of these offences of sedition or crimes against the State. He had been implicated in a particularly horrible murder, and although for reasons of State it was not desirable to bring him to trial in the ordinary way, it was certainly desirable to incarcerate him for a considerable period so as to discourage other people from repeating his crime. The Bombay Government accordingly appointed a special commission to try him, and when his guilt was established, the Governor in Council issued a warrant under Regulation XXV, (the one Mr. Patel proposes to repeal) and he is detained in a central prison in the pleasantest climate in the Presidency. He has no work to do, and is allowed all the privileges of a first class misdemeanant. Every three months the District Magistrate interviews him and politely inquires as to his health, and every six months the same officer submits a detailed report as to his condition to the Local Government. If it had not been for Regulation XXV, the Bombay Government would either have had to wink at an atrocious crime, or in the alternative to raise a serious political issue; and the result would probably have been that the man in question would have gone to the gallows or to the Andamans. That was the only case in the Bombay Presidency in the last 11 years, and the House may rest assured that this Regulation is only used in very exceptional circumstances. Of course no one likes what is called "special legislation", but in an extraordinary country like India where special circumstances continually arise, to meet such a case a Regulation of this sort, which was enacted nearly 100 years ago, is decidedly necessary, and I trust the House will think twice before it repeals it.

Now I come to the youngest of the innocents, the Prevention of Seditious Meetings Act, 1911. If Honourable Members will take the trouble to read this Act, they will see that it is so full of safeguards against hasty or ill-judged action, that at first sight it appears to contain more safeguards than

[Mr. W. F. Hudson.]

prohibitions or penalties. The Act was extended by the Governor General in Council to the Province of Sind, the part of India, from which I come, in the year 1919, eight years after it had been put on the Statute-book. I may say that this Act first of all has to be extended by the Governor General in Council, and even then it does not come into operation until the Local Government, with the previous sanction of the Governor General in Council, has applied it by notification in the Gazette to any particular district. That notification only lasts for six months, and can then only be revived with the previous sanction of the Governor General in Council. The safeguards are therefore obviously adequate against any ill-judged action. This Act was extended to Sind by the Governor General in 1919, but it was not found necessary for the Local Government to proclaim any area, so that it never really came into operation for a single day. The political situation improved so rapidly after the extension that there was no need for any further action, and there can be no doubt that the mere extension had a sobering effect. At the present moment there is not a single district either in Sind or in the whole of India, nor has there been for some years, where this Act is in operation; and if Honourable Members say, "very well, if these Acts are dead-letters, then why don't you let them die?" The answer is a very simple one. No one can say in these days when a serious emergency is likely to arise, and if Government could count on this House immediately and readily coming to their aid with emergency legislation, then these special laws might be allowed to disappear. Unfortunately, Sir, that is not at present the case. (*Voices*: "Why do you say so? How do you know?") I will explain if Honourable Members will give me a chance. Only last Thursday in the Bengal Ordinance Debate the House showed clearly that amongst its many gifts of statesmanship there is not yet to be reckoned the capacity to recognise and appreciate an emergency when it arises, or the readiness to deal with it adequately. And until those gaps in our political wisdom have been filled I am afraid that these laws must remain on the Statute-book. Sir, I oppose the motion.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, after the very humorous defence of my Honourable friend of the Regulations, it requires only some little courage to stand up to support the motion of my Honourable friend in principle. Sir, it is not without some difference that I stand to move the motion which stands in my name, namely:

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

The difference arises out of the fact that like the proverbial peacemaker I may come to grief between two opposing, irreconcilable, impatient forces. On the one side, on my left here is Mr. Patel with his mandated majority thirsting to place on the Statute-book this Bill which has long been overdue in some respects. On the other side, there is the Honourable the Home Member, probably in the confidence of his entrenchment behind the Council of State, showing an implacable opposition to this measure. Sir, if it had been a Resolution moved by my Honourable friend and not a piece of legislation which he was attempting, I should have given my whole hearted and warm support to the motion in its entirety. But we are now acting, we are not merely recommending. In legislating on a subject we have to pause and consider what the effect of the legislation is likely to be. We should not easily give a handle to the Council of elderly statesmen to turn down our proposals and give them

apparent plausible excuse for such a course. That is my anxiety in coming forward with this motion that this Bill be referred to a Select Committee. I ask Honourable Members to realise the necessary implications of the Bill as it is if it is carried in its entirety. I wish to call attention to the simple nature of the measure; simple as it looks the implications arising thereout are rather serious. I wish to draw particular attention to the Punjab Murderous Outrages Act of 1867, which, for some reason I cannot understand, my Honourable friend Mr. Patel has chosen to include in his Schedule. Having been, Sir, on the Frontier and having had to examine these laws in some detail, I am rather staggered at the proposal made by my Honourable friend Mr. Patel when he wants to repeal the Punjab Murderous Outrages Act altogether. That Act, as Honourable Members perhaps are aware, had been applied only to six districts when the North-West Frontier districts formed part of the Punjab, namely, the border districts. Now, that Act, if I remember aright—I am subject to correction by the Home Department in that matter—so far as the Punjab is concerned, is in force only in the border district of Dera Gazi Khan. The other five districts which formed part of the Punjab since their formation into a separate province are governed by Regulation IV of 1901 which applies to the North-West Frontier Province, and it copies more or less word for word this Punjab Murderous Outrages Act. The operation of that Act is confined entirely to fanatics and I do not think any words are needed to remind Honourable Members of the existence of fanatics in the frontier tracts. They come from across; they live also in the province. They are a dangerous people. We need only recall the recent outrages in Kohat to recall to our minds what can be done by these fanatics. That Act provides trial for offenders or would-be offenders. The offences referred to are murders or attempts to murder by these fanatics. That Act provides for the speedy judicial trial of these people by competent judicial officers assisted by assessors. Only it provides for speedy trial in such cases. That Act also provides for putting such fanatic people out of harm's way. Sir, probably my Honourable friend Mr. Patel was led to include that in this Schedule by the existence of section 12 of that Act which makes a reference to the Bengal State Prisoners Regulation. That may be the reason why he has chosen to include that Act in the Schedule. I may mention to Honourable Members that in the numerous Acts and Regulations dealt with by the Repressive Laws Committee this is not one of the Acts included or considered. I may also remind Honourable Members that when, the discussion took place last March in this Assembly on my friend Mr. Amar Nath's motion to repeal the repressive laws, this Act was not one of the Acts mentioned, and therefore if we repeal this Act, if we take away this instrument, in my opinion a wholesome instrument, from the hands of the executive, I cannot imagine what the state of affairs is likely to be. I therefore earnestly appeal to the House not to readily yield to the motion that the whole Bill be passed into law at once. It is a matter which requires serious consideration. I said that to my knowledge that Act is only in force in Dera Gazi Khan and in the Punjab. I have a hazy recollection that that Act was also applied to the tribe known as the Babar Akalis. But whether it was extended to any district outside Dera Gazi Khan, I am unable to say. I have been unable to trace that information. Recently, the Act was applied in other cases also. I do not know whether it has not been withdrawn since. But it is intended only for a special purpose, namely, for dealing with special cases of these fanatics who live both inside and outside the border. Therefore, it will be

[Diwan Bahadur T. Rangachariar.]
 a dangerous step on our part to repeal the Act at once. Another matter to which I wish to draw the attention of the House and the serious attention of my Honourable friend on this side is: Is the country wholeheartedly in favour of the repeal of the Regulations so far as people who are not subjects of His Majesty inside the country are concerned? I do not know that the country demands that the Executive Government should have no power to deal with the aliens inside the land who may be creating trouble. Supposing, for instance, a Russian or a German comes into the country in the shape of a tourist and tries to create trouble inside our borders and also tries to disestablish our Government, is it the intention of my Honourable non-official friends that the Executive should have no power to deal with them?

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): Yes; unless it is given that power by the Legislature and we can do that as occasion arises.

Diwan Bahadur T. Rangachariar: Now, the same Regulation unfortunately deals with both classes of cases. At the time when this Regulation was passed, the internal situation of the country was undoubtedly such that, if the British Government wanted to establish themselves, they should have armed themselves with this power. But, now, things have changed considerably, and the subjects of His Majesty should not be dealt with in that light-hearted fashion in which my Honourable friend Mr. Hudson would like to have them dealt with. I wish he were dealt with under these Regulations. If we had the power, we would not deal with him in that fashion. But, not having been dealt with in that fashion, he does not feel the force of public opinion behind this request that these Regulations which are archaic and unsuited to British methods and British instincts, should be repealed. Whether they should be repealed wholesale is a matter for our serious consideration. Whether those Regulations, which apply not only to aliens who create trouble, or to cases where persons create trouble for Indian States and live within our borders, but also in the same way deal with the subjects of His Majesty so far as internal commotion is concerned, should remain is a matter which requires deep consideration. The Repressive Laws Committee in making their report have made a reservation in that behalf. They have recommended the repeal of the Regulations so far as the subjects of His Majesty are concerned in respect of internal commotion inside our territory. In respect of internal commotion on the Frontier, they want to leave the Executive with powers as they are. But so far as internal commotion inside the country is concerned, you must depend upon the ordinary law and you must depend upon the Legislature to arm you with special powers when the exigencies arise. "These laws must go" is the recommendation of the Repressive Laws Committee and the Government, as it was then constituted, accepted those recommendations in September 1921. As one of the few links connecting the old Assembly with the new, I wish to tell the Government that it will be a breach of faith on their part both with the Members of the old Assembly and the Council of State if they do not carry out the recommendations of the Repressive Laws Committee in this respect. They undertook to do it and it is their failure not to carry out that undertaking that has landed them to-day into a consideration of this wholehogger Bill. The spirit of the Reforms and the spirit of the times require that the Government should take hold statesmanlike steps in order to remove from the

Statute-book these obnoxious laws, which no longer deserve to exist. You have got a Legislature the Members of which are sure to respond wholeheartedly if you only place confidence in them and they feel the responsibility for good government as much as the Executive Government do. It is fond imagination to suppose that you, the Treasury Bench, alone feel the responsibility for the good government of the country. It is that belief which has often landed you in trouble and it is that belief which will land you in trouble hereafter. I, therefore, appeal to the Government to take a broad statesmanlike view in these matters and not to go back upon their conclusions which they came to in September 1921 when they wanted our co-operation which we gave them wholeheartedly. Now, we are told that the circumstances have changed. What is the change in the circumstances which can induce them to go back upon their promise of September 1921 and say that there are serious questions to consider? What is the situation in Madras, what is the situation in Bombay, what is the situation in the United Provinces and what is the situation elsewhere that requires these old archaic weapons to remain in your armoury? Probably, if the Government of those days had instituted a Star Chamber, there would be advocates to-day coming forward to retain them. The argument that exigencies may arise and we may have to use these laws will never pay. You are dealing with the reformed government; you are dealing with a civilized people; you are dealing with an educated people. Now, to come forward and say that, although these may be rusty weapons, we want to use them when occasion arises, is an argument that can never be listened to. And I, therefore, ask the Government to seriously consider this Bill in the Select Committee. We on this side and they on the other side could meet and have a frank discussion as to what portion of the Regulation may go and what portion of it may remain. Therefore, I appeal to my Honourable friends on this side not to hurry this measure which involves serious implications and I appeal to Government on the other side that they should also give way to popular opinion. How long can the Council of State help you? It may help you once or twice, but how long can an Upper House protect you from these things? You have to meet the people's wishes. You have to meet the people's representatives and therefore I appeal strongly to Government to accept this motion for reference to a Select Committee.

Mr. President: Amendment moved:

“That the Bill be referred to a Select Committee.”

Sardar Bahadur Captain Hira Singh (Punjab: Nominated Non-Official): Sir, I have now had the pleasure of sitting in this House with all my Swarajist friends for more than a year. Sir, what has struck me most in that time is the deep sympathy and the touching love that is shown by our friends in this Assembly for those who murder innocent persons, make bombs and throw bombs and who manufacture ammunition and smuggle revolvers and other arms. Sir, these are the persons for whom the sympathy of this House has again and again been asked for either by Resolution or Bill. Sir, we are told that these persons are noble men, misguided perhaps but still noble because they have sacrificed their lives for the sake of their country. We are told that they are patriots. All I can say is that God only can save us and preserve this country from this sort of patriots.

Sir, what strikes me is that more eloquence is spent on a handful of cowardly dacoits than was ever spent on millions of my truly brave countrymen who fought and shed their life-blood on the battle fields of Flanders and on the rocks of Gallipoli, as well as in Palestine and Africa. (*Pandit*

[Sardar Bahadur Captain Hira Singh.]

Shamlal Nehru: "For eight rupees a month".) Well, I have lived on Rs. 8 a month for 65 years and have brought up my children on that Rs. 8 a month which is more than any of you have done, and that is the reason you have so little sympathy with soldiers. All you think of is rupees—not of position, of honour or anything else. You better all go back and take up your practice in the courts where you can gather from me and my brother agriculturists all the money you possess.

To go back to what I was saying, Sir, when I was interrupted. And that eloquence has been expended not by street corner orators but by the leaders of our people, distinguished gentlemen, lawyers of great eminence, kings of finance, princes of commerce, great Pandits and Maulanas; but, Sir, and I thank God for it, not one a soldier. Perhaps, Sir, that is because our ideas of what is brave and noble are somewhat different and more simple; perhaps because our idea of sacrifice is to die face to face with the enemy and not at the end of a hangman's rope. But, Sir, simple as we may be and quite helpless when it comes to a war of words only, we can feel and we can understand the foundations upon which and upon which alone security can exist; and sitting in this Chamber, Sir, for the most part very quietly, I have sometimes thought that many of these learned gentlemen here put a little too much importance on words and phrases and too little on the realities of life. We have heard a great deal too much about the *ordinary law*, the *law of the land*, the *liberty of the subject*, and they sound very nice, too, Sir. But what has struck me is that we have heard nothing about the *life of the subject*: (A Voice: "Do you want the extraordinary laws to remain?") A little more amendment and a little more power certainly, but what has struck me is that we have heard nothing about the rights of the subject to the peaceful enjoyment of his property. To think differently about the Government, to perform the duties entrusted to him by the State, these also seem to me to be very important things. Surely, Sir, it is a very silly thing to secure a man's liberty and then to threaten his life. Surely, Sir, it is idle to talk grandly about the law of the land when that law has failed to protect the lives and property of the people. Surely, Sir, no law yet made was meant to bind a Government helpless for ever when times have changed and the demands are greater, when conspiracies, whether political or sectarian, have come into existence. Surely no Government in the world could exist for a month if it did not have sufficient power to suppress anarchy and murder and organised crime of that nature. And yet, Sir, in season and out my friends in this House have sought to deprive the Government of the powers whose cautious and limited exercise in special parts of the country has perhaps saved thousands of people from violence and robbery. How under the organised movement of the Babar Akalis innocent people were slaughtered by revolvers, guns and bombs is fresh in our minds. I need not go into that question now and take up your most valuable time; but, Sir, I venture upon a warning which I trust an old man may venture to give these young politicians like my friend Pandit Motilal Nehru! It has seemed to me and there are some who think with me, that the bomb which blows up the Government to-day will extend the disunity which already exists. The conspiracy against the official to-day will be used against the community to-morrow (A Voice: "Against the Swarajists too?"). You are quite right, against the Swarajists also. We hope at no distant date to assume the government of this country, and I think, Sir, for our own sake if for

no other motive we should here and now and not to-morrow, prove to all these social outlaws that anarchy and murder will no more be tolerated under our own rule than under the British Raj.

With these few remarks I oppose the Bill.

Lala Duni Chand (Ambala Division: Non-Muhammadan): Sir, it goes of course without saying that I rise to support my Honourable friend Mr. Patel. Not only do I support him; I offer my most sincere congratulations to him for having brought up this Bill. I know that even if these repressive laws are repealed, repression thereby will not be stopped. Repression will go on more or less so long as we are not given the right to govern ourselves, but all the same in repealing these repressive laws we shall have the satisfaction of representing the real mind of the people in this connection. The people are tired of repression though the Government are not tired of it. I know the Government have complained of late that there is a disposition, a tendency, on the part of a section of the people to defy and disobey the laws of the land. I know that the only way to prevent this tendency, this disposition, is to repeal all the bad and repressive laws. The only way in which you can crush the spirit of defiance and disobedience of the laws of the land is to make good laws and to repeal the bad ones. I am as anxious as anybody else that the spirit of real peace and order should prevail in the country. But that is possible only if we take away from the Statute-book laws of this kind. I represent the Punjab and I know a little about the Prevention of Seditious Meetings Act. We have had a taste of it, though a very bitter taste. I know it was applied to a meeting of the Punjab Provincial Congress Committee, which was presided over by my distinguished friend and countryman, Bala Lajpat Rai. A fairly large number of members of the Committee were prosecuted under the Prevention of Seditious Meetings Act and of course tried and unceremoniously sent to jail. The Government took full one year to know this much even with the help of all the legal advice that was available to them, that this Act did not apply to such a meeting. The conviction of Bala Lajpat Rai and several others was quashed by an order of the Government. We know how indiscriminately this Prevention of Seditious Meetings Act was applied in the Punjab. What is this Act? I invite the attention of this Honourable House to section 4 of this Act. What does it say? It says:

“No meeting can be held without the permission of the District Magistrate.”

What is the kind of meeting that has been prohibited under this law? Any meeting which is held for the furtherance or discussion of subjects likely to cause public excitement. This will be sufficient to apply the law. I venture to think that there is hardly any public meeting in which there is not a certain amount of public excitement; if the public excitement is made a crime so much so that nobody can hold such a meeting without being sent to jail, can anybody with a grain of sense say that this is good law which it is necessary to preserve in the interests of peace and order? These are the kinds of laws with which we have been entertained of late. Of course there was a time when we could not raise our voices against such laws. But now it is our duty that we should raise our voice against such laws and say we have nothing to do with them. I also beg to say that so far as our experience goes during the last three or four years we can say that your Penal Codes, the Indian Penal Code and the Criminal Procedure Code, are sufficient to meet the situation. They are so elastic; even if they are not elastic enough at one time they become

[Lala Duni Chand.]

elastic enough another time and any object that the Government want to accomplish can be served by the Indian Penal Code and by the various sections of the Criminal Procedure Code. We know it that not only hundred, but, I think, thousands of people in this country have been committed to jail under what is called the security sections, the preventive sections of the Criminal Procedure Code. Why should you not use them? After all you can pretend in that case that you have applied the ordinary law of the land.

So far as these Regulations are concerned, the argument has been advanced that these Regulations should be considered as sacred things, because they are about a hundred years old. I beg to say that any law that was good fifty years ago or a hundred years back should cease to exist, simply because after this lapse of time it cannot be a suitable law. (Mr. H. Tonkinson: "Hindu Law") (Mr. K. Ahmed: "What about the Frontier?") I know that so far as the Frontier is concerned, I am as anxious as the Honourable the Foreign Secretary to maintain law and order there; in fact when I want that law and order should be maintained there, the Government do not want to maintain it. So far as the Frontier is concerned, of course we are not here to support outlaws. We are prepared to help the Government in any emergency to suppress outlawry or any serious crime; but I know even with regard to the Frontier, that even in the North-West Frontier Province a fairly large number of perfectly good, honest and I should say even harmless people were prosecuted. I have got personal experience of a gentleman—he was as good as any gentleman present here—and I can say on my personal testimony that he was kept in jail for three years; he was Mr. Abdul Ghaffar Khan, one of the important men in the Peshawar District. I have enjoyed his company and I can say that he was a better man than myself and as good as any Member of this House and yet for no reason he was kept in jail for three years. I know there are other cases also that have come to my notice from the North-West Frontier Province where perfectly harmless, perfectly honest and perfectly patriotic people were put in jails without any rhyme or reason. I know of other people who have been put in jails with justification; but at the same time the law has been abused and very many times abused even in the North-West Frontier Province. With these remarks I whole-heartedly support Mr. Patel. Some people think that the passing of this Bill will be confined only to the Assembly Chamber and of course will not receive the assent of the Governor General. I am perfectly indifferent, I do not care; this idea does not at all trouble me; the only thing I want to do really is to place the view of the country before the Government. It is open to the Government to respond to it or not to respond to it. With these remarks I strongly support the Bill that has been brought up by Mr. Patel.

Mr. Denys Bray (Foreign Secretary): Sir, I had thought that after the speech of Mr. Hudson and after portions of the speech of my Honourable friend, Mr. Rangachariar, it would be unnecessary for me to take part in this debate. But my Honourable friend, Mr. Duni Chand, has driven me to my feet. If I understood him aright, so keen was he for the maintenance of peace and order on the Frontier that he was quite prepared to come to the rescue of Government in case of any emergency. Let these laws and Regulations disappear and he would see to it that the Assembly came forward with special rules and regulations in cases of

emergency. That sort of thing, Sir, will not do for the Frontier or for India's foreign relations. Emergency is the normal condition of things on the Frontier and beyond.

Throughout his speech he harped on the word "repressive". Now, from the point of view of India's foreign relations the word
 12 Noon. "repressive" is a complete misnomer for Regulations such as these. My Honourable friend, Mr. Hudson, enables me to pass over this portion of the Bill lightly, for he read out the Preamble at large to the Bombay Regulation, which defines in very clear language the normal uses to which that Regulation and the kindred Regulations are put with regard to India's foreign relations. I am quite sure my friend, Mr. Patel, did not think out the implications of this little Bill. I am quite sure that had he thought out its implications, the Bill would not have appeared on the paper to-day. Now, it is only a few weeks ago that Regulation III of 1818 was put into force to enable Government to carry out a very ordinary international obligation. Some time ago, the base-born son of an ex-Amir surreptitiously made his way to the Frontier and as surreptitiously crossed it into the Afghan province of Khost, where a rebellion against His Majesty the Amir was raging. I myself, who knew the man's record thought that a week would be a long enough life for him in such a turmoil across the Frontier. I have rarely read the record of a more pitiful degenerate. He survived, however, for several weeks, joining the rebels against the Amir in the rebellion which was already at its height. He left Afghanistan as surreptitiously as he entered it and he found awaiting him a warrant under Regulation III of 1818. He is now interned in the Benares Jail. How else were we to carry out a very ordinary international obligation? We could not leave him at large, free to repeat his wicked folly. I have seen it suggested in the press that we should extradite this man to Afghanistan. What? Is India going to leave the society of civilised nations and extradite political offenders? I have seen it suggested elsewhere that we should put this man on his trial. That sounds plausible. But I have had to read his long statement, his diatribes against the ruler of a friendly country; I have read his glowing plaudits of the rebels to the Afghan Government, their aims, their ambitions, their plans and their deeds; I have read his long tirade against the Government of India for their machinations against this waster. Quite clearly, Sir, it is not by a trial that India's foreign relations would be conserved in a case like this.

But, if Mr. Patel has not, as I venture to think, thought out the implications of this little Bill of his, I am quite sure that he did not realise at all the real nature of the Punjab Murderous Outrages Act. This point was raised by my Honourable friend, the Home Member, and I listened with some interest to Mr. Patel in his speech for his justification for the inclusion of this Act in such incongruous company. Mr. Patel dealt with the point very fairly, for he read us out most of the contents of the Act. But, when you leave Mr. Patel's academic researches into the by-ways of the Statute-book and turn to facts and realities, then Mr. Patel's treatment of this Act bears not the slightest relation to realities and facts. The Act and the kindred Regulation which is in force in the North-West Frontier and Baluchistan, are designed for and are used for a particularly horrible crime which is endemic only, I rejoice to say, on the Frontier. It is that ghastly travesty of religious

[Mr. Denys Bray.]

ardour which finds vent in the murder of any man of another religion. It is a crime that requires special treatment for various special reasons. It occurs generally—not always but generally—in localities in which it would at times be dangerous, if not impossible, to put into force the ordinary procedure—in localities from which it would be dangerous, very often impossible, to transport the criminal to ordinary British India. When I cast my mind back over the grim roll of brother officers and unofficial friends who have been victims to this ghastly crime, that point strikes itself very forcibly on my memory; but I need not entertain the House with any particular examples. Then another point is the contagious character of this disease endemic on the frontier. For whatever reason, when you get one case, another case is strangely likely to occur. One reason, of course, is that this crime is committed by men under the delusion that they are thereby going to gain the crown of martyrdom, and that again points to one very special reason for this special procedure. As in the case of so many of our frontier problems, there are two schools of thought as to the right mode of dealing with this crime—the death sentence or life-long imprisonment. But both schools are unanimous on one point—that publicity and advertisement are the chief carriers of this dreadful disease. And Honourable Members must realise that in this crime there is this special feature almost always found in it, to wit, that there is no question whether the man did the deed or not. He is caught almost always, if he is going to be caught at all, *flagrante delicto*, and he continues to the last to glorify and glory in his deed.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhamadan Rural): Sir, I do not propose to add to the detailed discussion of the merits of the repealing Bill which my friend Mr. Patel has introduced. They have been dealt with already in detail. I desire, however, to deal with only two points which arise out of the motion of my Honourable friend Mr. Rangachariar for reference to a Select Committee. One of the points he urged before this House as to why a Select Committee was necessary was that there is at present no legislation in force which will enable the Government to deal with aliens in this country. Sir, I was startled when that statement was made and I was waiting to know what the Honourable the Home Member would say by way of reply. When I refreshed my memory through books, I found that this question of dealing with aliens in this country was for long, a most important matter for which during the days of the East India Company they took care to obtain powers from Parliament. Therefore, the Act of 1833, section 84, specifically directed the Governor General in Council as soon as conveniently might be to make laws or regulations providing for the prevention or punishment of the illicit entrance into or residence in British India of persons not authorised to enter or reside therein; and effect has been given to this requirement by Act III of 1864 passed by the Governor General in Council under which the Government of India and the Local Governments can order foreigners to remove themselves from British India and apprehend and detain them if they refuse to obey the order. Under the same Act, the Governor General in Council can apply to British India or any part thereof special provisions as to the entry, return and licenses of foreigners. There are other ample provisions under laws and Orders in Council issued under statutory enactments

of Parliament, by which aliens can be summarily dealt with in this country. There are first of all the Rules and Orders in Council framed under the Fugitive Offenders Act and under the Indian (Foreign Jurisdiction) Order in Council of 1902. There are also orders which have been passed under the Extradition Act. Sir, I do not think, therefore, that a jurisdiction for the maintenance of this Regulation can be founded on the contention that aliens could not be dealt with otherwise than under these Regulations, because, even assuming that the powers under these several Acts are insufficient, I do not think it can be contended even from the Treasury benches that it is impossible for this House to agree to deal with aliens in a manner which is consistent with the maintenance of good government in this land. Really, that is not the ground upon which the Government want to oppose this measure.

Then, again, we have been told that the question of the operation of the Punjab Murderous Outrages Act is one which ought to be dealt with in Select Committee. I do not know, Sir, why that Act should remain on the Statute-book and why the powers which now exist under the other Statutes could not be used by the Government to deal with those people whom they may want to come under the Punjab Murderous Outrages Act. If such powers are insufficient, it is the bounden duty of the Government to come to this House for powers which are restrictive of the elementary rights of ordinary citizenship. We feel, Sir, that so long as this House has been duly constituted, as the official reports so grandiloquently put it, as the Parliament of this country, it is this House that should legislate for the country and not the executive authority. These Regulations are merely rules, as they have been described in the Preamble to the Regulations. They are really rules passed by the executive Government of the country at the time to deal with a state of things which do not exist at all at the present time.

We have also to remember, Sir, that since the passing of the Government of India Act, the power of the Government to avail themselves of these obsolete regulations was impliedly expected to be taken away and the Repressive Laws Committee in pursuance of a policy which was supposed to lie behind the Government of India Act, 1919, recommended that these Regulations should be repealed and that resort should be had to this Legislature for such powers as the executive Government may need to deal with extraordinary situations. So far as the provisions of the Government of India Act are concerned, the Government have reserved to themselves extraordinary powers of making laws in defiance of this Legislature and ignoring the fundamental rights of this Legislature, as they have done in the past. They have power to legislate by certificate. Then they have legislation by Ordinance. When they have got all these enormous and ample powers, to contend that they would also like to have these old and obsolete Regulations to remain on the Statute-book, to get hold of every little thing that they can get to suppress the liberties of the people,—that is a claim, Sir, which no civilised Government ought to make on the floor of this House. I support the motion of my friend Mr. Patel.

Mr. T. E. Moir (Madras: Nominated Official): Sir, I only recently returned to this country and having been for a considerable period out of touch with current events I rise to speak on the motion before the House with a double share of that diffidence to which my Honourable friend

[Mr. T. E. Moir.]

Mr. Rangachariar referred. When he rose to speak I hoped that I should find it entirely unnecessary for me to say anything at all and that everything that had to be urged on behalf of the province from which we both come would have fallen from his lips. But Mr. Rangachariar has disappointed me. He has disappointed me before and I am afraid he may disappoint me again. But there is, I think, something to say on this Bill in so far as the Madras Presidency is concerned. When I arrived the other day from home it was quite by accident that I came across in one of the daily papers a reference to this Bill put forward last Tuesday by the Honourable Mover. The conclusion I came to was that, during the period which had elapsed between my departure from England and my arrival in Bombay, the promised millennium had arrived and that in honour of the event my Honourable friend Mr. Patel was having a bonfire of legislative rags and rubbish. But when I got to Madras I found that no intimation of the event had reached Madras and that in Madras opinion was not so consolidated in favour of this measure as the Honourable Mover would like to assume. (A Voice: "Question?") Now, Sir, I propose to confine my observations entirely to that part of the Bill which specially concerned my own province, namely, the proposal that Madras Regulation II of 1819 should be deleted from the Statute-book. Mr. Hudson quoted the Preamble of a like Regulation with which his province is concerned and I should like as introductory similarly to quote from the Preamble of the Madras Regulation; not in any spirit of rivalry, though I think that on the whole the Madras Regulation is perhaps in point of brevity somewhat superior to that of Bombay. It recognises that "reasons of State policy may occasionally render it necessary to place under personal restraint individuals against whom there may not be sufficient ground to institute any judicial proceeding or when such proceeding may not be adapted to the nature of the case or may, for other reasons, be inadvisable or improper;" and as in the case of the Bombay Regulation it proceeds to make due provision for the revision of any orders passed under the Regulation for the health of the prisoner and for the sustenance of himself and his family. That Regulation Mr. Patel proposes to repeal. Now, I am no lawyer, but I think the repeal of a Measure is generally proposed either when it has become obsolete, such as those laws of which I believe one or two curious examples still exist on the Scottish Statute-book regarding the playing of golf on Sunday, or of football in the streets; or repeal is proposed when circumstances have so altered that the retention of a particular measure is no longer necessary; or lastly, when it is proposed to replace the measure to be deleted by another measure which has been brought up to date and improved. The Honourable the Mover has certainly not proposed to replace the Madras Regulation II of 1819 by an up-to-date measure, and I hope to prove that the circumstances which rendered a measure of that kind necessary when it was introduced over a hundred years ago have not, as the House has been informed, disappeared in the Madras Presidency. Now, I turned to the speech of the Honourable the Mover when he introduced this Bill to see whether I could find the grounds on which he included Madras Regulation II of 1819 in his Bill. I have nothing to do with the accusations or charges which he levelled against other Governments. I secured a copy of the Honourable the Mover's speech only this morning shortly before the House met, but as far as I can see, he did not bring any of these charges against the Madras Government. As far as that Regulation is concerned, his objection to it appeared to be that it had not been passed by this Legislature. I do not know how far the Honourable Member is going to carry his

campaign against all legislation which was not passed subsequent to the Reforms, but if that is his criterion, this House, I am afraid, will have a very heavy programme before it. He also said, what we want is that the Government should come to us for powers. Now I yield to no one, not even to Mr. Patel, in my regard and respect for this Assembly. But, I think the Honourable the Mover is a more recent convert than I am to a sense of the respect in which this Assembly ought to be held and I am not quite sure that the deep regard and deference to it which he displayed in his speech is evidence of a permanent revolution in his attitude.

I come now to what is, from the Madras point of view, a really important matter in connection with this Bill. We have in Madras two areas in respect of which all sober opinion in Madras would admit that the retention either of this Regulation or of some enactment containing similar provisions is absolutely necessary. I refer to the Malabar district and the Agency Tracts. The problems which these two tracts present are in one respect essentially different. In the Moplah population of Malabar you have a people who are naturally industrious, thrifty, admirable in their domestic relations, and display all the qualities which make a potential good citizen. But, unfortunately, they are ignorant, and their keen devotion to their religion has, owing to that very ignorance, and to that semi-isolation in which for so long they have lived, led them at times into strange paths. A fancied slight to their religion or a fancied grievance may suddenly flare up into deplorable and fanatical excesses. The tribes of the Agency are in a different category. They are, I am afraid it must be admitted, lazy, addicted to excesses, unthrifty; and their very simplicity and natural truthfulness which is perhaps their most attractive characteristic renders them exceedingly liable to be gulled by any plausible scamp who desires to exploit them for either political or economic reasons. But, although the characters of the two people in these two areas differ so materially, the problem is essentially the same. When trouble has arisen in these tracts it has not been the result of any mass movement or any united or organised attempt to better their position. It has originated from the secret leaven of one or two discontented individuals keeping in the background, seeking, without being discovered, to rally to the furtherance of their own purposes others whom they may find, in whom they can instil a feeling of grievance or in the case of the Moplahs of religious ardour. This danger is not of recent growth in the Malabar District. Such disturbances took place even in the times before the country came under the British Government and since the British occupation, I think I am right in saying, though I have no accurate particulars, that more than thirty outbreaks, spread over the last century, have taken place in the district and have been accompanied in almost every case by most appalling horrors and outrages. Now I do not propose to refer in any detail to the lamentable outbreak which took place in 1921. The House is perfectly familiar with the horrible history of the 18 months or two years during which one of the most beautiful tracts in the whole of India was laid waste and its people subjected to untold misery.

Mr. V. J. Patel: In spite of the Regulations?

Mr. T. E. Moir: Now, will any Member of this Assembly say that, if by the prompt application of the provisions of this Regulation these events could have been prevented, such action would not have been entirely justified. (There was some interruption at this stage.) I hear a Member dissent. I would suggest that he should go to the district of Malabar and ask the opinion of its inhabitants.

Mr. M. K. Acharya: I have been there seven years and know the place better.

Mr. T. E. Moir: I would suggest to you to go to Malabar and find out whether the people there do not agree with the opinion I have expressed. It is perfectly true, I do not propose to go into that wide question now,—that in that case action was possibly taken too late. The seeds of evil had already been sown. But there have been cases in Malabar and elsewhere where the faking of action or the intimation that action would be taken under that Regulation has been productive of good and possibly of preventing similar occurrences. I further claim that in another respect Madras Regulation II of 1819 is of much greater importance than has been indicated by the Honourable the Mover in his cursory Bill before the House. If it had not been for the existence of that Regulation it would not have been possible to deal with those who have been concerned in or affected by those outrages with so much leniency and consideration. The House will remember that one of the most deplorable features of the outbreak was the numerous conversions of innocent and unoffending Hindus to the Muhammadan faith. Now these people came complaining to the authorities. They were able to give the names of those who had taken part in those outrages. The Honourable Member would say "Why did you not put those men on trial?" Yes, but surely we were bound to take some course which would save those poor victims from a public degradation, save them from what they regarded as a shame and a disgrace to themselves and to their families that further if the men who committed these outrages had been put on their trial, in the conditions of the country at that time, evidence might not have been forthcoming through fear of intimidation and all that would have happened would be that the reputation and feelings of these families and these individuals would have been publicly smirched and lacerated and no purpose would have been served. The men who had committed these outrages might have been acquitted by the courts and allowed to return among peaceful and innocent citizens; to go back to their villages and live beside and be a menace to the people on whom they had perpetrated these wrongs. It was possible by means of this Regulation, without running these unnecessary risks and bringing more unhappiness on the wretched victims, to order that these people should first be interned and as time and opportunity permitted to be released but forbidden to return to Malabar itself or to the area in which their presence would have been a continuing danger. There are, I believe, men who are still kept out of the Malabar district on this very ground.

Mr. A. Rangaswami Iyengar: Not in the Andamans?

Mr. T. E. Moir: Not in the Andamans. What happened was that these people were merely forbidden to return to their own district. What would happen if this Regulation is repealed and these men are allowed to return? I had hoped that we had heard the last of the Malabar rebellion. The wounds which it has left behind are gradually healing. The best minds in the two communities want to settle down to live in amity together and the Honourable the Mover of this Bill would force the Government to take a step which might enable the men forbidden to come to the district to return and jeopardise all the ameliorative work that has been done since the rebellion.

Now, Sir, I propose to deal briefly with the other area, the Agency Tracts of the Madras Presidency. So far as I can gather, little interest

has been taken in the north of India in the events which have caused so much trouble to the Madras Government in that tract. I take it that interest has been concentrated on events in Kohat and Delhi and elsewhere which demonstrate how completely effective the ordinary law can be in anticipating, preventing and repressing disturbances. But, although perhaps not a spectacular event, the recent *fituri*, as it is called in the Agencies, lasted for a period of something like two years. It has cost the Madras Government a sum of something like 20 lakhs. I may say that in Madras we could not merely subsidise but we could permanently endow one of our small industries with that sum. It has resulted in the loss of the lives of promising officers. A force of over a thousand police had to be employed, many of whom were incapacitated, some for months, some permanently by disease, others were killed, others died; and the only satisfaction perhaps that we in Madras can point to in the whole wretched business is that our police forces displayed a gallantry, a readiness to undergo hardship and dangers of which we are proud and of which we shall continue to be proud in spite of the aspersions which the Honourable Pandit Motilal Nehru has cast upon the police forces of this country. Now, I may be asked, what have these events, what has this *fituri* got to do with Madras Regulation II of 1819? I can say this, that here again if early and timely resort had been made to the provisions of that Regulation that *fituri* would never have arisen. It is the reluctant use not the abuse of the Regulation to which exceptions might be taken. And further, if it had not been for the provisions of that Regulation that *fituri* might still be under weigh. The ordinary law can only function under those conditions which it postulates and to which it is adapted. How can the ordinary law function when, as was the case in the Agencies, those who were bound to assist the Government by the offices which they held, were in constant communication with the rebels, instigating them, abetting them, giving them shelter, giving them food; when any witness who dared to complain was liable to find himself attacked; when even villages were held under terror and intimidation: for they are small scattered villages in many cases with miles of jungle between them and the nearest police outpost: easily ambushed, with no possibility of defending themselves against the attack of a wild gang of outlaws. Could the ordinary law function there? No. It was only by resort to the provisions of that Regulation that these unfaithful officers of Government, village headman, *muttadars* or others were brought to book and at last were made to feel that it was better to assist the law than to help in burking it. The Honourable the Mover would no doubt tell me that this is all past, that it will not recur again. Though I did not serve in Malabar I have served in an adjacent district and I have served in an agency district. I have from time to time met super-optimists who were confident that all the risings were over, that conditions were changed, that the great *fituri* of 1879 when something like 5,000 troops had to take the field was the last serious event of the kind that the Madras Presidency would ever witness. I was not and am not prepared to accept any such assurance. (Mr. V. J. Patel: "I do not want to give it.") Then in that case the Honourable Member will perhaps reconsider his attitude towards the Madras Regulation II of 1819. (Mr. V. J. Patel: "Get it passed through this Assembly.") The Honourable Member says "Get it passed through this Assembly." Then why did he not adopt the right course? The right course was to introduce a Bill giving those powers and saying "these are the powers we are prepared to give to the Government to deal with such cases," in which

[Mr. T. E. Moir.]

case the repeal of Madras Regulation II of 1819 would appear in the Schedule of an Act to replace it by better and up-to-date provisions.

Now, Sir, I do not wish to argue the matter of the necessity of the retention of these provisions in the Madras Presidency any further, but there are two more general matters to which I should like to refer. One of the problems, the constitutional problems, of the near future in this country will be the adjustment of the relations between this Assembly and the Local Legislatures. Now, Sir, we in Madras although we follow methods somewhat different from those of one or two other provinces that I could name, are equally keen in the matter of constitutional advance.

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): On a point of order, Sir, is all this in order in connection with the motion to refer the Bill to a Select Committee?

Mr. President: Order, order. Mr. Moir.

Mr. T. E. Moir: I say, Sir, that we, in Madras, are as keen on political advance as any Member of this House, as the Honourable Member himself. But, Sir, when we in Madras talk of provincial autonomy, we mean provincial autonomy, and we do not intend when a local legislature with an Executive Government more fully based upon it comes into being that those checks, those restrictions, which at present exist under the Government of India Act shall be replaced by a despotism exercised by this Assembly. We hold that matters of that kind, Malabar, the Agency, how those problems are to be dealt with, are essentially matters for the Madras Presidency and that they will be matters essentially to be controlled and determined by the Legislature of the future; and I am afraid the introduction—I may call it the contemptuous introduction—of a Bill of this kind in which it is simply said “Abolish Madras Regulation II of 1819”, I am afraid that the action of the Honourable Member will merely increase in the Madras Presidency the feeling (*Voices:* “No, no”) that when the constitution is readjusted the claims of this Assembly to interfere in that manner in matters with which the Presidency is mainly or solely concerned will have to be strictly guarded against. The other matter to which I would refer, Sir, is this.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Would you refer it to the Madras Council and would you abide by its decision?

Mr. T. E. Moir: I am referring to the general constitutional question, but if you ask me whether my attitude will be endorsed by . . .

Mr. President: The Honourable Member had better address the Chair.

Mr. T. E. Moir: I beg your pardon, Sir. It is very difficult to deal with these interruptions.

Sir, the last point to which I would like to refer is this and I would ask the Assembly seriously to consider it. The Honourable the Mover and those associated with him look forward within the space of a few years to become responsible—they demand to do so now—for all these matters and to become responsible for the internal security of India. Now, Sir, it is perfectly true that, when that consummation is achieved, the Honourable the Mover and his party or those who are associated with him in the Government of that time will enjoy advantages which the present Government do not enjoy. But, at the same time, they will suffer under disadvantages which do not apply to the present Government. Further, by a mere constitutional decree the

elements of the problem will not be altered. There will still be Malabars, Agencies, communal and other difficulties to deal with; and yet they are at present busy cutting away all those laws which, for the present to some extent, do enable the Government to deal with situations such as I have referred to. There is no guarantee that such incidents will not recur even when they take over the reins of Government, and it may be, Sir, that before very long we shall see the Honourable the Mover and those who are with him in proposing the repeal of these enactments coming to the Legislature—and coming in vain—to ask for the restoration of those powers which, wantonly and recklessly and without any prevision, they sought to take away from their predecessors.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban)*: Sir, when I listened to the last speaker and the amount of anger, the amount of rage and the very little of material in his speech, I really wondered what he would do if he had to exercise his powers under the Regulation. Very few people would be safe indeed, and that is one of the dangers which the Honourable Member has displayed. Sir, the official mind—I mean this in no disrespect—is so peculiarly constituted that it cannot possibly see the opposite view, and the Honourable Member worked himself up to a picture as horrible as it could be of Malabars, Agencies, and so on and so forth. I shall deal, Sir, in a moment with the issue which this Assembly has got to decide. Then, again, another example of that great Service and the mentality of that Service was Mr. Hudson. He made a speech, Sir, which was out of place after breakfast. (Laughter.) He even went to the length of saying—and I was surprised that he should have made such a damaging admission—that, although he has been an officer for so many years in the Bombay Presidency, although some prominent men in Bombay were regulated under this Regulation, he had never read the provisions of the Regulation. What a creditable thing for an officer who has been one of the rulers in the Presidency to make a confession like that before this Assembly! But why should he read it? What does it matter to him? He is safe. He knows: he cannot be regulated out of his liberty. Why not? For the very good reason that he is a ruler. I listened to the speech of Mr. Denys Bray and with great respect, and it dealt with a point of view I recognise. I fully recognise it. Sir, that is one of the points which has embarrassed me to a certain extent in dealing with these Regulations. The question of the Frontier is one that does require very careful consideration.

Now, Sir, let us examine the issue before the House to-day. The first charge that is brought against us is that we are wanting in capacity to appreciate the necessity for maintaining law and order. I assure you, whatever may be your ideas, and I am speaking on behalf of a very large body of the Members of this House, there is no justification for that allegation. I have no hesitation in saying that anarchical crimes must be ended. We want to see the end of it; I want to see the end of it, and I have no hesitation in telling you that I am willing to co-operate with you whole-heartedly to put an end to this danger which is facing us. And when I say so, I honestly say so, and when I admit that, I honestly admit it; but it does not follow that, while I desire that, I agree with your methods. The real issue is the methods. What are the methods which you want to employ? Sir, these Regulations presuppose a personal rule. Do my Honourable friends there

* Not corrected by the Honourable Member.

[Mr. M. A. Jinnah.]

recognise that? You have governed this country by Regulations; you have governed this country by personal rule for the last 150 years. Do you recognise that that is slowly passing away? You have reached a different stage. We, on the other hand, desire that that personal rule should be replaced by the rule of law. We desire that the growth of citizenship should be encouraged, and we desire to establish a representative government. That is really the issue between us and you. Now, can we tolerate Regulations of this character on the Statute-book? And what can be the justification for keeping them on the Statute-book? You appointed a Repressive Laws Committee. That Committee made its report. It recommended that, if not all, most of these repressive laws should be repealed, with the exception of those affecting the North West Frontier. The Government agreed to it. We had a long, rigmorole speech from Mr. Moir. Evidently he lives in Madras and is out of touch with things. The Government agreed to the repeal. And what is the justification now? As my Honourable friend the Home Member very rightly said, and so did Sir Malcolm Hailey in that debate last March on the Resolution to take steps to repeal the Regulation of 1818; his point was exactly the same as the Honourable the Home Member now makes. He says "Well, present conditions are such that we cannot possibly part with these powers. There is a recrudescence of anarchism in Bengal and the present is not a moment when we can possibly part with these powers." These are powers which are always welcomed by Madras. It is in their very nature. They like these powers; they would like more such powers. I say these are powers which are always welcomed by the bureaucracy, although my Honourable friend the Home Member may be an exception to that and I am inclined to consider his case on a different footing. But it is common knowledge that these arbitrary powers are always welcome. Why are they welcome? For the sake of administrative convenience. It is a very nice thing to have. Mr. Moir, if he is angry with me, can lock me up. That is a simple way of getting rid of me. I cannot claim a trial. He might send a doctor where I am who might come and examine my pulse and report to him that I am doing very well. All this is common knowledge, and you don't want to part with these powers, you want to stick to them. Now we want you to part with these powers; and at the same time let me assure you that I can give you proof. I ask you not to level this charge against us, that we do not appreciate the necessity or the desirability of maintaining law and order. I will give you an instance. In the Morley-Minto Reformed Council at the very first session, when it was called the Imperial Council, Lord Minto's Government brought in the Press Act. I ask you, do you remember that that was accepted by almost every non-official Member in that Council? I was a Member myself and I remember how we disliked it. It was abhorrent to me. My ideas of the freedom of the press, which I prize immensely, made me revolt against it; and yet let me tell you, Sir, that I was converted. I am not disclosing any secret when I tell you frankly and honestly why I was converted. Mr. Sinha, now Lord Sinha, who was the Law Member, discussed the matter with me. I was not converted. He then told me "I will send you my file; you read it; and then we will discuss it." He sent me his private and confidential file. I read it. The Honourable the Home Member seems to be amused at this. It did not contain anything else except all the extracts from various newspapers which were collected by Government. I read them and I assure you that when I went through them I felt that it was difficult

for me to resist that measure, being passed. Well, if you really keep harping on this point that this Assembly is incapable of appreciating the necessity of maintaining law and order and cannot therefore be trusted, we keep on saying that this bureaucracy wants arbitrary powers for furthering their own ends and that after they have obtained those powers they are going to misuse them as they have misused them in the past and as they are bound in the very nature of things to do—they cannot help doing it. What did Mr. Moir say? I am surprised of course that he could have said it with so much gusto. What did he say? He said "There was no offence on the part of Government; we locked up so many people and we kept them there and prevented them from going to their homes. They are not allowed to go even now". He said that with great gusto: it is a very heroic thing to do indeed!

Mr. T. E. Moir: I protest, Sir, against the use of the expression "with gusto"; it was with the greatest regret that I referred to all these happenings in my speech.

Mr. M. A. Jinnah: Sir, I am quite willing to use any word that the Honourable Member would suggest to me, provided it is appropriate. I think that was the only appropriate word. What did Sir Charles Innes say on the Ordinance Debate? He said "If we had placed the facts which we had got before my friend, Pandit Motilal Nehru, he would have said 'Go ahead; hit them hard.'" Hit whom hard? (*The Honourable Sir Charles Innes:* "The anarchists.") The anarchists? Are you hitting the anarchists now? That, Sir, is the mentality which I protest against. Here you have an Honourable Member, a Member of the Government of India, saying "Hit the anarchists". That is the whole question. Whoever says, you should not hit the anarchists? But you are hitting the innocents. I shall prove it to you. Sir Charles Innes read the opinion of Sir Narayan Chandavarkar and another Judge who examined certain cases on the police papers. Does he know that, as the result of that examination, even on the police papers—leave alone the test of cross-examination and the test of judicial trial—five per cent. were found innocent? Do you know that? I can prove that five per cent. were found innocent even on these police diaries. Are you hitting hard the anarchists? Sir, it is all very well for Sir Charles Innes to say this. What does he say? He recognises that he might be blamed by me—I am glad he is afraid of me at least. He said "That stern cross-examiner would have held us up and brought forward an indictment and would have held us responsible for the lives of the people". There would have been an impeachment of Sir Charles Innes by me in this House—I wish I could impeach him. Therefore he said. "We had to do this." Is that an argument? However, that is beside the point. But I wish to say this. Sir Charles Innes when he wound up appealed to this House and said "I ask you to show sanity of judgment, political sense and moral courage." Yes, Sir, I assure you that this Assembly has got moral courage; this Assembly has got political sense; this Assembly has got sanity of judgment (*Mr. V. J. Patel:* "And self-respect") and self-respect, if you will only act in the same way and show it by your actions.

The Honourable Sir Alexander Muddiman (Home Member): Sir, when leave was asked to introduce this Bill, I took the very unusual course of making a long speech in order to oppose it. That is a course that I should very rarely be inclined to adopt. My ordinary rule in dealing with legislation would never be to oppose a Bill on introduction. If I did so it

[Sir Alexander Muddiman.]

was because I felt that the policy of Government was determined in this matter and I must do so at the earliest possible opportunity to indicate to the House the line that I proposed to follow. Mr. Jinnah has said, and I think said rightly, that I attacked the present Bill for exactly the same reasons as my predecessor. I sought in my introductory speech (and I was charged I believe with warmth and, Sir, I did feel warm—I admit it—I will endeavour not to transgress in that way this morning) to show that the situation in this country was a very serious one, was increasingly serious, and that something must be done to deal with it. In the last few days, I have spoken almost continuously in this House dealing with the Bengal situation. In my speech dealing with this Bill I did not and I will not again refer to it. If the House are not satisfied by me, if they are not satisfied by their own investigation, that there is a serious and dangerous conspiracy in Bengal, then indeed I have wasted my breath. It was admitted by everybody and I think my Honourable friend, Mr. Duraiswami Aiyangar, was alone in contradicting it. So much for the Bengal situation. Then, Sir, I gave to the House an account of recent interference from outside in India. I assured the House that there is such interference, that we are confronted with an organisation outside India, which is endeavouring to sap all government. I was much pleased to hear that we can rely (though the applause might have been louder) that we can rely on the support of this House in dealing with and stamping out that menace, and I thank Mr. Jinnah for having voiced that view so clearly. Very good, Sir. If that is the case, what is the position in regard to this Bill? Two main arguments have been advanced—I do not propose to go into them in great detail as I have already spoken on the point. Two main lines have been taken. One is: what about the Repressive Laws Committee and their report? It is said that Government pledged themselves as a result of that Committee to repeal this legislation, that is as regards the Regulations, and that that pledge should be fulfilled forthwith. Now, what, Sir, were the circumstances under which that Committee met? It met in the year 1921 and it said:

“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. In the event of a recurrence of any such emergency we think that the Government must rely on the Legislature to arm them with weapons necessary to cope with the situation.”

Well, Sir, that was the Report of the Repressive Laws Committee. And if Members will look at that Report, they will see a most significant footnote. The ink on that Report was not dry before the Repressive Laws Committee had to add this rather remarkable footnote:

“After this Report had been drafted, we received information of the grave and widespread disorders in Malabar which in our opinion has more than justified the apprehensions leading to this conclusion.”

Well, Sir, that was at least significant. Before the Committee had even signed their Report, these disorders had broken out.

Then, Sir, it is said that we should come to this House for legislation. Sir, we have had experience—little experience—of coming to this House for legislation of this kind. In the last few weeks, we brought before the correct forum, the proper body to enact that legislation, we brought before the Bengal Legislature certain measures which we considered necessary. What was the fate of those measures? They were rejected, not after discussion—they were rejected on a motion for leave to introduce. That was a Bill brought forward with all the weight of His Excellency Lord Lytton's

Government, brought forward with the sanction and support of His Excellency the Viceroy's Government, and the Bengal Legislature rejected that Bill—they would not even consider it. They said: take it away. In fact—the waste-paper basket policy.

Mr. V. J. Patel: And therefore you would act unconstitutionally.

The Honourable Sir Alexander Muddiman: Therefore, my Honourable friend says, I will act unconstitutionally. It is far otherwise. I am at least as earnest a supporter of constitutional methods as my Honourable friend. When Mr. Jinnah said that I hate these special measures, he said no more than the truth. I do hate them. But I do recognise that there comes a time when they may be necessary.

Sir, I have dealt with the point regarding the Repressive Laws Committee. My Honourable friend, Diwan Bahadur Rangachariar, speaking with his usual force, with his usual sane commonsense, has put down a motion for reference to Select Committee and said that he recognises at any rate that the time is not yet, nor is the occasion one, when we can safely strike all these measures off the Statute-book. He recognises that there is a great deal to be said for some of these measures. He recognises that though you may not be going to act in accordance with the advice of the executive, the authorities who are answerable to you, you must at any rate act advisedly before you take away their weapons. What will be the effect, however, if I were to support my Honourable friend's motion? It would be to affirm the principle of this Bill. What is the principle of this Bill? It is the repeal of the measures included in the Schedule. (A Voice: "Not necessarily".)

• **Diwan Bahadur T. Rangachariar:** May be in whole or in part.

Mr. M. A. Jinnah: And not all.

The Honourable Sir Alexander Muddiman: The principle that the House will affirm by a reference to Select Committee of the Bill is, I repeat, the principle of repeal. I agree that it does not involve the repeal of all the measures, but, as I object to the repeal of all the measures, it would be impossible for me to support this motion.

Diwan Bahadur T. Rangachariar: May I ask the Chair whether that is a correct interpretation and whether the Honourable the Home Member is not under a misapprehension?

Mr. President: The Honourable Member knows very well that when a Bill is referred to a Select Committee by a vote of the Assembly the Assembly thereby endorses the principle of the measure. The principle of this measure appears to be the repeal of certain enactments and if the Honourable the Home Member says he does not wish to have any of them repealed, presumably he must vote against reference to Select Committee.

The Honourable Sir Alexander Muddiman: I am obliged to you for your ruling, Sir. Now, one argument I have heard put forward why we can safely repeal these special measures is (indeed it was contemplated by the Repressive Laws Committee) that we should undertake special legislation to meet special circumstances. I have dealt with the general point on the question of asking for legislation and I have shown that at any rate we have come to the Legislature on one occasion without success.

Diwan Bahadur T. Rangachariar: Not to this Legislature.

The Honourable Sir Alexander Muddiman: We went to the proper and correct forum without success. Now, to convince any Legislature, to put it frankly and fairly, of a condition of affairs which will require special measures things must have gone very far. I quite concede that it is extremely difficult for Members possibly not in possession of full information to vote measures which others in possession of more definite information may regard as essential. I admit that, but that brings with it its own difficulty. Matters must have gone very far before you can convince such people that legislation is necessary. That is one of the dangers of which I warn the House. Whatever your Government, whoever may be sitting on these benches, this danger will continue to exist. You have got to let things go very far down the street in the way of deterioration of affairs before you can convince your Legislature. Now, Sir, Mr. Jinnah was convinced, apparently by some papers that were supplied to him by the late Governor of Bihar and Orissa, Lord Sinha. If I can convince him as easily on this matter I still have hopes of bringing him round to my side. I have cited in my original speech the information, such as I have available, as to the existence of external influence intended to sap and destroy the Government out here. If any evidence that I can produce will satisfy the Honourable Member or he will care to see it, I should be very happy to show it to him. (*A Voice:* "Why not to the Select Committee?")

Sir, I regret, as I have said before, that a reference to Select Committee would, in the view I take of the position of Government, commit me to action that I am not in a position to take, that is, I should be committed to the principle of the Bill. If the House should be so advised, which I hope it will not be, as to pass this motion, at the consideration stage I shall endeavour to ascertain the views of the House on each and every one of these several enactments. There has been some difference of opinion expressed on that matter. (*A Voice:* "No.") I hear a voice "No." I thought I heard some expression of opinion in support . . .

Mr. M. A. Jinnah: May I ask the Honourable the Home Member whether he is opposed to the repeal of even a single one of these Acts and Regulations?

The Honourable Sir Alexander Muddiman: Yes, as at present advised. It has been suggested that these Regulations are not law duly passed by a Legislature having authority for the time being to make law. That is not correct. You may object to the law. You may seek to amend it. But you cannot say it is not law and if it is passed by the Legislature for the time being whatever that Legislature may be, it is as good a law from the legal point of view as any law that you have got. If you are going to take up the line that no law has any validity unless enacted by the Legislature existing for the time being, you in the end come to the logical conclusion that at the commencement of every new session of the Assembly the Assembly must re-enact all the existing laws.

I desire to sum up my arguments very briefly. My Honourable friend, Diwan Bahadur Rangachariar, said that in 1921 the Repressive Laws Committee made a recommendation and he went on to say, "Look round India and tell us . . ."

Mr. V. J. Patel: Is this reply on the motion of my Honourable friend, Diwan Bahadur Rangachariar, to refer the Bill to a Select Committee, or is it a reply on the main motion. I make this inquiry because I have got to consider whether I should speak now or after.

Mr. President: The question that I shall put within a few minutes is that the Bill be referred to a Select Committee. If that question is disposed of in the negative, the debate will proceed and the Honourable Member will have the opportunity of a final reply at the end. But if the question is decided in the affirmative, then the Bill goes to the Select Committee and there is no further debate at this stage.

The Honourable Sir Alexander Muddiman: When I was interrupted I was endeavouring to sum up the main points of my argument and I was dealing with the proposition that my Honourable friend Diwan Bahadur Rangachariar put forward, namely, that looking round at the state of the country there are no such special conditions. He made no reference whatever—I am sure it was a slip—to Bengal.

Diwan Bahadur T. Rangachariar: I did it purposely. That was a matter to be talked over in the Select Committee.

The Honourable Sir Alexander Muddiman: My point is, in dealing with a matter of this kind, when we are considering how far these special measures are to be maintained owing to the particular present condition of the country, the actual state of affairs in Bengal is very, very germane to the position. Sir, I drew the attention of the House to the position proved in a judicial proceeding in Cawnpore and again in appeal before the Allahabad High Court. I have quoted copiously from that judgment and I am not going to detain the House by quoting the extracts once again. Are the conditions which I have really endeavoured to impress on the House but I fear with very little success—are these the conditions under which Government can surrender any of those powers? I say, No, and definitely No. In vain is the net spread in the face of any bird. In justice to Mr. Patel, I must say that he has not attempted to charm me to do this. He is quite frank. I gather not only from his speech but also from the various motions standing in his name that his point is this: "I will clip the wings of the executive Government. I will take away their executive powers. I will reduce their powers of preventive action. I would even reduce the powers which are conferred by the existing criminal law. I will weaken the ordinary law and cut it down." That is his position. It is a perfectly clear position. It is a position which he may take up and to which no one can object, but it is not a position which he can expect me or the benches from which I speak to take up. I should have thought, I still think, there are many in this House who take the same view as I do, that co-operation with us in the preservation of law and order is not merely a political necessity but it is a social necessity. On it depends your life and my life. On it depends the whole social fabric. Mr. Jinnah was perfectly right when he said that every thinking man must be willing to co-operate with Government on those terms. He went on to say, and he was again right, that it was a question of methods. I agree it is a question of methods. This Bill is a Bill which weakens our hands. If it was brought forward in ordinary normal peaceful conditions, I do not know what the attitude of the Government would be. I know what my own would be. I have however to deal with facts as they exist now and with the times as they exist now. As I opposed the motion to introduce the Bill, so I oppose the motion to refer the Bill to a Select Committee and any other motion that may be made upon the Bill.

Diwan Bahadur T. Rangachariar: In view of the attitude of Government, I find I am serving nobody by my motion. I therefore wish to withdraw it.

The motion to refer the Bill to a Select Committee was, by leave of the Assembly, withdrawn.

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

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

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): *Sir, I have been surprised that the Government have not seen their way to agree to the amendment of Mr. Rangachariar to let the Bill go to a Select Committee. I consider, Sir, it to be a great misfortune that the Government should show so much distrust of the Members of this Assembly. The proposal contained in the Bill is a very important one. There has been a feeling existing in the country for a long time that the Regulations that are mentioned in the Bill should be repealed. Various attempts have been made to persuade the Government to repeal those Regulations. When this Bill now comes forward we find the Government still unwilling to agree that the matter should be considered in a Select Committee. The Bill refers to half a dozen enactments which are on the Statute-book. Naturally one can understand that there may be something to be said in favour of some of these enactments and it may not be possible to say the same thing of the other enactments. The time when these measures were passed was long ago. The first of the Regulations mentioned here takes us back to more than a century, for it is that of 1818. The second one is that of 1819, the third of 1827. The State Prisoners' Act was passed in 1850, that is, before the Mutiny. The Punjab Murderous Outrages Act was passed a few years after the Mutiny. It is impossible for us to be satisfied that the changes which have occurred during the long period which has elapsed have made no difference in the situation. When these Regulations were passed the condition of things was very different. The Government had not been so thoroughly established in the country. The Queen of England had not assumed the control of the Government of India. There was not a regular Legislative Council where enactments were passed as they have been passed since 1861. Since the time of the transfer of the Government to the Crown, a Legislative Council has dealt with all the matters that have arisen regarding the maintenance of law and order in this country. Whatever enactments were considered to be necessary for maintaining law and order have been passed and the Legislature has certainly not been idle in this matter. The number of enactments dealing with law and order which have been placed on the Statute-book is certainly not small. This being so, in view of the great changes which have occurred, it is not unreasonable to ask the Government to consider whether these Regulations are still necessary. The Honourable the Home Member said that he was not opposed altogether to any of these enactments being repealed. He admitted that he might not be opposed at least to the repeal of one of them. That being so, the amendment before the Assembly simply proposed that the Bill should be referred to a Select Committee and the Select Committee could examine each of these proposals, and if reasons were found to justify the continuance

* Not corrected by the Honourable Member.

of these Regulations most certainly the Assembly should be trusted to see to it that these Regulations were continued. But how are we treated? The mere motion to send it to a Select Committee is opposed. What are we now face to face with? With the motion of Mr. Patel that the Bill should be taken into consideration, and his second motion that it should be passed. If we do not vote for the motion now that the Bill be taken into consideration, the Bill is thrown out mercilessly and unjustly. Those of us who might wish to carry the Government with us to convince or attempt to convince them that many, if not all, of these Regulations should be taken off the Statute-book have no opportunity to do so. And yet we are told that we are not willing to co-operate with the Government. I consider the situation to be a very distressing one. The Government have the power as things stand to carry on the administration of the country in defiance of the public opinion of the country as it is represented in this Assembly and outside. They have been doing so and they can continue to do so for I do not know how long. But the Government have not the moral support of public opinion of Indians, educated Indians, generally, and it is not a spectacle on which the Government can be congratulated that in matters where it is possible to come to an understanding between Indian Members of the Assembly and the Government Members even an attempt should not be made to do so. The Government have put forward reasons for opposing the reference even to the Select Committee. I do not know, Sir, that even the Honourable the Home Member was convinced of the soundness of the arguments which he put forward, and I certainly do not think that the Honourable Members of the Government Benches were satisfied that there was any reason shown for opposing the reference to a Select Committee. This being so, I wish it was possible to have this amendment considered again by the Government Benches, and I wish it was possible to ask for the opinion of this House on this amendment.

It has been urged, Sir, with regard to the merits of the Bill that the Mover of the Bill and those who support him have not taken into account the imperious necessity which might arise—and Government can choose to make it arise from time to time—to have extraordinary powers to deal with extraordinary situations. Now, if the matter went to a Select Committee, we could examine every single argument that was advanced, and we are prepared to examine every single argument that has now been advanced. I feel certain that such an examination will result in only one thing, in showing that the repeal of these Regulations will not leave the Government helpless to deal with a situation that might arise. The Honourable the Home Member referred to three circumstances which, in his opinion, justified the attitude he took up. He admitted, as he was bound to do, that the Repressive Laws Committee recommended the repeal of these Regulations, but, he said, shortly after that report, before even the ink with which the report was written was hardly dry, there occurred the Moplah outrages. Now, Sir, I wonder whether the Honourable the Home Member remembers that there is such a thing as the Moplah Outrages Act still on the Statute-book. I should like to be informed if I am incorrect. First, the Moplah Outrages Act was passed in 1867. It was Act No. XXIII of 1867. It was for the suppression of murderous outrages in certain districts. I am sorry I am referring to the Punjab Act. (*Voices*: "1859.") The first Moplah Outrages Act was passed in 1859. It continued up to 1869, when another Act, Madras Act VII of 1869, was passed to continue the Moplah Outrages Act. I am not aware

[Pandit Madan Mohan Malaviya.]

that this Moplah Outrages Continuation Act has been repealed. (*Voices*: "It is still in force.") Now, Sir, that Act gives all the powers which the Government thought it fit to have to deal with the special situation which existed in the Malabar country at the time. That Act has not been repealed and as that Act is in force, the argument that the outrages in the Moplah country gave any reason to Government not to act upon the recommendation of the Repressive Laws Committee falls to the ground. Even if the Regulations which are referred to in the Bill had been repealed, the Moplah Outrages Act would have continued on the Statute-book. The second argument advanced was with reference to the Punjab. Mr. Denys Bray made a powerful speech, but I wonder whether he made it quite clear to the House that the Punjab Murderous Outrages Act had been withdrawn from the North West Frontier Province and that it had been replaced there by the North West Frontier Province Regulation IV of 1901. That Regulation is still in force in the North West Frontier Province. The Punjab Murderous Outrages Act was passed in 1867. Under section 1 the districts of Peshawar, Kohat, Hazara, Dera Ghazi Khan, Dera Ismail Khan and Bannu were declared subject to the provisions of the Act in July 1878. Later on, the districts of Peshawar, Kohat, portions of the Hazara district and parts of the Bannu, Dera Ghazi Khan and Dera Ismail Khan districts formed part of the North West Frontier Province, and by Act XIV of 1874 the Frontier Murderous Outrages Regulation of 1901 has been extended to the North West Frontier Province. There is no suggestion in the Bill which is now before the House that this Frontier Murderous Outrages Regulation should be repealed. That being so, the strong appeal which Mr. Denys Bray put before the House on the ground of the conditions in the North West Frontier Province loses its force. We have two corners of India. It may be said that there was part of another district in which it may be necessary sometimes to extend the provisions of this Act. Facts have not been put forth to support such an argument if it was advanced. So that we have got two important parts of the country mentioned, namely, the Moplah country on the one side and the Frontier Province on the other side as requiring the continuance of the Regulations which are the subject of consideration before the House. In both these cases, I submit, there is absolutely no justification for using them as arguments in support of the Bill. What is the third thing that the Government have put forward? The Honourable the Home Member referred to the condition of things in Bengal. Now, Sir, in the very notification which His Excellency the Governor General in Council has issued, when he promulgated the Ordinance, he has said that up to the end of 1922 there was little trouble in Bengal. That trouble arose in 1923 and it became acute in 1924. But, instead of relying upon the facts which had taken place during these two years, what did the Honourable the Home Member and the Honourable the Commerce Member do in supporting their views? They went back to ancient history. They went back to things which had happened before 1922. They had nothing better to rely upon than the report of Sir Narayan Chandravarkar and the other Judges of the High Court. (*A Voice*: "Mr. Justice Beachcroft.") Now, Sir, I submit that, if my friend the Honourable the Commerce Member argued a case in a Court of law on that basis, he would be asked to shut up. He would be accused of attempting to mislead the Court. He might have done so unconsciously, but I do not think that the Honourable the Commerce Member can urge

that he was not aware that the matter which was before the House was whether there were any existing facts to justify the action that the Government had taken and that, when he cited facts which had long become past history, he was not adopting an attitude befitting a Member of the Government. And what is the attitude which is being adopted to-day in regard to the Bill before the House? The Honourable the Home Member says: "Look at the condition of things in Bengal." He says that the state of things there is such that they cannot do without these Regulations. Now, Sir, the House should remember that the Bill is a comprehensive Bill. It deals with six Regulations, and it deals with Regulations which affect the whole of British India, which is nearly as large as the whole of Europe, minus Russia. In this country these Acts which give the Executive the power to deprive a subject of His Majesty of his right to have a fair trial before he is convicted and sentenced to punishment are continued on the Statute-book, and this right extends all over the country. If, therefore, the Government adopted the attitude that there was some part of the country where there was need for continuing such a Regulation, one could understand it. If the Honourable the Home Member urged that the state of things in Bengal was such that it was inexpedient, unwise to ask for a repeal of Regulation III, which applies to Bengal, one could understand the situation; but on what ground, with what reason, can he oppose the reference to the Select Committee of the Bill which deals with the whole country, and with five other enactments other than the one which affects Bengal? In regard to Bengal, Sir, the Honourable the Home Member said he could not take anybody into his confidence because he did not expect that the Assembly would support the Government, which is a very powerful argument. I have no doubt he imagined it was, according to his point of view, and he urged us to look at what actually happened. The Government of Bengal did put forward a Bill before the Bengal Legislative Council, and what fate did that Bill meet? Even the introduction of the Bill was opposed. It was thrown out most discourteously at that stage. Therefore, he argued that he should not repose any confidence in this Assembly. It reminds me of the story of the wolf and the lamb. It was not this Assembly which had done this, but this Assembly could not be trusted because in a particular set of circumstances another Legislature acted in a way different from what the Government wished it to act. I submit, Sir, that is an unfair argument. Why should this Assembly not be given an opportunity to discuss the necessity of any rigid measure, any severe measure, that might be thought necessary if the facts were put before this Assembly? When has the Assembly failed? It does not mean that any proposal which emanates from the Government should be accepted without consideration. There must be an examination of every measure that comes up. I do not know yet of any occasion when it could be said that this Assembly opposed the introduction of any measure the necessity for which was shown. And what is the argument with regard to Bengal? The complaint of the Honourable the Home Member that the action of the Bengal Legislative Council gave him no reason to trust this Assembly will not hold water. What were the circumstances in which this Bengal Crimes Regulation Bill was introduced? Things were evidently going on peacefully up to a certain extent. Certain cases occurred which led the advisers of Government to advise Government to introduce an Ordinance by the authority of the Governor General. In promulgating the Ordinance, His Excellency the Governor General put forward the strongest reasons which had been urged before him to justify recourse to that course. My esteemed friend Pandit

[Pandit Madan Mohan Malaviya.]

Motilal Nehru dealt with every one of those reasons, and I think that the Government Members were satisfied that his analysis of the evidence upon which the Governor General had been advised to act was so satisfactory that not one of them got up to answer the criticisms which he had offered. (Mr. Denys Bray: "It was at the end of the debate.") "The end of the debate" my Honourable friend Mr. Denys Bray says. I am certain that, if the Government Benches thought that they had a case to put forward, they would have asked you to give them an opportunity to do so, and I am certain, Sir, you would not have refused them that opportunity. If there was a case I should have expected to hear something about those points later on even in this debate, but to-day not one of the arguments which was advanced by Pandit Motilal Nehru on the question of the facts upon which the Ordinance was based has yet been answered. I should like the Government to answer those arguments and to contradict those statements, if the criticism made by my Honourable friend Pandit Motilal Nehru is faulty or incorrect or untenable. I must therefore assume, in the absence of any contradiction on the part of Government of the statements of Pandit Motilal Nehru, that it has been completely shown that the facts which were relied upon to justify it, that the events which were mentioned as indicating the existence of revolutionary crime and conspiracy, are capable of another explanation than was placed before Government.

Mr. E. H. Ashworth (United Provinces: Nominated Official): May I rise to a point of order? The remarks that were just made, how do they affect the present motion that is before the House? They lead back to a past debate and would only give an opportunity to other speakers to traverse ground which was taken on a totally different motion. May I ask for the ruling of the Chair whether that is in order?

Mr. President: I do not appreciate the Honourable Member's point. Does he wish to know whether reference to the Bengal Ordinance is out of order?

Mr. E. H. Ashworth: No. The Honourable Member said that no one had risen to meet the remarks of the Honourable Pandit Motilal Nehru, and he was proceeding to argue that that speech must be accepted because no one had risen to meet those remarks. He has not brought that in in any way in connection with the present motion before the House which is that six special enactments should be abrogated.

Mr. President: If the Honourable Member is objecting to the reference to Pandit Motilal Nehru's speech on the Bengal Ordinance Bill, it appears to me that the reference is perfectly in order in view of the fact that the Bengal Ordinance is related to the first item in the Schedule of this Bill.

Pandit Madan Mohan Malaviya: Thank you, Sir. I am surprised that Mr. Ashworth, having long been a Judge, should rise to a point of order on a matter like this. The relevancy of the remarks which I have submitted is, I hope, as clear to the whole House as it is to you, Sir. And apart from the general connection to which you have been pleased to refer, there is the patent fact that in the discussion to-day the Honourable the Home Member relied upon the state of things which exists in Bengal and the action of the Bengal Legislative Council with reference to the Bill which was introduced there as an argument to justify his distrust of this Assembly.

Now, Sir, those facts have not been contradicted or controverted, and I take it that, because they have not been, in view of the distance of time that has elapsed I am probably not unsafe in assuming that the Government cannot contradict them. Now if that is so, is not there abundant reason to suggest that the action of the Bengal Legislative Council might have been perfectly just, might have been perfectly legitimate? If we could not be satisfied by the Honourable the Home Member with all the information that he could get from Bengal that there was any justification for the promulgation of the Bengal Ordinance, is it unreasonable to assume that the present Bengal Legislative Council who are on the spot, nearer the scene which is affected by the Regulation, should not have been satisfied, that the Government had shown any justification in introducing the Ordinance and that therefore there was no justification for introducing the Bill which the Government sought to introduce? I do not ask for a verdict from this House, Sir, on the point as if it was a point in issue here. I mention this to show that the Honourable the Home Member was very unhappy when he relied upon the state of things that had happened in Bengal and the fate which the Bengal Crimes Regulation Bill met in the Bengal Legislative Council as affording any justification for the view that this Legislature could not be trusted to deal with any emergency that might arise and that might require extraordinary legislation. There is another circumstance. I wish my Honourable friends who unfortunately do not agree with us in this matter would give a little more consideration to the fact that we Indians are also human. I wish they would remember that, when the Government of India would introduce an Ordinance in Bengal and under the operation of that Ordinance arrest 95 or more men many of whom held not very inconspicuous positions in Bengal, that, when the Government would arrest so many persons under an Ordinance and then proceed to place a Bill before the Legislative Council, they should have been prepared to have the motion for the introduction of the Bill rejected. The Legislative Council would be justified in saying that the facts should have been brought before the public earlier. There was no circumstance shown which would have made it perilous for public peace or safety, much less for His Majesty's Government in India, if the introduction of the Ordinance had been delayed. That being so, the action of the Bengal Legislative Council in refusing the Bill cannot rightly be relied upon as affording any justification for distrusting this Assembly.

Now, Sir, what are the circumstances in which we are now placed? There is one other argument which was used by the Honourable the Home Member. He said, there was external pressure being brought to bear from outside to sap the foundations of government in this country. Now, I do not doubt that statement of the Honourable the Home Member. He is in the know and I suppose when he says this it is based on very full and very good authority. Assume that there are some people outside India who are endeavouring to sap the foundations of government in this country. Does the Honourable the Home Member doubt, Sir, that there are millions of men in this country who would stand up to fight these men and to die in the service of the country if they try to spread the mischief here? But that is only possible if they are informed of the situation, if they are taken into confidence, if they are told that there is this danger confronting us. And if after being told of the danger, they refuse to deal with the situation, then and only then will they be liable to any reproach. Who is there, what respectable man is there, in the country, who would like that, enemies from outside should come to disturb the peace of this

[Pandit Madan Mohan Malaviya.]

country or to upset the Government? We do not like it, Sir. If there are any such men, we would lend all the support which we can to the Government in dealing with them. If there are such men in whose case it is necessary that there should be special legislation, extraordinary legislation, adopted, let the Government put forward such legislation and let the Government place the facts before us and see whether we are capable of appreciating our own interests or not. But, Sir the fact that there are some people outside India who are agitating against the peace of this country, who have got designs against the peace of this country, affords no argument for supporting the continuance of the existing extraordinary Regulations on the Statute-book. Why should the whole country be coloured—what shall I say, yellow or what? (A Voice: "Red") No, not red because that represents the British Government—red represents British territory—that is why I avoid it. (*The Honourable Sir Basil Blackett*". Sanguinary.") Well, that is the colour that has been selected by Government and I suppose they must have good reason for it. Now, Sir, it may be anything. (A Voice: Make it blue.) Make it black, if you like. Why should the whole map of the country be tarnished black because there are some spots in the country which are not in the happy condition of normal relations existing in those parts? Because there are some enemies of the country who are working from

3 P.M. outside to disturb the peace of the country, why should the Government keep on the Statute-book these Regulations under which it has been proved many a time that innocent men have been arrested, deported and detained? Do we not know the case of Lala Lajpat Rai in 1907? Do we not know the case of Babu Krishna Kumar Mitter and Ashwini Kumar Dutt? Has not the Honourable Mr. Jinnah reminded the House to-day that the result of the inquiry made by Sir Narayan Chandravarkar and Mr. Justice Beachcroft revealed that five per cent. at least of those who had been dealt with by the Government under the Regulations were innocent? Can it be a satisfaction to any Member of this House, whether on this side or on the other, that such a large number of innocent men as 5 per cent. of the men dealt with under the Regulations—and there were several thousands of men who were so dealt with—should have been proceeded against under this extraordinary legislation? And finally, if the enemy desired to create conditions under which it would be necessary to keep up these Regulations, could he hit upon any better method than to continue these Regulations in force and to use them from time to time to exasperate Indian public opinion against the Government? What is the effect of the application of these Regulations? Has any of them been once applied and met with the support of Indian public opinion? The action of Government under practically executive authority which the Regulation authorises them to take has resulted in Indian opinion being more and more alienated from the Government. Indians have repeatedly protested against these Regulations, and if the Government want that the attempts of the enemies of India who may be working from outside to sap the foundations of Government should fail, they should themselves be solicitous of removing as many grounds of complaint as they can reasonably and without danger remove, and most certainly the existing Regulations do fall within the category of things which are sources of irritation and offence and which can be removed without any danger to the Government. Assume that the Government accede to the request of this House to consider this matter. What would be the result? Government Members and the non-official Members of this Assembly would

sit together. They would examine the provisions of each Regulation, find out the conditions under which they were promulgated, examine whether those conditions exist, and examine if they do not exist whether it would be necessary to continue the particular Regulation. They would also examine what penal laws have been enacted in the interval which embody several of the provisions which exist in the Regulations. They would examine wherein the special provisions of the Regulations differed from the ordinary penal law of the land and they would recommend, I venture to say, that where a clear necessity might arise, the Government might proceed by special legislation to be limited to the particular plague spot and to last only for the time such an epidemic lasts and to be removed at the earliest possible opportunity when normal and healthy conditions returned. Under that examination, Sir, it would be possible for the Members of Government and the Members of this House to see eye to eye with regard to the main object which the Government and we have in view. I would ask my Honourable friend the Home Member and the Members of Government to accept the statement that we too are interested in maintaining law and order in British India, and that Indians are certainly not less deeply interested in the maintenance of law and order in India than the Members of Government are. In that view if they took us into confidence they would certainly find that we were not all of us oblivious of the interests of the country, that we would not all of us vote against a measure which the Government might bring forward merely for the fun of it. In that state of affairs Government would lose nothing, they would gain a great deal.

Now, let us see what will be the result of this attitude of Government. We feel that we, sitting as Members of this Assembly, cannot be a party to the continuance of these enactments unless special reasons are shown for the same. We ask for those reasons. The reasons fail us. They do not give them. (Mr. K. Ahmed: "Sangathan is one of them.") Perhaps, my Honourable friend does not understand the meaning of that word. If he wants to be enlightened I will tell him that *Sangathan* means organisation. Government is an organisation and my Honourable friend would not be sitting where he is sitting in this House at this moment if there were no *Sangathan* in this country. The Muslim community organises itself as the Khilafat Committee and the Hindu community organises itself as the Hindu Sabha. God bless them both and may the enemies of both find out that they have little to gain if they want to stir up feeling amongst them. We are our own enemies sometimes I am sorry to say, and Government are entitled to doubt occasionally whether we shall rise up to the responsibilities which have been placed upon us. But all that I am pleading for is that we should not accept their *ipse dixit* for it, and they should give us an opportunity in order to judge of the matters upon which they feel a doubt. That is all I ask for.

Let me draw the attention of the House to the result of the attitude which Government have taken. Resolution after Resolution has been passed by this Assembly. We are going to pass this Bill also; I hope we can. (A Voice: "There is no doubt.") I can only say I think we are going to pass this Bill and I certainly regret that it should be passed in the circumstances in which it is being passed. I frankly say it would have been a greater pleasure to us to sit together with Members of Government in the Select Committee to consider every single point which could be urged on behalf of Government with regard to any part of the extensive territories over which His Majesty the King holds sway, to provide for

[Pandit Madan Mohan Malaviya.]

the needs of those parts and come to an agreement with regard to the repeal of the Regulations so far as they affect the country as a whole.

Maulvi Sayad Murtuza Sahib Bahadur (South Madras: Muhammadan): On a point of order, Sir, Diwan Bahadur Rangachariar having withdrawn his amendment about reference to a Select Committee, that question is not before the House.

Mr. President: The Pandit was only expressing his regret that he is not able to sit on that Select Committee.

Pandit Madan Mohan Malaviya: I say, Sir, that this continuation of non-co-operation on the part of Government with the Members of this Assembly does not bode any good either to Government or to the people. When we offer an opportunity for co-operation, when we solicit it, it would be wise to accept it. Now, I only want to draw attention to the evil which arises. It is known that the Government of India show very little regard for the Resolutions passed by this House. I am sure that no Member of Government who gives any thought to this matter can feel happy over such a situation. It will be impossible to persuade the outside world. The Government, being situated as they are may not care for Indian public opinion. They may disregard any expressions of that opinion, but the world is not confined to India. What happens in this House and in this country, is known and noted in other countries, in your own country, in England and in other foreign countries; and when people find that the Government adopt an attitude of non-co-operation with the people, that while they claim to act righteously in their relations to mandated territories and to other countries, the Government of India show a continuous disregard of the opinions of Indian Members of this House. whatever Mr. Denys Bray might think, the Government of India will stand exposed not to the respect of other nations but to very very severe criticism from them. What has happened in India? The Government are alienating by this attitude the public opinion in this country to an extent which is deplorable. I therefore wish that it was possible for the Home Member to revise his decision and that it was possible to have this Bill referred to a Select Committee in order that the matter might be very fully considered. Of course if this is out of the question, there is only one course which is open to us with the convictions we have, the conviction that all these Acts were passed for times which have long passed away and have therefore become obsolete the conviction that the Acts cannot on the statements, even if we accepted them, of the Government Members apply to any but small parts of the country, and the conviction that the laws of the land have been amply added to and that we have got an excellent Penal Code which provides for dealing with situations that might arise. We find provisions in the Penal Code and the Criminal Procedure Code which will give Government all the power which they want for dealing with these cases. If there is necessity for continuing any special Regulation in any part of the country where the special Regulation does not exist—and certainly those parts are not the North-West Frontier or the Moplah country—then the Government should come up before this House and ask for exceptional powers. I hope that this Bill may yet have a better fate than it seems it is going to have from the Government, but if it does not I hope we shall not be blamed for supporting the Bill and placing it on the Statute-book in the distant hope that the Government will recognise that in the situation in which we were placed.

after the demands that we have made, it was not we who were wrong but that they were wrong in their attitude.

Khan Bahadur Muhammad Abdul Mumin (Bengal: Nominated Official): I do not wish to enter into any discussion of high politics but only to state before the House the situation as it exists in Bengal. Being a Bengali, and possessing first hand knowledge of the disturbed conditions of affairs in Bengal, I think it is my duty to place before Honourable Members some facts and to try to impress upon them how dangerous it is in the interest of peace and security to deprive the executive government of that province of any of its powers at the present moment. I shall confine myself only to Regulation III of 1818. This Regulation was intended to preserve tranquillity and secure the Dominions from internal commotion by putting individuals under restraint when it was not considered advisable or desirable to institute regular judicial proceedings. Though the Regulation is 107 years' old I venture to assert that at no time in the history of British administration in this country since the Great Mutiny was there so much dangerous commotion likely to upset and unsettle the peace of the country as there is at the present moment.

And consequently, Sir, never was the Regulation more necessary than it is to-day. The Honourable the Home Member, Sir, in his speech on this subject, as well as on the subject of the Ordinance Resolution, cited many instances of revolutionary and criminal activities in Bengal to show to what extent terrorism prevailed in that country. I wish, Sir, with his permission to relate to the House another instance which is neither fiction nor a mixture of fact and fiction as the Honourable Panditji stated the other day, but real stern fact of which I have personal cognizance. I refer, Sir, to the . . . (Inaudible interruptions) Sir, I object to terrorism in this House. I refer to the Nadia mail robbery case, about which many of the Honourable Members must have read. The mail coach from Krishnagar to Nadia was waylaid in broad daylight about 8 o'clock in the morning: waylaid by two young men of the *bhadralog* class on bicycles, who, pointing their revolvers at the driver, demanded the mail bags. (A Voice: "When was that?") Only a few months back. On his refusal to deliver them they fired several shots at him and seriously wounded him. They then took away the purse of an East Bengal passenger who was inside the coach and as other carriages were coming from behind they mounted their bicycles and rushed back towards the town. (A Voice: "Was that the only robbery in Bengal?") This happened very recently. I did not attribute anything political to it, but am relating to the House an instance of terrorism. If Honourable Members will allow me to proceed I will show the significance of it. These young men belonged to Krishnagar as did the driver. The one who fired the shots at him was known to the driver. This young man himself while rushing back to the town met several people and gave the first information that such an accident had happened. Well, this wounded man was brought back to hospital. The culprits were arrested within a few hours and were identified by the driver and the passenger from East Bengal and several others. About this time the Red Bengal Leaflet, mention of which has been made by the Honourable the Home Member was distributed in Bengal, and the Sub-divisional Officer by whom the case was tried, the Superintendent of Police who conducted the inquiry, and the District Magistrate all got a copy of this Red Bengal Leaflet. And not only these officials but one was sent to the Maharaja of Krishnagar whose attitude and influence on

[Khan Bahadur Muhammad Abdul Mumin.]

behalf of law and order are well known. In addition to this, during the pendency of the case the District Magistrate got an anonymous letter threatening him that it had been decided at a conference or meeting that his house would be looted and he would be killed. (*A Voice*: "May I know who is the District Magistrate?") I will tell you if you will allow me to proceed. The writer of the anonymous letter was traced and the handwriting identified, but the prosecution had to be dropped as no other evidence was forthcoming except that of the experts. I may tell the House that the writer of this letter was a very near relation of one of the accused in the mail robbery case. Meanwhile the robbery case came up to the Sessions, but the accused, contrary to all expectations, were acquitted. The prosecution witnesses wavered and the jury returned a verdict of "not guilty". (*Mr. M. A. Jinnah*: "Therefore you must regulate them.") I have related this case to show to Honourable Members how difficult, if not impossible, under the conditions which prevail in Bengal, it is to bring certain culprits to book by open trial. Can we expect any ordinary witness to come forward and give evidence openly with the sword of revenge hanging over his head? Is it difficult to understand to what terrorism the witnesses and the others are subjected when even high officials are threatened to dissuade them from doing their duty? The evidence of the approver in the Kona dacoity case . . . (*An Honourable Member*: "You never mentioned the name of the Magistrate.") I did not want to mention the name of the Magistrate. This happened at Nadia where I was the District Magistrate. It is not my fault that I have to mention it. The evidence of the approver in the Kona dacoity case has been the subject of a good deal of ridicule, because this man when challenged subsequently failed to drive the motor car. It is said that he was a false witness set up by the police. I have had no personal acquaintance with the Kona dacoity case, but it seems to me not impossible or very difficult to understand that this man might have passed through some processes which made him forget how to drive a car. The Honourable Member from Burdwan, who has been interrupting me, in his speech on the Ordinance Resolution related before this House what according to him were the active causes of disaffection in Bengal. There was nothing new, Sir, in what he said, because what he said is always said in all these public speeches in the College Square and Harish Park in Calcutta every day. I did not expect he would be able to say anything new, because he is . . .

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): I am not a prophet come down from heaven to give a new message.

Khan Bahadur Muhammad Abdul Mumin: He is one of those who receives his inspiration from the same quarters. I admit, Sir, there is much disaffection in Bengal, but I say, Sir, emphatically that a good deal of this is created by persistent agitation and is the result of persistent misrepresentation. The causes which the Honourable Member cited are themselves examples of how this disaffection is created. I refer to the Dacca speech of His Excellency Lord Lytton and the Tarakeswar affair. Never perhaps in the history of political agitation in Bengal was a more baseless misrepresentation sprung on the credulity of the people and capital sought to be made out of it than the Dacca speech of His Excellency Lord Lytton. And what did His Excellency say? Addressing the police force at Dacca he referred to the malicious allegations made against the police in the Char Manair affair and said that he was shocked that Indians could so

much lower themselves as to allege malicious assault on their women-folk to bring discredit on the police. (*A Voice*: "Shame".) I read the speech as did many others and it never struck me for a moment that it meant or could mean by any stretch of imagination to be an insult to the womanhood of India. Any one who has experience of criminal cases in Bengal must know, and my Honourable friend who is a lawyer, if he has got any criminal practice, must know, that cases are by no means rare where low class litigants make malicious allegations of assault on their women by their opponents either by way of defence or to harass their opponents. (*An Honourable Member*: "Question?"). I may . . .

Mr. A. Rangaswami Iyengar: On a point of order, Sir, are we discussing His Excellency Lord Lytton's speech?

Khan Bahadur Muhammad Abdul Mumin: I may mention that the allegations made in the Char Manair case were found baseless in a judicial trial. Was it possible to believe that a nobleman of the position of His Excellency Lord Lytton with his traditions addressing Indian police would intentionally insult the Indians, far less the women? But the edict went forth that His Excellency had insulted the womanhood of India. And this was persistently repeated in the press and from the platform till the people began to believe that they had really been insulted. And this even after His Excellency had definitely denied that he never meant any insult. It did not pay the agitators to believe otherwise, because they wanted to manufacture a grievance and to bring it out on all conceivable and inconceivable occasions as a great political wrong. This is the way how disaffection is created. Most people in Bengal take their cue from what they read and hear in certain quarters and never pause to reflect and consider for themselves to find out the real facts. Such is the mentality, Sir, of a large section of the Bengali population at the present moment that if any of the known leaders were to address a mass meeting of say, 20,000 people of all ages, of all creeds and all sexes as they put it in the papers, from the stairs of the Town Hall in Calcutta and tell them that the crows from the Calcutta Maidan at the instigation of Government had run away with their ears not one of these 20,000 people would care to raise his hands to feel whether that valuable organ was there or not, but would rush forth vowing vengeance on the crows! Mass meetings would be held simultaneously at College Square, Harrish Park and Cornwallis Square, unanimous Resolutions would be passed to take steps to exterminate all the trees of the Maidan so that the crows may be deprived of their roosting place. And next morning the papers would be full with large head lines depicting the outrageous conduct of the crows, the insult to the manhood of Bengal, the great meeting at the Town Hall, great sensation prevailed, and so on and so forth. And if there were any unfortunate man among them who were even mildly to suggest that before passing such a Resolution it was desirable to feel whether that valuable organ existed or not, he would be abused roundly and cried down as an enemy of the country, a *Jo Hukum* of Government. (*Voices*: "As a Government man. As a Khan Bahadur".) Such being the mentality, Sir, of the masses, it is easy to conceive how easily a dangerous commotion can and is created by designing agitators and how necessary it is for the Government to be able to check it.

The Honourable Member from Burdwan has also referred to the Tarakeswar affair as a cause of Government's unpopularity. What are the facts? The Mahant of Tarakeswar, it was alleged, was a wicked man and oppressed the pilgrims and misappropriated the funds of the temple. Some

[Khan Bahadur Muhammad Abdul Mumin.]

Hindu gentlemen had brought a civil suit against the Mahant and that suit was pending and a receiver was appointed by the Court. Meanwhile, the Satyagrahis under the leadership of some politicians wanted to take forcible possession of the shrine and not to allow the receiver to take possession. Was it not the duty, Sir, of Government to uphold the order of the Civil Court and prevent the forcible dispossession of the receiver? Would it have been right to let any party take the law into their own hands and flout the Civil Court's orders? The Satyagrahis were told that they would be committing an offence if they trespassed into the compound and when, in spite of the warning, they did commit trespass they were prosecuted and convicted. And who were the people, Sir, who were employed to carry out this commotion? Not the innocent lambs that they are represented to be, but a set of most turbulent, unruly and ignorant young men who had no respect for anything in the world. I had the misfortune of having about a hundred of them in my jail for a couple of months, and I assure you I would not like to have a repetition of that experience. Where was the Government to blame in this affair? It was my opinion and the opinion of many, that the Government erred on the virtue side in this case and perhaps was over-considerate to the offenders. Is it right to say that the Tarakeswar affair is a cause of disaffection against the Government? What it really did cause was a widespread panic and a feeling of insecurity among the owners of *thakurbaris* all over Bengal, and I will give an instance. It created great excitement at Nabadwip in the district of Nadia. Nabadwip I may explain to the House is a place where there are numerous *thakurbaris*, and it is the birthplace of Lord Chaitanya. It is the Muttra of Bengal. It contains numerous *thakurbaris* where pilgrims flock from all parts of India. The difference between Nabadwip and Tarakeswar is this. While the Tarakeswar property is Debottar property and is under a public trust, the Nabadwip *thakurbaris* are nearly all private properties of very recent origin. Pilgrims who come to Nabadwip are charged a small *darshani* or gate money which they willingly pay and have always been willingly paying. Following the success of the movement at Tarakeswar, an agitation was set up at Nabadwip to attack and coerce the owners of the *thakurbaris*, and notices were served on the *Gossains* threatening them with *satyagraha* if they did not submit to their terms. It was notified that a band of 2,000 volunteers would be sent to Nabadwip to prevent the normal activities of the *Gossains* and the realisation of the gate money. The *Gossains* were in a panic and came to me in a terrible state of mind for protection, but were reassured when they were told that Government would protect them and their properties. For some reason the threatened attack did not come and things went on smoothly, though occasional threats continued to be hurled at the *Gossains*. I have just received a letter from the Superintendent of Police, Nadia, that the movement against the *Gossains* was revived, and the *Gossains*, probably apprehending that the authorities would not be able to protect them, had given in and accepted the terms. Things have come to such a pass in Bengal that peaceful and law-abiding people are fast losing faith in the power of Government to protect them and their properties. (An Honourable Member: "Why don't you go back and protect them?") I put it to the House whether it is right and fair to manufacture a grievance, and by exploiting the credulity of the people, create a commotion and then to say that this grievance is the cause of disaffection? No one objects to legitimate agitation. Real grievances there are and there always will be. But when agitation assumes dangerous proportions and is engineered by

designing individuals on wrong lines, with the sole intention of subverting law and order, when a terrorist propaganda deprives the people of security of life and property and freedom of speech, it is the duty of Government to step in and protect the people by removing the cause from the field of mischief.

Pandit Shamlal Nehru: Will the Honourable Member give us a list of "legitimate" grievances?

Khan Bahadur Muhammad Abdul Mumin: I will later on. The time of the House is too valuable. Similarly, Sir, we have no grievances against any party of honest politicians, Independents, Nationalists, or Swarajists, who all have the same goal, though by different means. The leaders of the Swarajist Party like the Honourable Pandit, Mr. C. R. Das, the leader of the Swaraj Party in Bengal who is here in this House—I beg your pardon, I was referring to Mr. Goswami—have made great sacrifices for the country and are highly respected. All honest politicians are true Swarajists, and the country expects nothing but good from them. The real danger to the country is from the illegitimate Swarajists.

Mr. Amar Nath Dutt: I object to that expression.

Mr. President: Order, order.

Khan Bahadur Muhammad Abdul Mumin: Whose number is legion, and I am going to describe who they are. They according to the Urdu saying smear their garments with blood and enter the fold of the martyrs, they become Swarajists by signing the creed, to get an advantage, without the least intention of ever following a single item of the creed; they go about the country throwing mud at all respectable people, and in the name of the party and their leaders terrorise the people to gain their own ends. Most of them are men having little education and no profession, who have managed to get the diploma of merit by being convicted and sentenced to imprisonment in a political or quasi-political case,—a qualification very much desired; so much so that there are many so-called Swarajists who have a grievance against Government that they were not considered important enough to be restrained under the Regulation or the Ordinance. These are the people who are a real danger to society and for whom the Regulation is a necessity. Many Honourable Members in this House, Sir, have said that they could not believe that any one in Bengal really countenanced violence and crime. I ask such Honourable Members whether this incredulity is consistent with the Resolution passed at the Serajganj sittings of the Bengal Conference applauding the action of Gopinath Saha's dastardly and diabolical murder of Mr. Day and holding him up to public admiration as an example of self-sacrificing patriotism. On the face of this Resolution, Sir, and what I have said above, is it so very difficult for Honourable Members to realise what the mentality of a large section of the political leaders in Bengal is at the present moment, or to be surprised that this mentality would lead misguided and impulsive youth to violence and crime.

Mr. Jinnah the other day said that he was glad he is not a Bengali. It is unfortunate, Sir, that he is not a Bengali.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): I never said that. All I said was that I am glad that I was not a citizen of Calcutta.

Khan Bahadur Muhammad Abdul Mumin: My feeling is, Sir, that if Mr. Jinnah were a resident of Bengal or if we had many like him in Bengal with his respect for constitution and order, no necessity for this Ordinance or Regulation would have arisen.

Mr. M. A. Jinnah: Under those circumstances, Sir, I am quite willing to go to Calcutta at once.

Khan Bahadur Muhammad Abdul Mumin: He also said, Sir, the other day that he owed allegiance to His Majesty the King-Emperor and in return he expected protection. Well, I submit, Sir, there are many millions of people in Bengal who owe allegiance to His Majesty the King-Emperor and they also expect protection, peaceful law-abiding citizens who want that they may have protection of life and property and freedom of speech. I think it is the duty of Government, Sir, by every means in their power to vouchsafe to them that protection.

I appeal to the House, Sir, not to be swayed by sentiment or impulse but to face facts as they are. I appeal to them to realise their responsibility and to support Government in their difficult task of maintaining law and order in Bengal. Sir, I oppose this motion.

The Honourable Sir Narasimha Sarma (Law Member): Sir, the Honourable Pandit Madan Mohan Malaviya, Mr. Jinnah and others who spoke in favour of this Bill have appealed to the Government that they should take the House into their confidence, or at any rate that section which sees merit in this Bill into their confidence and agree to this measure, promising that in their turn they would assist the Government whenever occasion may arise by placing on the Statute-book the necessary Acts for safeguarding the interests of law and order. It is a very touching appeal and it is a matter of sincere regret that the Government are not in a position to comply at present with this request. The Honourable the Home Member has already told the House that there is no one on this side of the House who hates to take action under these Regulations and Acts less than those who are sponsoring the passing of this Bill; that if they are unable to see eye to eye with those who wish immediately to repeal these enactments, it is because they feel that the time has not yet come when it could be done with safety. There seems to be an impression in certain quarters, as is evidenced by the speech of the Honourable Mr. Rangachariar, that the Government in adopting this attitude have to a certain extent been influenced by their confidence that they have in another place and in another House the necessary voting power to see that any measures which they consider to be unwise are not passed into law. I deprecate warmly such a suggestion. The Government stand on the merits of the controversy and have no intention either at present or at any other time to rely upon their supposed support in the other House for any action of theirs. Honourable Members will remember that there is a non-official majority in that House as much as in this House, and if occasionally the Members there do not see eye to eye with Members here it may be due to the circumstance that some of them at any rate having a larger experience of the world (*A Voice*: "Fossils")—they have their uses—and of India as it is seen that no unwise measures are hastily adopted by a body naturally fond of asserting what they consider to be the people's will. I shall not expatiate upon that, Sir, any further. You may rest assured

that the Government are as anxious as you are to fulfil the promise that they have given that they would repeal some of these measures in accordance with the Repressive Laws Committee's report as soon as a favourable opportunity occurs. It is hardly necessary for me to state that I, at any rate, who have spoken so vehemently against every measure which places the liberty of the subject at the discretion of an executive body however well-meaning it may be, have not forgotten the dangers inherent in such a course, nor is any Honourable Colleague of mine unaware of those dangers. But the fact that in the actual execution of a policy mistakes are made—mistakes are inevitable and dangers are inherent—is no argument for a total abrogation of such measures if in the wider interests of the State such measures are necessary for the time being. You may ask naturally, "Are we not living in a time of peace? Is not India sufficiently tranquil to justify the immediate repeal of these measures, which embrace within their scope not one province but almost all the provinces? Could you not trust us with the necessary discretion to place whenever necessary similar Acts on the Statute-book?" The answer of the Government is that these provisions which you are asking to be repealed provide not for the normal procedure of Government or of the Legislature, but for extraordinary occasions, and that as far as they can envisage the situation they are not in a position to take the same comfortable view as many others who are not charged with responsibility, and that things have yet to come to that position when they can safely agree with some of you in withdrawing these powers from the Executive. Honourable Members said that there are local Acts, such as the Moplah Outrages Act and the North West Frontier Outrages Act which practically fulfil the functions which are necessary for meeting any emergency, which may arise in these exceptional tracts of country. I would suggest to Honourable Members that the position is not an accurate one. The scope of these Regulations which we are discussing now is very much wider and more comprehensive than the scope of the Acts to which the Honourable Pandit has referred in the course of his speech. The Malabar Act to which he has referred deals only with murder and attempts to murder on the part of Moplahs in the Malabar district. The operative section 3 states:

"Any Mappilla who murders or attempts to murder any person, or who takes part in any outrage directed by Mappillas against any persons wherein murder is committed or is attempted to be committed, or is likely to be committed, and any person who shall procure or promote the commission of any such crime as aforesaid, or shall incite or encourage any other person or persons to commit the same, or who, after having committed, or having been accessory to, any such crime as aforesaid, shall forcibly resist any person or persons having lawful authority to apprehend him, or who shall join or assist or incite or encourage other persons to join or assist, in such resistance, shall, on conviction thereof, be liable not only to the punishment provided by law for the offence of which he may be convicted, but also to the forfeiture of all his property, of whatever kind, to Government, by the sentence of the Court by which he is tried, etc."

Then there is another section to which I shall allude, which necessitates the retention of these measures. Section 6, for instance, says:

"The Governor in Council shall have, with respect to the confinement or trial of any person charged with or suspected of an intention to commit any offence punishable under this Act, the powers which are vested in him by any law regarding the confinement or trial of persons charged with or suspected of State offences; and the provisions of any such law . . ."

[Sir Narasimha Sarma.]

So, they pre-suppose the existence on the Statute-book of some of the Regulations which are the subject matter of discussion to-day, and further, as I have pointed out, they deal with cases more confined in their operation than those provided by Madras Regulation II of 1819 which really deals with State policy, as has been stated by my Honourable friend, Mr. Moir. It says:

“Whereas reasons of State policy may occasion certain procedure, the following rules shall be enacted”

For reasons of State certain acts have to be done and the procedure is prescribed there. I need not read out the Preamble or the whole of the operative part, because I think Honourable Members are perfectly aware of the substantive provisions of those Regulations. They deal with exceptional cases where provision has to be made for the safety of Indian States or foreign relations, or when you have an internal commotion in any part of the country. Then, with regard to the other observation regarding the North West Frontier.

Pandit Madan Mohan Malaviya: Does the Honourable Member mean to say that, if it was not for section 6 of the Moplah Outrages Act, the Government would be willing to accept the proposal of my Honourable friend, Mr. Patel? Do I understand the Honourable Member to say that it is that section alone which stands in the way of Government accepting the proposal of Mr. Patel?

The Honourable Sir Narasimha Sarma: I have already stated that the scope of Regulation II of 1819 is wider and much more comprehensive than that of the Moplah Outrages Act, and that itself is a very good reason for Government not agreeing to the proposal. I have also stated that there is another reason, and that is the one that the Honourable Member is referring to. The same may be said substantially with regard to the North West Frontier Regulation which deals with the North West Frontier and Baluchistan. Besides, my Honourable friend, Mr. Bray, referred to the exigencies under which Government may have to act under the provisions we are discussing, when the person with whom they have to deal may have gone away from the frontier or to a province to which the Bengal Regulation does apply and not the other Regulations, such as, for instance, the United Provinces, from which certain persons have recently escaped, causing embarrassment both to the Afghan Government and the British Government. Therefore, if we are to deal with the question of foreign relations on satisfactory basis, with the question of Indian States and with our neighbours on the frontier, it is not possible to limit the operation to particular tracts, because it is absolutely impossible to state where the occasion may arise for the employment of these extraordinary powers intended to meet the exigencies of the moment. I shall not deal with the question of Bengal which has been the subject-matter of very acute controversy for more days than one. Suffice it to say that one of the arguments that has been advanced against the employment of the powers under the Ordinance is that the Bengal Regulation is there already and therefore there is no necessity for enacting any Ordinance or any particular Act because Government have got the requisite powers already under that Regulation. Further, there is a very widespread impression that under the ordinary criminal law of the country it is possible for the Government to regulate

the relations to which reference has been made by the Honourable the Foreign Secretary. I submit this argument has no real validity. If the criminal law is all-embracing, as the Honourable Members put it, may I ask wherein is the objection to the continuance of these Regulations which provide no more?

Mr. M. A. Jinnah: They deny trial.

The Honourable Sir Narasimha Sarma: Therefore it is clear that the ordinary law does not cover the same ground. Therefore there is no use in saying that all that could be done under these Regulations can be done equally under the ordinary criminal law.

Mr. M. A. Jinnah: Who ever said that?

Pandit Madan Mohan Malaviya: All that can be done under these exceptional Regulations cannot be done and ought not to be done under the law of the land.

The Honourable Sir Narasimha Sarma: That is a different matter. I can understand the argument that the executive authority should not have greater powers than are conferred by the ordinary criminal law of the land. That is a perfectly understandable argument, but I have heard it often said that inasmuch as you have all the power that you require under the criminal law of the land there is no necessity to keep these Regulations also on the Statute-book.

Mr. M. A. Jinnah: Who said that?

The Honourable Sir Narasimha Sarma: The argument has been used.

Mr. M. A. Jinnah: By whom?

The Honourable Sir Narasimha Sarma: Inside and outside the Council. The ordinary criminal law of the land is sufficient to deal with persons guilty of offences against the State. I appreciate fully the love of freedom and the desire to respect the freedom of the subject, but the Regulations presuppose that there are occasions on which it is impossible for the executive power to place offenders on trial before the judicial Courts, and it is only on such extraordinary occasions that this power should be exercised. Therefore we are reduced to this, that these Regulations are such that it is assumed by the other side that there is no risk of internal commotion, that the foreign relations, relations with Native States and other foreign powers can be regulated without the help of these Regulations and that therefore they should be repealed. I wish to assure you that the Government feel that it is not so. Allusion has been made to recent happenings in Madras. I did not like to press the argument because I thought it might

4 P.M. be insulting to the Madras Government. The argument was pressed, and I think there is much force in it, that if the Madras Government had exercised their special powers in time possibly they might have averted those unhappy incidents in Malabar and in the Agency Tracts of Vizagapatam. One argument which has been used is that these Regulations have not been of any use in preventing the Malabar outrages or in preventing the Agency troubles. True. It may be that out of respect and regard for the susceptibilities of the people the Government waited too long in employing their special powers and allowed the opportunity to pass and then employed them later on for the purpose of remedying a state of things which they might have avoided if they had employed the Regulations

[Sir Narasimha Sarma.]

at the right time. Sir, that is a perfect answer to the question of Malabar and the Agency Tracts of Vizagapatam. I do not think I need take up the time of the House further beyond stating that there is really no difference of opinion between us on essential points, namely, that the freedom of the subject should be respected and that no one under ordinary circumstances should be kept in jail for a single minute unless he is brought to trial. The only point of difference is that the Government think that the conditions of the country which have been explained to you by the Honourable the Home Member are such that they are clear in their own minds that there is trouble and danger of trouble which can be met only by action under these Regulations. And after all the real function of the Legislature, taking it that these Acts are on the Statute-book, is to watch carefully the action of the Executive, so that there may be no abuse of authority vested in the Government, and inasmuch as it is a misapprehension that the Government have abused their powers in the past, I will read for the benefit of the Assembly a passage from a memorandum which shows how carefully on the materials placed before them, Government weighed the circumstances before they took action under the powers vested in them. (*Sir Purshotamdas Thakurdas*: "Is the Honourable Member quite sure that the Honourable the Home Member has not read that?") (*The Honourable Sir Alexander Muddiman*: "I have not read it.") I have been furnished with these figures in order to correct a point to which reference has been made, namely, that five per cent. of the cases have been proved to have been incorrectly decided. (*Mr. M. A. Jinnah*: "Not decided at all."):

"The total number of cases examined and advised on by us is 806. Of these . . ."

Mr. A. Rangaswami Iyengar: May I take a point of order. It is that a document read to the House should be laid on the table of the House.

Mr. President: I will wait till the Honourable Member is finished before taking that point.

The Honourable Sir Narasimha Sarma: That portion of the document which I am reading will certainly be placed on the table.

" . . . Of these 100 related to State prisoners dealt with under Regulation III of 1819; 702 internees under the Defence of India Act and 4 to persons dealt with under the Indian Ingress Ordinance. In 6 of the total number of cases examined by us we have advised Government that there are not sufficient grounds in our opinion for believing that the parties concerned have acted in a manner prejudicial to the public safety or the defence of British India and that therefore they should be unconditionally released. In the rest we have advised that the parties have in our opinion so acted."

So it is a case of 6 out of 806 or .075 per cent. Well, it is regrettable that there should have been even six cases. But Honourable Members readily recognise that, human as we are and human as are the Government, mistakes must always occur in judgment on the facts placed before them.

Mr. M. A. Jinnah: May I ask the Honourable Member how many persons were really interned under the Defence of India Act and how many cases were submitted to these two learned Judges on the police papers?

The Honourable Sir Narasimha Sarma: The number of cases referred to them I have already stated, 806.

Mr. M. A. Jinnah: How many were interned? Total number?

The Honourable Sir Narasimha Sarma: There are, I think, very many more, although I am not in a position to state what the exact number is. That shows that the results have not been unsatisfactory, because the number of reversals and modifications on appeal, I think, is very much larger than seems to have been the case before this tribunal, although I admit that there is this imperfection that these Judges had to deal with material which was not subjected to cross-examination.

Mr. M. A. Jinnah: And according to the Government of India it does not matter in the least whether 6 innocent persons are rotting in jail or not?

The Honourable Sir Narasimha Sarma: It is a matter of deep concern to them that as many as 6 should have been punished, but they recognise that human institutions cannot be worked better and it is a matter of some satisfaction to them that the percentage of error has been so small as it has proved to be.

Pandit Shamlal Nehru: Have the Government given them any compensation?

Mr. N. M. Joshi: Will they give any?

The Honourable Sir Narasimha Sarma: I am not aware that any has been asked for or that the question has been considered.

Pandit Shamlal Nehru: Did they ask you to imprison them, Sir?

The Honourable Sir Narasimha Sarma: Of course they did by placing themselves in circumstances which exposed them to suspicion.

There is only one further point, Sir, and that is this. I would suggest to you that the occasion that has been chosen for asking the Government to repeal these Acts is an extremely unhappy one. The Government have had to take action to cope with a wide-spread conspiracy or what is believed to be a wide-spread conspiracy and to say that at that particular moment their judgment has been wrong and that the country is so quiet as to enable them to safely withdraw these Acts seems to me to be a position which I cannot characterise as calculated to promote confidence. I would suggest this. Rightly or wrongly certain powers have been conferred upon the Government and the Government are attempting to utilise them with the least disadvantage to the State. If Honourable Members think that these Regulations should be repealed because they have not the sanction of representative bodies, then the charge may be that their successors, when wider representative institutions are introduced, may very well say that all the Bills and the Acts passed here under a semi-reformed Legislature are equally susceptible to the same attack.

Mr. V. J. Patel: Did you have any Legislative Assembly in 1818?

The Honourable Sir Narasimha Sarma: There were bodies vested with legislative powers. The Crown and Parliament in the exercise of their authority appointed bodies which had legislative functions, just as Parliament has created the existing Legislature, and the gravamen of your charge is that legislative functions were exercised by bodies not sufficiently representative. It is only a question of degree; it is not a question of anything more. The real point, therefore, is: Does the Government require these powers

[Sir Narasimha Sarma.]

or not? That is the whole thing. The Government say that they do require them. They have had trouble in Malabar. They have had trouble in the North West Frontier Province. They know that there are conspiracies in foreign States in order to bring India into trouble, to upset the balance of the institutions obtaining in India and to promote revolution by means of methods which all of us, without any exception, condemn. They say that they have information which has been to a certain extent proved in courts of justice and acted upon in courts of justice and they say that in those circumstances Members of the Legislative Assembly ought to have patience with them.

Pandit Motilal Nehru: May I ask the Honourable Member in what case it has been proved in a court of justice?

The Honourable Sir Narasimha Sarma: In the United Provinces case to which the Honourable the Home Member referred it has been proved that there were conspiracies in pursuance of movements outside India for the purpose of upsetting the social and political fabric of the Indian constitution.

Pandit Motilal Nehru: Is it the intention of the Government to apply the Ordinance and all these Regulations to the United Provinces?

The Honourable Sir Narasimha Sarma: The Government have had to employ Regulation III of 1818 in the United Provinces and elsewhere, for the purpose of arresting and confining offenders and some were brought to trial in the United Provinces courts.

Pandit Motilal Nehru: When was Regulation III of 1818 applied to the United Provinces last?

The Honourable Sir Narasimha Sarma: I do not say that the Regulation is in force in all the tracts to which it applied originally.

Pandit Motilal Nehru: May I remind the Honourable Member that the Bengal Regulation can only be acted upon after the sanction of the Viceroy has been given. Has any such sanction been given in regard to the offences committed in the United Provinces of recent years?

The Honourable Sir Narasimha Sarma: Not perhaps the offences committed in the United Provinces but in respect of offenders who were residing or domiciled in the United Provinces the Governor General in Council had to employ Regulation III of 1818.

Pandit Motilal Nehru: When was that?

The Honourable Sir Narasimha Sarma: To the best of my recollection—I am speaking of course from memory and subject to correction—it was employed not more than two or three years ago.

Kumar Ganganand Sinha: On a point of information, Sir. While reading the report

Mr. President: Does the Honourable Member wish to have some information?

Kumar Ganganand Sinha: Yes, Sir.

Mr. President: That he can do later on.

The Honourable Sir Narasimha Sarma: Sir, I have only one more point and that is this. Nothing during my 5 years has struck me more than the unfortunate position to which the Government had been driven in maintaining expenditure at a level which they could have avoided if there had been complete peace in the land, peace which was hoped for. The Government also consider that the withdrawal of these powers would necessitate the employment of a wider machinery if they are to serve the interests of the country. I think it must be the object of us all to strengthen the hands of the Government in bringing about such a state of things as would enable us to remove from the Statute-book all laws which are abhorrent to you and to us alike. But until then, I hope, you will not charge the Government with any desire to wantonly differ from you or to set your will at naught. We appreciate your desires to safeguard the liberty of the subject as much as we do. But hampered as we are by responsibilities and with the information which we possess, we feel that it is impossible for us to agree to the measures that you suggest. I therefore hope that the action of the Government would be judged in the light in which I have placed it and would not lead to a feeling that the Government are flouting the wishes of some of the Members of this House who are naturally anxious to remove from the Statute-book all laws of this description. I regret, Sir, that the Government are unable to support the motion.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, I beg to move that the debate be now adjourned.

It is clear that the gentleman in charge of this Bill and the Government do not see eye to eye with each other and some of us do not see eye to eye either with the Mover of the motion, or with the Government. We are in a very awkward position. Some of us especially, like myself, who were on the Repressive Laws Committee, are committed to the repeal of some of these enactments, but we are not prepared to go the length to which the Mover of the motion wants us to go. Unfortunately the Preamble to the Bill, which the Honourable Mr. Patel has moved, defines the scope in such a manner that it is not possible to alter it or limit its operation or do anything else. We have therefore been trying to find some solution of this difficulty, and I hope an adjournment of this debate will help to clarify the situation and enable us to discover some *via media*.

Mr. President: The question is:

“That this debate be now adjourned.”

Pandit Motilal Nehru: I should like to know whether the Government will be able to find us an official day for this.

The Honourable Sir Alexander Muddiman: I should like to hear what the Mover of the original motion has to say on the question of adjournment first.

Mr. V. J. Patel (Bombay City: Non-Muhammadian Urban): It all depends on what the Home Member says. If the Home Member is willing to meet the Members of this Assembly and talk over the matter and see what could be done in the circumstances, I am perfectly willing; I have no objection. But if the Home Member has no desire whatsoever to meet the Members of the Assembly in a spirit of conciliation, I see no reason to postpone the discussion.

The Honourable Sir Alexander Muddiman: My position is quite clear. I always desire to be conciliatory, as the House well knows. On the question of adjournment I am in the hands of the House; I can hold out no promise. If an interval might possibly be of value, I should be the last to oppose it. The question stands as follows as regards the business of the House with which I am mainly concerned in dealing with the motion, that there is at present no further Bill day. I am quite prepared, if Honourable Members of the House generally desire to adjourn this debate, to use my influence to endeavour to persuade the authority in whom alone these powers are vested to allot another day for non-official Bills.

Mr. M. A. Jinnah: *Sir, I understand that an adjournment will have this effect, that in the meantime the Government and ourselves on this side will put our heads together and see what we can do. That is how I understand it. The desire is that we should try. I can frankly tell you and the Government that I entirely share the difficulties which Sir Sivaswamy Aiyer mentioned, and we are very anxious to meet the point of view of Government if we can. If this adjournment is going to be utilised for that purpose, then it is worth while; otherwise not.

The Honourable Sir Alexander Muddiman: I am not prepared certainly to commit the Government to anything on that point. I am, as I always have been, perfectly willing to interchange views, but I am not prepared to commit the Government. On that clear understanding, that I commit the Government to nothing, I certainly, if the House so desires, will not oppose the motion for adjournment.

Mr. M. A. Jinnah: Only we come closer together.

Pandit Motilal Nehru: All I am concerned with is simply that we should get some time to continue this debate if nothing happens in the meanwhile.

The Honourable Sir Alexander Muddiman: As to that, Sir, I have already made my position clear. I have said that I will use such influence as I possess with the authority who is responsible for assigning further non-official time to assign a further Bill day in the session. I cannot go further than that.

Sir Hari Singh Gour: That is quite all right.

Mr. President: The question is:

“That the debate be now adjourned.”

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. V. J. Patel (Bombay City: Non-Muhammadan Urban): I beg to move, Sir, that the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration.

Sir, when I made the first motion for the introduction of this Bill the Government were good enough not to take up an attitude of opposition, but my friend Mr. Darcy Lindsay made a speech in opposition though he

* Not corrected by the Honourable Member.

did not press the motion to a division. When he made his speech in opposition to my motion for leave to introduce the Bill, he did so on the ground that this Assembly by accepting my motion would be interfering with the compromise which was arrived at by the Racial Distinctions Committee in 1923. I want the House clearly to understand that my object is not to disturb the compromise that was arrived at at that time but only to give the Assembly an opportunity to set right that compromise. My view is that the last Assembly was forced to accept the position which they took up in that year by the veiled threat which was conveyed to the Assembly through the Honourable the Home Member then, namely, that if they did not accept the position which the Government had put up the whole Bill would be thrown out. That was the position. The Racial Distinctions Committee which was appointed on the Resolution of my friend Mr. Samarth distinctly decided that the words "British Colonials" should be removed from the definition of the words "European British subjects" and that the privileges extended by the Criminal Procedure Code to the European British subject should be restricted to those Europeans who were born or naturalised or domiciled in the British Isles and not to those who are born or naturalised or domiciled in the Colonies. That was the recommendation of the Racial Distinctions Committee and that was to that extent in accordance with public opinion at the time. In spite of this, Government introduced a Bill including the words "British Colonials" in the definition of the words "European British subject" thus ensuring all the privileges and rights accorded to the European British subject to British Colonials. After the report was received by the Government, I mean the report of the Racial Distinctions Committee, they drew up a Bill and submitted the Bill for the sanction of the Secretary of State. The Secretary of State, on the decision of the British Cabinet, refused to allow that Bill to go through in that form and definitely stated that unless the Assembly was prepared to include British Colonials in the definition of "European British subject" the Bill would not be allowed to proceed further. When such a statement was made by the Home Member, the Assembly thought they had no other alternative but to accept that position. Under the circumstances the compromise which was arrived at between the non-official Europeans and non-official Indians in the Racial Distinctions Committee was set at naught. They were compelled to do so in the circumstances. Now, I have come forward with this proposal merely with a view to enable this Assembly to see that the compromise which the members of the Racial Distinctions Committee arrived at is adhered to in substance and in spirit. Not that I approve of the recommendations of the Racial Distinctions Committee in any shape or form. I am entirely opposed to these recommendations. The object of the Resolution of my friend, Mr. Samarth, was to have all racial distinctions removed from the Criminal Procedure Code. Certain rights, certain privileges, certain concessions in the matter of criminal trials were provided for in the Criminal Procedure Code in favour of European British subjects and that had resulted in deep dissatisfaction throughout the length and breadth of the country. Many glaring cases of injustice were brought to the notice of the authorities, ventilated both on the platform as well as in the public press and the position had become intolerable and scandalous. Mr. Samarth therefore moved this Assembly that steps should be taken to appoint a Committee with a view to see that all racial distinctions in the Criminal Procedure Code between British Indians and European British subjects should be removed. That Resolution was accepted by Government. The Government of India thus committed themselves to the policy of removing from

[Mr. V. J. Patel.]

the Statute-book, from the Criminal Procedure Code, all racial distinctions existing between European British subjects and Indian British subjects. They were therefore bound to give effect to that policy, but the Committee, instead of recommending the removal of all racial distinctions, to my mind have made recommendations which would go to perpetuate those very distinctions which it was the intention of the Resolution to remove. I will shortly state what some of these recommendations are. In the first place, I may say that several glaring distinctions are still retained by the recommendations. An Indian British subject can be tried by a second and third class magistrate for certain offences, while a European British subject cannot be tried by a second and third class magistrate for those very offences. Similarly, certain special magistrate can sentence an Indian to seven years' imprisonment while they cannot sentence a European British subject for the same period. They can only sentence him to two years. Certain writs of *Habeas Corpus* can be secured in favour of European British subjects detained outside British India, but no such writ can be secured for an Indian unless he is detained within British India. There are several other distinctions. For instance, magistrates and Sessions Judges have got certain limited powers in regard to sentences they could pass on European British subjects. They could not sentence a European British subject to whipping while they could so sentence on an Indian. These are some of the distinctions which have yet been retained on the Statute-book and I owe an apology to some of my friends here who feel that in restricting this Bill to the Colonials and Americans and non-British Europeans I have unnecessarily limited the scope of the Bill, and that I should have taken up a longer view of the questions and should have brought in a comprehensive Bill, providing for the elimination of all racial distinctions from the Criminal Procedure Code. I promise them that at the next possible opportunity I will do that. In this instance I have not done so simply because I want to know what my friends have got to say. I want to know if they are going to oppose even this small measure. I want them at least to keep to the compromise arrived at by the members of the Racial Distinctions Committee. They are however opposing it on the ground that this Bill disturbs that compromise. As a matter of fact I have proved to the hilt that my object in bringing this Bill is to see that the compromise arrived at between European and Indian members of the Racial Distinctions Committee should be preserved intact. It was at the interference of the British Government that this Assembly was compelled to accept the position in which they find themselves to-day. Therefore I have brought forward this small measure and Government have very rightly not opposed its introduction. I am sorry, however, that my Honourable friend Mr. Darcy Lindsay is very keen that this matter should not be discussed at this time because some sort of negotiations are going on between the Governments concerned and he is afraid that this discussion might interfere with the settlement of the question. My own view is that these negotiations are going on from time immemorial and will go on as long as we are a subject nation. Unless we assert ourselves as men the matter is absolutely hopeless. There is absolutely no reason why any foreigner should have more rights in this country than the sons of the soil themselves have. Why should the British Colonials have more rights in this country than the Indians themselves have got? If the Colonials want to retain special rights, privileges and concessions in this country, they must be prepared to reciprocate and grant similar rights, etc., to our countrymen in their respective countries. Have they done so? The position

is too notorious to need any mention. We know how our countrymen are being treated there. I will not put my claim on the ground of retaliation. It is not necessary for me to do so. There is no idea of retaliation in this proposal. All I say is that no foreigner should have any more rights in this country than we ourselves enjoy. That is the ground on which I put it. The second ground is I should certainly put the rights of the people of any other country on a higher basis if my countrymen are treated similarly in their country. Otherwise there is absolutely no reason why superior rights should be given to the people of any other country in India. Similarly, with regard to non-British Europeans and Americans. Section 275 gives them a right to be tried by their own peers. Is an Indian given the right in America to be tried by his own peers? Certainly not. If that is so, why should Americans and non-British Europeans be treated on a favourable basis? I therefore submit, Sir, that there is absolutely no reason why these distinctions should remain on the Statute-book. I said in the beginning that the Racial Distinctions Committee, instead of removing racial distinctions from the Code of Criminal Procedure, have by their recommendations perpetuated those differences. Let me cite an example. According to the provisions of the old Criminal Procedure Code, in trials in a Court of Session or a High Court where a European was an accused person, he ought to be tried by a mixed jury with Europeans in a majority and the result of that was that injustice was done in many cases where an Indian was the complainant and a European was the accused. What the Racial Distinctions Committee did was this. They said: "Very well. You complain of injustice in cases between Europeans and Indians by the institution of this mixed jury system. We give you also a mixed jury. When an Indian is to be tried before a Court of Session or a High Court, let there be a mixed jury with a majority of Indians." That is what we do not want. We do not want to perpetuate injustice. As a matter of fact, what we wanted was that justice should be done in the case of both. What the Racial Distinctions Committee did was to give the same privilege to the Indians to defeat the ends of justice as the Europeans had. By the introduction of a mixed jury even in the case of Indians the Indians were given the right of defeating the ends of justice thus silencing them. That was not what we wanted. What we wanted was that every man should be tried properly according to the ordinary procedure of the criminal law of the country. We did not want special privileges for defeating the ends of justice—that is what we wanted to remove from the Code of Criminal Procedure. The Committee thought they were satisfying public opinion by giving a mixed jury to the Indians also. I therefore submit that a case has been fully made out for the consideration of this Bill and I hope the House will agree to the motion.

Mr. K. Ahmed: You have no objection to taking it to a Select Committee?

Mr. V. J. Patel: Are you going to move for it?

Mr. H. Tonkinson (Home Department: Nominated Official): Sir, my Honourable friend, Mr. Patel, has explained that the purpose and the principle of his Bill is to give effect in substance and in spirit to the recommendations of the Racial Distinctions Committee. He then proceeded to criticise some of those recommendations. So far as those recommendations are pertinent to the present Bill I will refer to them in detail later.

[Mr. H. Tonkinson.]

I do not think, Sir, that it is necessary to attempt to refute the arguments brought forward by Mr. Patel against those recommendations which are scarcely pertinent to the Bill before the House.

What is the principle of this Bill? It appears to me that the only principle which can be found in the Bill is that we should take away from our Code of Criminal Procedure all references to Europeans not being European British subjects, and Americans and further to all subjects of His Majesty born, naturalised or domiciled in any colony and the children or grandchildren of such subjects. In clauses 2 and 3 of the Bill my Honourable friend proposes to repeal certain provisions of the law which affected these classes of persons. They are the main clauses in his Bill. Then in clauses 4, 5 and 6 he proposes to amend certain other sections of the Code which are absolutely subsidiary sections in that they are only required to give effect to the substantive provisions which my Honourable friend proposes to amend in clauses 2 and 3. Now, Sir, let me take first the position of Europeans (not being European British subjects) and Americans. I do this because to some extent the position in the Code of Criminal Procedure at present in regard to Colonials follows, I think, logically from the position in regard to any European not being an European British subject and Americans. In section 275, sub-section (2), of the Code of Criminal Procedure it is provided that in any trial by jury of a person who has been found under the provisions of this Code to be an European (other than an European British subject) or an American a majority of the jury shall, if practicable, and if such European or American, before the first jury is called and accepted, so requires consist of persons who are Europeans or Americans. That is to say, Sir, if practicable an European or an American accused person is able to obtain a jury of which the majority shall be Europeans or Americans. That, I would submit to this House, is not a very great privilege. It is the only privilege that in this respect the Bill seeks to abolish. It will be remembered that the provisions of sub-section (2) of section 275 of the Code of Criminal Procedure take the place of part of the provisions of the old section 460 of the Code of Criminal Procedure of 1898. In regard to that section the report of the Racial Distinctions Committee was as follows and I think, Sir, it is important that the House should realise what those recommendations are because my friend states that his purpose is to give effect in substance and in spirit to the recommendations of the Racial Distinctions Committee. The recommendations in that respect were as follows:

“These sections deal with Europeans not being European British subjects and Americans. We are of opinion that unless any of the privileges in regard to such persons are found to be based on treaty they should be abolished.”

Well, Sir, when the Racial Distinctions Committee were reporting we had no information as to whether there were any such treaties. Later we found that there were such treaties and we announced the position in this respect to the country in the Statement of Objects and Reasons which announced the decision of the Government in regard to the legislation proposed in the Criminal Law Amendment Bill of 1923. There it was stated:

“It has since been ascertained that by treaties with Italy, Switzerland, Argentine, Venezuela, Costa Rica and Columbia the same privileges as regards procedure in criminal trials are secured in India to nationals of those countries as are given to Indian subjects of His Majesty. The possible contingency,—the Statement of Objects and Reasons went on to state,—which was foreseen by the Committee has therefore arisen and it is necessary to retain these privileges because Indian subjects of His Majesty are to be given by the proposals in the present Bill a complete right to claim trial

by jurors of whom the majority shall be Indians or of assessors who shall all be Indians. It is impracticable to maintain any differentiation between the nationals of the six States in question and those of other European or American States, and accordingly the Bill proposes to retain those privileges for all."

The position, Sir, was further explained in this House by Sir Malcolm Hailey in the debates which took place on that Bill. Sir Malcolm Hailey said:

"I take it that the House will be satisfied in regard to these six countries at all events the rights formerly held by Europeans and Americans under section 460 of the Criminal Procedure Code must be maintained."

It has been suggested in debate that this extension might be defended by the use of the word "compendiousness". Sir Malcolm Hailey went on to say:

"I do not intend to do so. I put it to the House as a matter of reason that if you are to maintain those rights in regard to Italy and Switzerland among the European countries, it would be difficult to defend a withdrawal in regard, say, to France, our late Ally or any other nation in Europe now enjoying them. There is little doubt in my mind that if other nations, shall we say the French, were to approach us with a view to making a treaty identical with Italy, we should find it very difficult to resist their request. The same with Spain or Portugal and the like, and we should gradually come back to what we have embodied in our Bill."

Sir Malcolm Hailey then went on later to point out that it would be impossible not to give the citizens of the United States what was given to those of Costa Rica, Venezuela, Columbia, and so on. That, Sir, was the reason for the provisions in the Bill relating to Europeans not being European, British subjects and Americans. And I submit, Sir, that it was in substantial accordance with the recommendations of the Racial Distinctions Committee. I submit, Sir, that it followed in the words of Mr. Patel the substance and the spirit of those recommendations. Indian subjects of His Majesty can definitely under the Code of Criminal Procedure claim, in cases triable by jury, that a majority of the jury shall be Indians. My friend Mr. Patel seemed to imagine that that was an entirely new provision in the law. He is quite mistaken. Is there any derogation of the rights of an Indian, Sir, if we accord in our Criminal Procedure Code the privilege that in these same cases, if the accused person belongs to one of these races, a majority of the jurors shall be Europeans or Americans, if it is practicable in the circumstances of a particular case, a particular district, a particular occasion, to obtain such a jury. Of course the provision, Sir, only applies to cases which belong to a class of cases which in a particular district are always triable by jury.

I now turn, Sir, to the provisions of the Bill in so far as they affect Colonial subjects of His Majesty. The recommendations of the Racial Distinctions Committee in this respect were as follows:

They said:

"Having regard to all the facts we recommend that the definition of European British subject should be amended by striking out all the words in clause (i) of section 4, sub-section (1), of the Code of Criminal Procedure, after the word 'Ireland', thus omitting all reference to the British possessions or Dominions outside Great Britain and Ireland."

They then went on to say:

"We are of opinion, however, that the definition of European British subject could not be assimilated to this description in the Government of India Act. We recommend two additions to our proposed definition. The first is that subjects of His Majesty

[Mr. H. Tonkinson.]

born, naturalised or domiciled in any of the European, American or Australian possessions or Dominions of His Majesty or in New Zealand or in the Union of South Africa should be classed as European British subjects when they are actually serving in India in His Majesty's British Army, Navy or Air Force. The reason for this addition is that when such persons are transferred to India they have no option. They are not in the same position as those who by their free choice come to reside in India. The second addition which we recommend is that subjects of His Majesty born, naturalised or domiciled in any of the European, American or Australian possessions or Dominions of His Majesty or in New Zealand or in the Union of South Africa, who at the date of the adoption of our proposals are in His Majesty's Indian Army, Royal Indian Marine or Indian Air Force should be classed as European British subjects."

That, Sir, was the recommendation of the majority of the Racial Distinctions Committee. I do not propose to refer to the recommendation of the minority. It was on similar lines, except that it proposed that there should be no distinction between any persons serving in His Majesty's forces. In this respect, Sir, of course, there is no doubt that the Racial Distinctions Bill did not give effect absolutely to the recommendations of the Racial Distinctions Committee. Neither does the Bill of my Honourable friend, Mr. Patel, who says he wishes to adopt in substance and in spirit the recommendations of the Racial Distinctions Committee. But, Sir, in view of the position which we ascertained after the Racial Distinctions Committee had reported in regard to Europeans (not being European British subjects) and Americans, it is clear that these recommendations in regard to colonial subjects of His Majesty required re-consideration. The first obvious question was, Sir, if we were going to give—and I submit we were compelled to give—on the recommendations of the Racial Distinctions Committee, privileges to Europeans not being European British subjects and Americans, if we were going to give the privileges to those persons, then it was necessary for us to consider whether we should not give at least the same privileges to Colonials. Further, Sir, would it have been proper for us to have given to colonial subjects of His Majesty a position in our Criminal Procedure Code inferior to that of all other subjects of His Majesty? I would remind the House, Sir, that the privileges are now only given to such persons who are of European descent in the male line. That is, the anomalies which were referred to by the Racial Distinctions Committee were removed and in this respect we went further than did the Racial Distinctions Committee in recommending the removal of anomalies. In the Bill, Sir, which was passed by the first Assembly, it was provided that these persons should have the same privileges as other European British subjects who hailed from the British Isles. Now, in practice this means that they would have the same privileges as Indian subjects of His Majesty in regard to juries, in regard to assessors and in regard to the trial of cases in which racial considerations arise. I wish to emphasise, Sir, that in these respects the privileges are exactly the same, no more, than those accorded to Indian subjects of His Majesty. They did in a few particulars, which were set out at length in the Statement of Objects and Reasons annexed to the Criminal Law Amendment Bill of 1923, obtain some privileges, but they were very small indeed, beyond those which are given to Indian subjects of His Majesty. Now, Sir, let me remind the House of the provisions of section 65, sub-section (3) of the Government of India Act. That sub-section, Sir, provides that the Indian Legislature has no power, without the previous approval of the Secretary of State in Council, to make any law empowering any court other than a High Court to sentence to the punishment of death any of His Majesty's

subjects born in Europe or the children of such subjects. Now, Sir, under that provision of the Government of India Act several of the provisions in the Criminal Law Amendment Bill of 1923 required the previous approval of the Secretary of State in Council. Indeed, Sir, some of the provisions which required approval were concerned with those words "or any Colony" which my Honourable friend now proposes to delete from section 4 of the Code. Moreover, Sir, the Government of India received definite instructions—I am stating the position exactly to the House—to include in the Bill provisions relating to persons born, domiciled or naturalized in any of His Majesty's Colonies and their children and grandchildren. I suggest that in this matter the Government of India could scarcely have expected, having regard to the responsibilities of His Majesty's Government in regard to the British Empire as a whole, that such instructions would not be given. The point was indeed alluded to in the debates in the first Assembly by Sir Malcolm Hailey. Sir Malcolm Hailey said:

"The instructions which we have received on the matter with which for the moment we are most concerned are the instructions of His Majesty's Government as a whole communicated to the Secretary of State as the condition on which he could give the approval which is necessary under section 65 of the Government of India Act. I say with all sincerity that I believe that those instructions would have been given by the preceding Government, perhaps by any preceding Government. I do not believe—again I speak with all sincerity—I do not believe that those directions involve any change of policy or any new angle of vision in regard to India."

I turn now, Sir, to a larger question. The Criminal Law Amendment Act was passed as the result of an examination of the difficult question of racial distinctions under the old Criminal Procedure Code by a representative committee. It gave effect to a compromise between the communities affected and the authorities affected. When a result of this nature has been arrived at after a long and anxious consideration, I would ask whether it is reasonable that within 18 months of the change of the law coming into effect we should have a proposal of the nature that is put forward in this Bill in order to upset the compromise? Mr. Darcy Lindsay, speaking on the motion for the introduction of this Bill quoted from the remarks of Sir Malcolm Hailey on the motion that the Criminal Law Amendment Bill be passed, and I do not think, Sir, that I can do better than also quote from those same remarks. Sir Malcolm Hailey said that he had

5 P.M. been asked as to whether he could sum up as to what has been achieved so far since the Government of India Bill was passed, and he went on to say:

"I said that I could not do so yet. After all the mere enactments of a legislature, or the concrete instances in which the legislature forces its will on the executive are not of importance. What is important is the atmosphere in which the legislature does its work; the spirit which actuates it, the ideals and the objective which it has in view. I said that I could not yet sum up the results, but that an occasion was coming which I hoped would enable me to do so; for if the course of the discussions on this question India showed that she had the temper of true statesmanship, that she was willing to make concessions in order to gain the good will and co-operation of Europeans in the common task of promoting India's political progress rather than to satisfy her own immediate feelings, based on resentment for the past, and if, on the other hand, Europeans were willing to make sacrifices in order to prove to India that they were prepared, not only to recognise the strength of Indian sentiment on this question, but to assist in the solution of India's own difficulties, then there could be no doubt that we should be able, between us, to make the Reforms a success. For, whatever belief one may have in the future of India, whatever confidence one may have in her future, I have one cardinal article of faith. India may march onwards.

[Mr. H. Tonkinson.]

but she cannot march alone. If she is to gain responsible government from Parliament, then she will have no stronger argument than this, that the Europeans resident in India also desire it and are willing to co-operate in its development. If she is anxious to gain an equal position in the Empire, an Empire which is not an agglomeration of States, but is the very embodiment of the British spirit, then all the more will she need the good will and the assistance of the Europeans resident in India."

Then Sir Malcolm Hailey went on to make the remarks which were quoted by my Honourable friend, Mr. Darcy Lindsay, on the last occasion the present Bill was before the House, and he concluded by saying:

"We can show to the world by the passing of this Bill that the better India, the India which will count in the future, will have none of that; that such feelings do not represent in any sense the real characteristics of the better Indian mind; we can show that the course of India's political progress is not going to be blighted and marred by a persistence of racial animosity."

Sir, I have now indicated what is the nature of the provisions in the existing law. They are assumed, Sir, to be privileges. In the one case, as I have shown, they give no more to those who benefit by them than is provided in the Code for all Indian subjects of His Majesty. They are in fact less than is so provided. In the other case they give practically the same privileges as are given to Indian subjects of His Majesty, though they do, I admit, in a few particulars (I do not agree with Mr. Patel that they are serious particulars) extend beyond the privileges given to Indians for the present. I have indicated, Sir, how we have arrived at the present position; how the whole question was examined by a representative committee, and how we came, Sir, partly by giving effect to the Committee's proposal, partly as a logical sequence from those proposals, partly owing to instructions from His Majesty's Government, who were clearly concerned, to our present position. Now, Sir, the Bill proposes to depart from the position which we have so recently arrived at. We on this side of the House are fully conscious of how deeply Indian opinion feels upon the manner in which Indians are treated in the Colonies, how deeply Indian opinion feels upon the decisions of the Supreme Court of the United States regarding naturalisation. In these matters, Sir, we are at one with Members on the other side of the House in our determination to do all that is in our power to secure justice for Indians. We do however, Sir, deprecate action on the lines of this Bill. In our opinion retaliatory measures of this kind are not the right course to adopt. Sir, I do not claim for the Criminal Law Amendment Act of 1923 any of the attributes of the laws of the Medes and Persians. But I do ask, Sir, is it in consonance with the dignity of this House, is it, in consonance with the dignity of India, that when we have a compromise effected in the manner which I have described, effected such a short time ago, that a member of one of the communities that was a party to that compromise should come to this House and attempt to upset that compromise as is now proposed? Sir, I trust that the House will agree with Government in this matter and that they will reject the motion.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): Sir, I do not wish to follow either the Honourable Mr. Patel or the Honourable Mr. Tonkinson in the discussion of the various points which they have raised. If by my motion I lend the colour of support to the principle underlying my friend, Mr. Patel's Bill, I do so for three

reasons. In the first place, I wish to encourage my friend, Mr. Patel and people of his way of thinking to degrade themselves to the level of those Members who co-operate with the Government inside the Assembly. They came here to wreck the Reforms. They are here attempting to lend their hand in making constructive proposals. That is one reason why I lend my support to this measure to the brief extent to which I am doing.

The second reason which prompts me to lend this support is the events which are happening in South Africa and the United States of America which are galling to the people of this country, and whether our patience has not been overtired in these matters is also a matter for consideration. How long is India to be going on negotiating and negotiating without taking effective steps of her own is a matter for the serious consideration of this Assembly. There are Colonies and Colonies. Some Colonies have behaved handsomely. Other Colonies are behaving in a manner which we cannot but resent; and therefore in that matter of whether all Colonies should be brought under the definition of "European British subject" or whether we should not make exceptions against certain people, is a matter which I am willing to consider notwithstanding the fact that it was only recently that we passed this legislation. It does not affect the compromise arrived at between the two communities, for it was not part of the compromise at all. The two communities agreed to exclude the Colonials unless they were employed in His Majesty's forces. To that extent my Honourable friend, Mr. Patel will, I am sure, agree to retain the privilege and I think he has overlooked that part of it. So far as the Colonials are concerned generally, it was more or less forced on this Assembly by the attitude taken by His Majesty's Government. The Committee felt no difficulty whatever in recommending the removal from the definition of the words "European British subject" Colonials as such. But it was His Majesty's Government at home who said this Bill shall not pass further unless you agree to include the Colonials. And while I myself would not have moved in the matter, I do want to treat the Honourable Member, who thinks the matter is so important that he should come forward with a motion of this kind, with that respect which is due to a Member of this House; I am willing to consider his proposal. It is only to that extent I propose that this matter should go before a Select Committee. It is a matter for consideration. There is my Honourable friend's statement that the Racial Distinctions Committee have not achieved much by their recommendations; of course there are some Honourable Members who will never be content with what other people do except when they do it themselves. They alone represent the people! It is only in that spirit that I have to treat these remarks. What was it that the country was complaining loudly against? It was the racial inferiority imposed upon the Indian as such—that he was unfit to try Europeans, which was sought to be removed during the Ilbert Bill controversy and which was retained in spite of the opinion of the country. That distinction has been removed. Has my Honourable friend read the history of that agitation? Does he think that is a small point? Now it is not necessary for me to pursue the matter further.

In the third place there are certain matters to be considered seriously in the Select Committee and the matter is one which requires serious consideration, and, if the motion is carried, I would certainly propose a comprehensive committee to go into the whole question. Sir, the privileges

[Diwan Bahadur T. Rangachariar.]

retained, if you can call them privileges at all, are so small that one need not bother oneself about the existence of these privileges. But my Honourable friend, Mr. Patel, wants to lend a helping hand in removing this small remnant which exists which he thinks the country is so anxious about. I do not know, Sir, that events have happened which go to show that there is any pressing call for this legislation at all. I do not know how many Colonials ever claim the privilege accorded to them under this Act. I do not know how many Americans, not being European British subjects, have claimed any of these privileges. The privileges are so small, the occasions when they are exercised are so infrequent, that in my opinion, if Mr. Patel will accept my view, if I were in his position I would not press the motion in this way. Still, as an Honourable Colleague of mine is anxious to have the matter considered, I wish to lend that support in order to enable him to discuss matters round the table and see really whether any improvement is needed and whether it is worth while pursuing the matter.

Sir, I move that the Bill be referred to a Select Committee.

Mr. Darcy Lindsay (Bengal: European): Sir, I am very disappointed with my Honourable friend, Mr. Patel, at not accepting the suggestion I threw out to him the other day to drop this Bill. I am further grieved that he and his party as a whole appear to place such little store on the good will and co-operation of myself and my colleagues that for the sake of what can be nothing more than a gesture of defiance to South Africa they throw us overboard so to speak after having secured our co-operation in the recent deputation to His Excellency the Viceroy on the position in South Africa. To be perfectly frank with the House we feel, Sir, that it is not playing the game, as usually understood, to come and ask us to give our full support to the memorial—which I may say we gladly gave—and then with the ink barely dry, as the Honourable the Home Member referred to to-day in connection with another matter, to put forward this amending Bill which in my opinion is entirely opposed to the spirit and good fellowship in which we joined and in which the deputation attended His Excellency. Now, Sir, what does the House hope to gain by this protest at what my friends consider a very inopportune moment? There is no blinking the fact that this racial pin-prick can be taken as directed at South Africa, the country in which we have a considerable stake by the fact that 160,000 of our Indian fellow-subjects are resident there. Does the House honestly think that we are assisting the objects of the memorial by a retaliatory measure of so petty a nature? For, I do not believe there are more than a dozen or so of South African subjects in India whose status can possibly be affected by the amendment. Then again, is there not the danger of retaliation from the other side which may be a cause of further irritation to our fellow-subjects who may well exclaim: "Save us from our friends?" Retaliation is always a dangerous weapon to use unless you are the stronger party and at times acts like a boomerang. I should like to know whether Mr. Gandhi has been consulted about this matter, for I very much doubt his approving of a course of action so fraught with danger to the people he loves and has already done so much for. Writing recently in *Young India* on the subject of the recent deputation he says:

"There is ample scope for non-violent action but it requires thinking out and vigorous working out. That seems hardly possible at the present moment."

Can we regard Mr. Patel's proposed action as non-violent or well thought out? Then again Mr. Gandhi writes:

"Let our countrymen in South Africa work out their own salvation. Heaven helps only those who help themselves. They will find that if they show their original grit and spirit and sacrifice they will have the people of India, the Government of India and the world helping and fighting for them."

When I addressed the House a few days ago opposing the introduction of the Bill I quoted from a speech delivered by my Honourable friend Diwan Bahadur Rangachariar in February, 1923; at the time the very question now at issue was debated, and in face of his amendment to refer the Bill to a Select Committee I hope the House will bear with me if I quote from his concluding speech just before the amended Bill was adopted, and which I stated had been arrived at in a spirit of compromise and tolerance. Mr. Rangachariar said:

"I do not think I can express it in better words than the Home Member has done to-day about the co-operation that is needed between the two communities hereafter and that all those who inhabit India should consider India their home, not merely a place of residence as hitherto some people have done. Let it be their home. Let India rank first in their minds, in their desires, and every other country afterwards. Then, in that spirit alone we can bring that good which we all desire should crown our efforts."

Then, again, Sir, his leader, Mr. Seshagiri Aiyar, said:

"We felt, Sir, that the Secretary of State's interference on one or two matters had put an extra strain upon our loyalty to the pact which had been entered into by Europeans and Indians on this matter; and unfortunate also it was that his interference should have been on a matter on which the country feels very deeply and bitterly. Sir, in response to the appeal made by the Honourable the Home Member we were prepared to overlook even those objectionable features, and we resolved that we shall do nothing which would have the effect of wrecking this Bill. I hope, Sir, that the Colonials will recognise that in giving way in the manner we have done we have shown the true instincts of a race which has a long and glorious civilisation behind it, and which has shown itself to be capable of showing forbearance, tolerance and dignity; and I hope that the Colonials will recognise that a race which has shown such tolerance and dignity on the floor of this House should be treated far better than they are treating it in their homes."

Brave and good words these from two prominent men; but I ask what has changed the angle of vision of my Honourable friend in two short years that he now proposes to emulate the infamous action of a certain European Power and treat as a "scrap of paper" the section of an Act he was closely concerned in placing upon the Statute-book? My Honourable friend talked of the co-operation that is needed between the two communities hereafter and that all those who inhabit India should consider India their home—and mark you, in this he makes no distinction as between Europeans in the ordinary acceptance of the term—but when put to the test the Honourable Member appears to me to be found wanting in the very co-operation he so strongly advocates and which we are ready to give him if he does not make it impossible. In the old Assembly we had nothing but admiration for the blunt honesty of purpose of "our Rangy" as we affectionately called him. I wish he would change his coat again and be our old friend once more.

I do not propose to debate the justice of retaliation for the admitted injustice done to our fellow Indian subjects in certain other countries. That I will leave to others who are better qualified, but I would like again to quote the Honourable Sir Malcolm Hailey who, in his reply to the debate

[Mr. Darcy Lindsay.]

on this very subject, places the position as I think the House should view it. Replying to a point made by Mr. Seshagiri Aiyar, so said:

"What I did say, and I hold to it, was that whatever might be the possible result of allowing the definition to stand, yet to legislate now and here for withdrawing from Dominion subjects the status now enjoyed by them would undoubtedly do no good. I am no prophet; I cannot pretend to say whether the exhibition of magnanimity on our part will earn its reward or not. But what I could say is this. If you legislate in the sense that was recommended by the Committee, then it is certain that you will do active harm; that at all events seems to me a direct certainty. But, Sir, this fact does remain; you have somehow got to induce a better atmosphere in the Dominions. You can only secure what you want—I say what you want, but it is also what your Government wants—you can only induce by promoting a better knowledge of yourselves and a better estimation of India. I believe if you were to legislate in the sense in which Mr. Agnihotri desires, you would go far towards destroying all chance of securing that atmosphere with the Dominions. More than that, as Mr. Jamnadas pointed out—and I welcome his aid in this respect—you would perhaps lose your own claim on the assistance of the Home Government, for whatever value the Dominions may attach to the feelings and aspirations of India, remember that they will still more be influenced by what is said in England itself. If you can create in England itself an atmosphere favourable to you, you have taken an important step towards securing a better atmosphere in the Dominions also. I have argued the question purely on its merits. It is, as Mr. Jamnadas said, a practical question. You have simply to balance the advantages and I believe myself that the advantage lies, and lies clearly, and distinctly in recognising that Colonials, as members of the British race, should retain the rights which they now enjoy."

Now, Sir, in this connection I may say that if we throw out this Bill the effect on public opinion in South Africa will be great. We shall attract their more reasonable citizens to the side of moderation and justice. Some of us (A Voice: "Is there any?") Certainly. Some of us took every available opportunity in England last summer to influence all Colonials we met in favour of India's legitimate aspirations and I think we did some good work. But are we to work alone? Will not the House support us in our efforts to improve the lot of our Indian fellow-subjects overseas? In conclusion, Sir, looked at from every point of view I feel very strongly that the fair name of India as well as the objects which we all have in view will be endangered if we treat as a scrap of paper to be torn up at will an agreement arrived at two years ago in the first Assembly, and I may add, Sir, the amending Bill was most enthusiastically passed; and I do again appeal to my friends in this House for their co-operation in this question. Whatever may be its fate I am certain of one thing, that given freedom to vote the House would reject the Bill for I have reason to know that the sympathy of many friends are with me and I even include the Honourable Mover. But, Sir, rather than see the House go to a division which I deplore at this inopportune moment I venture to move that further discussion of the motion be postponed *sine die* and I ask the Honourable Mover to accept my proposal. In doing so, I feel I am in very good company in following the father of the House, the Honourable Sir Sivaswamy Aiyar, who made a somewhat similar proposal on the previous Bill.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): I rise to differ from the appeal my Honourable friend Mr. Darcy Lindsay has made to the House and especially to the Honourable Mover. I am going to suggest to my Honourable friend that he must drop this Bill. I was very much disappointed at my Honourable friend Mr. Darcy Lindsay thinking that he had no better support for what he wanted to put

before the House than the instance of a few European leading Members of this House having thought it fit to join the deputation to His Excellency the Viceroy a week or so back. Sir, I venture to say that those friends of mine who complied with that request, with which I had something to do, did it for no consideration of the nature that may be inferred from my Honourable friend's remarks. They did it because they were convinced that the cause of Indians in South Africa was just and under any circumstances deserving of their support. I am very sorry that so prominent a Member of the European community in this House should have thought it fit to make such a suggestion because I do not believe that I could possibly expect my friends over here to enter into any barter of that nature under any circumstances. If I know my friends who joined that deputation, and I can claim to know them better than Mr. Darcy Lindsay, I say that they joined it because they were honestly, genuinely and sincerely convinced that the cause of Indians in South Africa at this juncture demanded their help, sympathy and co-operation. I put it to Mr. Darcy Lindsay, Sir, that it was not in any spirit of barter

Mr. Darcy Lindsay: I never said it was in any spirit of barter.

Sir Purshotamdas Thakurdas: That is the inference suggested by what he said.

Mr. Darcy Lindsay: Then it is the wrong inference.

Sir Purshotamdas Thakurdas: I am prepared to take that from Mr. Darcy Lindsay. But my Honourable friend Colonel Crawford thought fit to refer to it on the first evening. I did not want to say anything then. Then my Honourable friend Mr. Darcy Lindsay thought he would repeat it a second time. On behalf of those who attended that deputation I put it now to Colonel Crawford that that has nothing to do with the question to-day before the House.

I propose, Sir, to put my suggestion to my Honourable friend on my right on quite different grounds. My point is, Sir, that this Bill seeks to do something which has been called by my friend Mr. Darcy Lindsay a pin-prick. I wish to ask not only my friend Mr. Patel but those who may think with him, what is the occasion for bringing up this Bill? The privileges of these various nationals are there, and what inconvenience have those privileges caused to anybody, or what have the nationals of these various countries done to India or to Indians to justify your bringing up this question when this House has more important work awaiting consideration. (Laughter.) I wish to exclude, Sir, my Bills. Here is a whole sheet or two sheets full of other Bills, some of them not even yet introduced and some at the first stage. I wish to ask, Sir, whether this has not been done on the ground of sentiment. I wish to ask my Honourable friend on my left whether the value which they attach to these privileges is not based principally on sentiment also. If my Honourable friend Mr. Patel has not been able to put before this House any strong reasons to show how Indians can treat these privileges as a grievance, or how the interests of India and Indians have suffered by these few nationals having these privileges, would it not be better to move a Bill of this nature either when the Assembly has less important work to do or when there is something done by the nationals enjoying these privileges which can safely be said to mark them as unfit to continue to enjoy them? Until, Sir, any such case is put before this House

[Sir Purshotamdas Thakurdas.]

I have no hesitation in saying as an Indian, with whatever little patriotism I may have in me—I have no hesitation in saying with all the sincerity of an Indian that this Bill should not be forced on this House for consideration at this stage. It was said by some Honourable Member that the Bill ought to be taken for consideration at this stage because of the attitude of South Africa and the attitude of other Colonies towards Indians there. That is a question which gives one much anxiety, much anxious thought. And indeed if the negotiations which are going on at present, or which may go on for the next few months do not fructify, is this the sort of measure with which you are going to meet the injustice that the Colonies persist in doing to Indians? This is not even a pin-prick compared with the crime the Colonies are responsible for towards Indians. We want something bigger; we want something graver in character. If this is intended to be a retaliation then let us consider the whole thing well. Let us not begin with such a small insignificant pin-prick. I say that with some sense of responsibility. Perhaps I am notorious in the House for holding very strong views on the subject of the treatment of Indians in the Colonies. This is not the measure with which to solve that problem. Personally, I think the time is not yet ripe to make any movement in that direction, and I fully agree with His Excellency the Viceroy when he said in reply to that deputation that until the negotiations are over there should be no question of threat or retaliation. We know our weakness rather too well and I certainly think that if Mr. Patel has that in view, he might leave it on one side until the negotiations have failed. I, Sir, therefore would strongly urge my Honourable friend on my right to drop this measure at this stage and just let us turn over a little to some constructive work and if it must be destructive, let it be destructive work of a nature which will bring some benefit to India and will not be responsible for a great deal of unnecessary bitterness which can do no good to India at all.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I had no intention whatever of taking part in this debate, but the speech which has just been made has come to me like a bolt from the blue and I feel that I must intervene. I could not conceive that any Indian could have given expression to the feelings and sentiments which my great friend Sir Purshotamdas Thakurdas has done. I think, Sir, that when he describes this as a pin-prick, he is probably thinking of the millions which are perhaps to be made in South Africa or something of the kind. I could understand my European friends here standing up one after another and speaking of this measure as a retaliatory measure, but when an Indian calls it a retaliatory measure, I say, Sir, that it takes my breath away. What is the retaliation here? What are we doing to them which we do not want for ourselves. These Colonials come to our country. It is said they have the privilege of having a superior status to ourselves. I deny that proposition and I emphatically repudiate all the implications of that proposition. I say they are no better and no worse than we are. It is said that there was a compromise. I say—and I thank heaven—that neither I nor any of my friends on whose judgment I can rely was a party to that compromise. Those who entered into that compromise, did so in their own personal capacity. They have no right to say, having regard to the feeling in the country, that they in any sense represented their electorates or the general public of India. They are quite welcome to abide by their compromise if they are so minded. I for one would not treat it even as a scrap

of paper. I would not touch it with a pair of tongs. It is a thing which puts me to the indignity in my own country of occupying a far lower position, lower status, than a Colonial. Sir, when my friend Mr. Patel referred to his having disappointed some of his friends by limiting that measure to Colonials, he was referring to me. It was I who was disappointed. What difference is there between a true born Britisher and a Colonial? Anybody who comes to this country is quite welcome to have the same rights, the same privileges which we have. But what right has anyone to say that "we are in your country because we are of a certain colour or belong to a certain race, therefore we occupy a position in which even our criminals must be treated better than your criminals". Where is the justice of it and where is the question of retaliation? Do we want any position for ourselves in South Africa or any of the Colonies which the Colonials themselves do not enjoy? Are we not giving them all that we enjoy ourselves? What right has anybody to say that he is entitled to more than the people of the country itself? Yes, I know there is one right and that right is might, and it is due to that right of might that we have suffered so long from the disgrace of these enactments. My friend Sir Purshotamdas Thakurdas asked: "What has happened recently that we should pass this legislation at once?" I say that every minute that we allow to pass by now that the matter has come up before this House is a disgrace to every Indian member of this House. That is my opinion. (Diwan Bahadur T. Rangachariar: "That is not the measure now before the House.") I quite agree with my Honourable friend Mr. Rangachariar if he wants the matter to be considered in the Select Committee although I fail to understand what there is to be considered about it. I welcome this because I may have a chance of moving an amendment to strike out the words "other than a British-born subject" so that this enactment may be of general application to all and sundry whether they be European British-born subjects or Colonials or Americans. Sir, the feeling of a true Indian is and ought to be to put himself the question: "Why is it that this piece of legislation has been allowed to remain a blot upon the Statute-book so long?" and resolve that it should not for a minute longer continue to remain on the Statute-book. It is with that feeling, I hope, that the whole of this House or at least the great majority of it, is inspired. I strongly oppose any motion for adjournment *sine die*. But, if Mr. Rangachariar seriously wants a Select Committee, I have no objection to give Members of the House a chance of meeting across the table and explaining their views. I, therefore, Sir, oppose the motion for adjournment *sine die*.

Mr. President: The original question was:

"That the Bill further to amend the Code of Criminal Procedure, 1898, be taken into consideration."

Since which an amendment has been moved:

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

Further amendment moved:

"That this debate be now adjourned *sine die*."

The question I have to put is that this debate be adjourned.

The Assembly divided:

AYES—44.

Abdul Mumin, Khan Bahadur
Muhammad.
Abdul Qaiyum, Nawab Sir Sahibzada.
Abul Kasem, Maulvi.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Calvert, Mr. H.
Chalmers, Mr. T. A.
Clarke, Sir Geoffrey.
Clow, Mr. A. G.
Cocke, Mr. H. G.
Cosgrave, Mr. W. A.
Crawford, Colonel J. D.
Dalal, Sardar B. A.
Datta, Dr. S. K.
Fleming, Mr. E. G.
Fraser, Sir Gordon.
Graham, Mr. L.
Hira Singh, Sardar Bahadur Captain.

Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.
Marr, Mr. A.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra
Nath.
Moir, Mr. T. E.
Muddiman, The Honourable Sir
Alexander.
Muhammad Ismail, Khan Bahadur
Sayid.
Purshotamdas Thakurdas, Sir.
Reddi, Mr. K. Venkataramana.
Rhodes, Sir Campbell.
Rushbrook-Williams, Prof. L. F.
Sastri, Diwan Bahadur C. V.
Visvanatha.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Stanyon, Colonel Sir Henry.
Tonkinson, Mr. H.
Webb, Mr. M.
Willson, Mr. W. S. J.
Wilson, Mr. R. A.

NOES—42.

Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Belvi, Mr. D. V.
Chetty, Mr. R. K. Shanmukham.
Das, Mr. B.
Das, Pandit Nilakantha.
Dani Chand, Lala.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Goswami, Mr. T. C.
Gulab Singh, Sardar.
Hans Raj, Lala.
Iyengar, Mr. A. Rangaswami.
Jajodia, Baboo Runglal.
Jeetani, Haji S. A. K.
Jinnah, Mr. M. A.
Joshi, Mr. N. M.
Kazim Ali, Shaikh-e-Chatgam Maulvi
Muhammad.
Kolkar, Mr. N. C.
Malaviya, Pandit Madan Mohan.

Mehta, Mr. Jamnadas M.
Misra, Pandit Shambhu Dayal.
Misra, Pandit Harkaran Nath.
Murluza Sahib Bahadur, Maulvi
Sayad.
Mutalik, Sardar V. N.
Nambiyar, Mr. K. K.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Ramachandra Rao, Diwan Bahadur
M.
Ray, Mr. Kumar Sankar.
Samiullah Khan, Mr. M.
Sarda, Rai, Sahib M. Harbilas.
Sarfaraz Hussain Khan, Khan
Bahadur.
Shafee, Maulvi Mohammad.
Singh, Mr. Gaya Prasad.
Sinha, Kumar Ganganand.
Vishindas, Mr. Harchandrai.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th February, 1925.

LEGISLATIVE ASSEMBLY.

Wednesday, 11th February, 1925.

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

QUESTIONS AND ANSWERS.

ARCHÆOLOGICAL MONUMENTS IN DELHI.

841. *Haji Wajihuddin: (a) Is it a fact that " Khairul Manzil " near Purana Qilla in New Delhi is included in the approved list of monuments and has conservation work been completed? If not, when is the work expected to be completed?

(b) Is the mosque adjoining it recorded as a portion of the monument? Why was the permission of necessary repair of the mosque asked by the Muhammadan Religious Endowment Protection Society rejected by the Chief Engineer, P. W. D., Delhi Province?

Mr. J. W. Bhore: (a) Yes. The special repairs have been completed, and minor repairs are carried out annually.

(b) The Mosque, its court-yard and gate-way are all known as the Khairul Manzil. No application of the nature referred to can be traced in the office of the Chief Engineer.

ARCHÆOLOGICAL MONUMENTS IN DELHI.

842. *Haji Wajihuddin: (a) Is it a fact that the following old buildings are included in the approved list of monuments at Delhi:

Qadam Sharif,
around the Khirkee Mosque,
Purana Qila and Sher Shah's mosque,
Juna Shah's mosque,
Dargah Khawaja Amir Khusro Saheb,
Hazrat Nizamuddin's Baoli,
Safdar Jung's mosque,
Moth ki Masjid,
Mohamadi Masjid,
Kalu Serai Masjid,

(b) If so, what action have the Government of India taken for their conservation, and if not, when do the Government propose to have the conservation work completed?

Mr. J. W. Bhore: (a) Yes, they are all accepted for conservation by the Archaeological Department on behalf of the Government of India. With the exception of Dargah Khwaja Amir Sahib, Hazrat Nizamuddin's Baoli and Kalu Serai Masjid, for which special agreements have to be made, the others have been declared as protected.

(b) All these buildings are maintained by the Archæological Department and several special repairs have already been executed.

AMOUNT RECEIVED FROM THE EX-KING OF THE HEDJAZ FOR DISTRIBUTION TO INDIAN PILGRIMS.

843. *Haji Wajihuddin: Will the Government be pleased to state how much money they have received from Amir Husain, ex-King of the Hedjaz, for distribution to Indian Hedjaz pilgrims who suffered owing to looting by Beduins during their journey from Mecca to Medina in the year 1924, and by what channel do the Government propose to have the same distributed?

Mr. Denys Bray: No money was received by the Government of India. It is understood, however, that the Hashimite Government made a direct settlement with the sufferers, paying them from £8 to £10 apiece.

A sum of £3,300 paid by the Hashimite Government as compensation to certain pilgrims for losses in 1923 has been passed on to the Protector of Pilgrim, Bombay, for disbursement.

OPENING OF THE PORT OF CALCUTTA TO THE HEDJAZ PILGRIM TRAFFIC.

844. *Haji Wajihuddin: What arrangements are being made to have the port of Calcutta opened for the embarkation of Indian pilgrims to the Hedjaz as was recommended by the Health Committee with the Government of India, last year?

Mr. J. W. Bhore: The Government of India are not aware to which committee the Honourable Member is referring, but I may mention for his information that they have made an inquiry from the Government of Bengal as to whether definite arrangements have been made for ships to be available for pilgrim traffic at Calcutta if the port is opened to the traffic this year, and hope to come to a decision in the matter on receipt of the Local Government's reply.

RAILWAY REFORMS.

845. *Haji Wajihuddin: Will the Government be pleased to state what action so far has been taken by them upon the Resolution recommending certain railway reforms passed by the Legislative Assembly in the last Delhi session, and also what progress has been made by the different railway authorities concerned?

Mr. G. G. Sim: As promised by Sir Charles Innes during the debate upon the Resolution referred to, copies of the same were forwarded to Railway Administrations for their consideration.

With regard to the progress made since then the Honourable Member's attention is invited to paragraph 28 at page 14 and paragraph 91 at page 65 of the Report by the Railway Board on Indian Railways for 1923-24.

REDUCTION OF RAILWAY FARES.

846. *Haji Wajihuddin: Will the Government be pleased to state what was the railway revenue from passenger fares in each year from the year 1920-21 to 1923-24, respectively, and whether they are prepared to consider the advisability of reducing the fare to the old level in the near future?

Mr. G. G. Sim: As regards the first part of his question the Honourable Member is referred to statement 6, page 51, of the Financial and Statistical statements in Volume II of the Report by the Railway Board on Indian railways for 1923-24 and to Appendix 5, page 46, in the same Report for 1921-22, copies of which are in the Members' Library.

As regards the second part of the question the Honourable Member is referred to the answer given to question No. 505 on the 30th January.

REDUCTION OF POSTAGE ON POST-CARDS.

847. ***Haji Wajihuddin:** Will the Government be pleased to state what was the postal revenue in each year from 1920-21 to 1923-24 and whether the Government propose in the interest of the poor class to reduce postage on post-cards to the old rate of three pies by the next financial year?

The Honourable Sir Bhupendra Nath Mitra: I would refer the Honourable Member to the answer given by me on the 26th January, 1925, to Mr. B. Venkatapatiraju's starred question No. 221. With regard to the last part of the question, I would ask the Honourable Member to await the presentation of the budget.

ARTICLE IN THE *FORWARD* REGARDING RECENT ARCHAEOLOGICAL FINDS IN THE PUNJAB.

848. ***Kumar Ganganand Sinha:** (a) Has the attention of the Government of India been drawn to an article entitled "Recent Archaeological Finds in Punjab" which appeared in the *Forward* of the 20th January, 1925?

(b) What is the nature of supervision which the Director-General of Archaeology keeps over the Archaeology section of the Indian Museum?

(c) At what intervals or how frequently does the Director-General of Archaeology visit Calcutta and when did he visit it last?

(d) Are the Government prepared to adopt a better method of supervision and suggest to the Director-General of Archaeology to visit Calcutta once every year?

(e) Are the Government aware of the misunderstanding which resulted in the suspension of the Paharpur excavation? If so, will they be pleased to state the incidents of misunderstanding fully so as to make clear the insinuations made in the sub-heading "Paharpur Fiasco" of the article referred to in part (a) of the question?

(f) Is it a fact that plaster casts preponderate over the originals in the Archaeological section of the Indian museum? If it is so, why?

(g) Will the Government be pleased to make inquiries whether the allegation made in the article referred to above, that the Archaeological officer or officers in Calcutta actually went to see the Editor of a Calcutta Daily "with his influential friend" is true? If so, will they be pleased to state the name of the Editor of the Calcutta Daily and the purpose of the Archaeological officers' visit when the inquiries are made? If the answer be in the negative will they be pleased to give reasons?

Mr. J. W. Bhow: (a) Yes.

(b), (c), (d), (e) and (f). Inquiries are being made and I will give the Honourable Member the information he desires later.

(g) No Sir. The Government do not propose to make any such inquiries.

GRANT OF A LICENSE TO THE INDIAN RADIO TELEGRAPH COMPANY TO
WORK A WIRELESS INSTITUTION IN INDIA.

Diwan Bahadur M. Ramachandra Rao: (a) Has the attention of the Government been drawn to the statements on pages 1 and 5 of the *Pioneer* of the 8th February last regarding the grant of a license to the Indian Radio Telegraph Company for maintaining and working a Wireless Telegraph installation in India on the Beam system? Are the facts stated therein correct?

(b) Will the Government be pleased to state the names of the Directors of the Indian Company referred to above, the capital of the said Company, the headquarters of the Company and all other particulars relating to the Company?

(c) Is it a fact that a contract had been concluded between the Secretary of State for India in Council and the Indian Company above referred to and that the contract is about to be signed?

(d) Will the Government be pleased to place the contract on the table and to give an opportunity to this House or to the Standing Finance Committee to examine this contract?

The Honourable Sir Bhupendra Nath Mitra: (a) Yes.

(b) The Indian Radio Telegraph Company is registered under the Indian Companies Acts with rupee capital for the purposes of obtaining a license from the Government of India to erect and operate wireless stations in British India for communication on a commercial basis with other parts of the world and generally for participating in or undertaking the development of commercial wireless within the Empire of India. The Company informed the Government in April 1924 that the Directors of the Company then were:

C. N. Wadia, Esquire (Chairman),
Sir Purshotamdas Thakurdas, C.I.E., M.B.E., M.L.A.,
Sir Ibrahim Rahimtoola, K.C.S.I.,
Sir Rajendranath Mookerji,
Rai Bahadur Shewpershad Tulshan, M.L.A.,
A. K. Graham, Esquire,
F. E. Rosher, Esquire,
R. M. Chinoy, Esquire, and
Sultan Chinoy, Esquire.

but it is understood that two of the above gentlemen have since retired from the Board.

The registered office of the Company is 38, Apollo Bunder Road, Bombay, and the authorised capital is Rs. three crores but as no prospectus can be issued until the Company obtains the necessary license from Government to erect the necessary stations the amount of capital to be issued in the first instance is not known to Government. In the event of the Company being granted the necessary license at least 60 per cent of such capital as is to be expended for the purpose of carrying out the terms of the license must be offered for subscription in India. The Company enjoys the sole rights in India to the Marconi and affiliated patents which are essential for the establishment of a wireless station operating on the Beam principle.

(c) No. The Company applied for a license to erect and operate a Beam station in India for the purpose of carrying out a commercial telegraph service with the United Kingdom. The Government have intimated that the necessary license will be granted provided that the Company enters into an Agreement the terms of which have been finally laid down for the efficient performance of the service and the Company have signified that they are prepared to enter into the Agreement which is now being prepared for execution.

(d) A copy of the Agreement and License will be placed in the Library as soon as they are issued to the Company, but since neither create any charge on the public revenues it is not proposed to ask this House or the Standing Finance Committee to examine them.

Diwan Bahadur T. Rangachariar: May I ask has this Company any Managing Agents?

The Honourable Sir Bhupendra Nath Mitra: I am sorry, Sir, I have not got the information. They must have got Managing Agents and my recollection is that Sultan Chinoy is the Managing Agent, but I cannot say definitely.

Diwan Bahadur M. Ramachandra Rao: Is there an agreement, independent of the license, between the Government and the Company?

The Honourable Sir Bhupendra Nath Mitra: The agreement is supplementary to the license.

Diwan Bahadur M. Ramachandra Rao: May I ask if that agreement has been concluded or not as yet?

The Honourable Sir Bhupendra Nath Mitra: The agreement is about to be concluded.

Diwan Bahadur M. Ramachandra Rao: May I ask whether that agreement will be placed in the Library before it is concluded?

The Honourable Sir Bhupendra Nath Mitra: I have said, Sir, that it is not possible to do so.

Diwan Bahadur M. Ramachandra Rao: May I know why it is not possible to do so?

The Honourable Sir Bhupendra Nath Mitra: Because it is a matter for the Executive Government to settle.

Mr. A. Rangaswami Iyengar: Is it intended that questions of executive administration are not to be subjected to the scrutiny of this House?

The Honourable Sir Bhupendra Nath Mitra: Of course they are to be subjected to the criticism of this House in certain matters. But this is not one of the matters in which the criticism of the House in the opinion of Government would be of any value.

Mr. A. Rangaswami Iyengar: Is there any provision of law, Sir, under which these things are excluded from the scrutiny of this House?

The Honourable Sir Bhupendra Nath Mitra: I should like to have notice of that question, Sir.

Mr. N. M. Joshi: May I ask whether Government have ever considered the question whether it is not in the interests of the country that all the wireless work should be kept under the control of the State and should not be given to any private company?

The Honourable Sir Bhupendra Nath Mitra: That matter was duly considered by Government.

Diwan Bahadur M. Ramachandra Rao: May I ask the Honourable Member what provision has been made in the proposed agreement for the training of Indians in radio telegraphy?

The Honourable Sir Bhupendra Nath Mitra: I can assure the Honourable Member that the point has not been lost sight of. He will be able to see what the precise provision is as soon as a copy of the agreement is placed in the Library.

Diwan Bahadur M. Ramachandra Rao: But is there any way of modifying that agreement in the light of any criticisms that may be offered in this House on that agreement after it is completed?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Diwan Bahadur M. Ramachandra Rao: Does the Honourable Member regard it as a satisfactory state of things if, after this agreement is concluded, criticisms are offered in this House and the Government feel it difficult to modify that agreement in view of the criticisms of this House afterwards?

The Honourable Sir Bhupendra Nath Mitra: Sir, the Honourable Member has raised a rather important question which it is not possible to reply to offhand. I have already explained to him the position in regard to this agreement. If he has got any further questions to ask, I would suggest to him that he might put regular questions.

Sir Hari Singh Gour: May I ask you, Sir, what is the procedure in the House of Commons in matters of contracts entered into by the Executive Government? Is it not a fact that the contracts are laid on the table before they are concluded?

Mr. President: I have no knowledge of that.

The Honourable Sir Basil Blackett: I might be allowed to say, Sir, that, speaking generally, it is almost invariably the case that they are not. You cannot do business on those terms.

Sir Hari Singh Gour: Do I understand the Honourable Member to say that the contracts in question are not laid on the table?

The Honourable Sir Basil Blackett: Almost invariably not.

Sir Hari Singh Gour: But there is a rule requiring them to be laid on the table in the House of Commons?

Mr. N. M. Joshi: May I ask whether, in view of the fact that the Legislative Assembly has approved the State management of railways, the Government of India will ascertain the sense of this House in the matter of controlling wireless operations in this country?

THE OBSCENE PUBLICATIONS BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to lay on the table the Report of the Select Committee on the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications.

THE LEGISLATIVE ASSEMBLY (PRESIDENT'S SALARY) BILL.

Mr. L. Graham (Secretary, Legislative Department): Sir, I move:

"That the Bill to determine the salary of the President of the Legislative Assembly be taken into consideration."

I think, Sir, that not many remarks are required from me on this motion, but having regard to some of the amendments which have been received I think it is necessary to read the provisions of the Government of India Act in accordance with which this legislation has been undertaken. Those provisions, Sir, are contained in sub-section (5) of section 63 C. of the Government of India Act, and they run as follows:

"A president and deputy-president shall receive such salaries as may be determined, in the case of an appointed president, by the Governor General, and in the case of an elected president and a deputy-president, by Act of the Indian legislature."

It is, Sir, to fulfil that obligation that this Bill has been placed before this House. Sir, in introducing the Bill I explained to the House that the figure of four thousand rupees which has been inserted in the Bill was inserted primarily to provide a basis for discussion; but it was also inserted having regard to the figures which had been inserted in Provincial Acts for determining the salaries of the Presidents of Provincial Councils. At this stage I have no further remarks to make, and I move, Sir, that the Bill be taken into consideration.

Mr. President: Motion moved:

"That the Bill to determine the salary of the President of the Legislative Assembly be taken into consideration."

Sir Campbell Rhodes (Bengal: European): Sir, we have before us, or shortly will have before us, many amendments to this Bill proposing a whole range of salaries from zero to Rs. 3,500, and I should like to lay before the House, before these amendments are discussed, one or two general principles which I suggest the House should bear in mind when considering what the appropriate salary should be. I think we shall all agree that in the interests of economy we should fix the minimum salary that will allow us an absolutely unlimited choice in the selection of your successor, Sir. But, while we shall fix that minimum salary, I think the House will insist that we shall not fix it so low that our selection should be in any way curtailed. We do not want to select one whom we consider to be the best man and then be told by him that he regrets that, owing to the lack of private means perhaps, he feels that at the salary offered he could not keep up the dignity of the position. We do not want to go to the second man of our choice. We do not want to select him because he has private means and thus can in a sense buy his position. Therefore,

[Sir Campbell Rhodes.]

Sir, I suggest we want the salary fixed at such a scale that we shall have an absolutely unlimited choice. The House, Sir, has always been very jealous of its dignity. I do not want unduly to blow our own trumpet, but, Sir, under your guidance we have established here conventions of courtesy, of dignity, which set a high standard for imitation in the Provincial Councils, and I think we shall all agree that we do want to maintain that very high standard unimpaired. I see an amendment on the paper suggesting that a salary should only be given provided the President devotes all his time to the duties of his office. I do not know quite what is meant by that amendment. It may mean that at the end of the session we shall select six or seven of our strongest men to hold the President in the Chair until the session meets again. I believe there was a precedent in the ancient annals of the House of Commons for such action. But if it means that we are to have a President who shall have no other occupation but shall devote himself solely to the duties of the Presidentship, then I think the whole House will be heartily in agreement with the Mover. It may seem to the outside public, Sir, that, except when the session meets and the duties of the President then become very onerous, he has not a great deal of work to do. But, Sir, you have, if I may say so, managed to occupy your time fully between one session and another when you are not actually in the Chair. I do not refer, Sir, entirely to those visits to the Provincial Councils where you have endeavoured to stabilize and standardize that dignity and orderliness of debate which I think has always been exemplified in this House. I do not refer either, Sir, to that valuable work you did on the Burma Constitutional Inquiry Committee, but I should like to refer, if you will allow me, to those very important duties you have undertaken which are apparently outside the scope of the President's work. Debarred as you have been, Sir, from any direct intervention in the political life of the country, debarred as I hope we shall insist that any future President will be (Hear, hear) in taking sides in politics, you have turned your attention to general welfare work. You have been the main stay of the St. John's Ambulance, the Red Cross Society; you have recently taken the most prominent position in getting the Leprosy Fund started and even, Sir, out of the mouths of babes and sucklings have you perfected praise. You have set a standard which I sincerely trust your successor will follow. Your position as head of this House—and what in England would be the first Commoner in the land—gives you an advantage in such work, gives you a position and a dignity of which you have made full use; and I think that this is another principle we should bear in mind in selecting our new President next session, that we should select some one and should pay him what we consider a fair salary, expecting him to take a lead in those big welfare schemes which are quite as necessary as any work we do here to-day. I personally, Sir, should have preferred this discussed in private, in Select Committee. I think myself that the figure Government have suggested is reasonable, but it is a matter entirely for the decision of the House; and in putting forward these general principles, I urge my colleagues to consider these points, to fix the salary which they consider is justified by the finances of the country and which will at the same time give us that unlimited scope of selection for which I have urged.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): Sir, I am entirely in agreement with my friend, the Honourable Sir Campbell Rhodes in regard to all that he has said to-day in regard to the salary of

the new President we shall elect shortly to preside over our deliberations. I think, Sir, that the salary that should be offered should be a tempting one, and at the same time adequate, to enable the President to keep up his dignity and status and also the dignity and the status of the House. I therefore think that Rs. 4,000 recommended in the Bill is by no means a large sum, having regard to the salaries that the members of the Executive Council and the Secretaries of the various departments draw. My Honourable friend drew the attention of the House to the amendment that stands in my name and I may say at once that I endorse the view that he has expressed upon that subject. That was my object when I put forward the amendment that the President should do no other professional business while he is in office. That was my sole object, and surely with regard to any honorary work that he takes up, such as welfare schemes referred to by the Honourable Member, I can certainly have no objection to; but I do not think it will be right for the President that he should go as soon as the session ends, and practise at the bar or in any other line of business. That is exactly what I meant to avoid by putting in this amendment. I may inform the House that the Bombay Council have put in a similar clause in the President's Salary Bill that they have passed. I understand the Bombay Council have fixed the salary at Rs. 3,000 but with this clause added that he should do no other private business. Surely when a Provincial Council can pay Rs. 3,000, Rs. 4,000 which is recommended here is by no means too large an amount.

So far as referring the matter to the Select Committee is concerned, I am also in agreement entirely, because I consider that there should be no higgling haggling in this House with regard to the salary of the President, and if all these amendments are taken up here, I anticipate a sort of higgling haggling which surely ought to be avoided. For instance, there is an amendment that the President should entirely be an honorary gentleman. While I am not in agreement with that proposal, I think it will be very good indeed that the matter should be referred to a Select Committee and my proposal should also be considered in the Select Committee. I propose my amendment.*

Mr. M. K. Acharya (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I desire, Sir, to heartily express my agreement with the remarks which have fallen from my Honourable friend Sir Campbell Rhodes upon our ensuring conditions which will give us a fairly wide field for selection; and it was in fact that second circumstance which he referred to, namely, the great diversity of opinion which I found among my colleagues in fixing the salary of the President that led me to the view that perhaps the matter might well be discussed among the leaders in a Select Committee; and this led me to send in my amendment. But since sending notice of my amendment, I think the atmosphere has cleared, and I believe that it will be possible for us to come to some agreement; and, therefore, I think it will not be necessary for me to move this amendment which stands in my name that the Bill be referred to a Select Committee. I hope it will be possible in a very few minutes for the great majority of us to come to some agreement; and I hope it will give us a sufficiently wide field for selection as Sir Campbell Rhodes has suggested. Of course I entirely agree with him, and in fact I may add parenthetically that we all have our doubts

* "To clause 2 of the Bill the following proviso be added, namely:

'Provided he devotes all his time to the duties of his office.'

[Mr. M. K. Acharya.]

whether any elected President, Sir, will be able to combine in him all that knowledge of procedure, that quickness of decision and that amiability of manners which have come to be associated with the Chair in this House. (Applause.) Sir, I hope that the matter of salary will be settled very soon without a reference to a Select Committee and I therefore beg leave to withdraw the first amendment that stands in my name, namely:

“ That the Bill be referred to a Select Committee ”;

and also the other amendment which stands later in my name, namely,

“ To add at the end of clause 2 the words :

‘ or any other sum to be fixed at the time of election of the President ’.”

I hope the House will soon hit upon some figure which will give us ample facility for wide selection which we all certainly desire.

Mr. President: I understand that the Honourable Member does not wish to move the amendment that the Bill be referred to a Select Committee, and he does not propose to move Amendment No. 12 also.

(The Honourable Member signified assent).

Before we proceed to the decision of the question that the Bill be taken into consideration, I think I ought to point out to Mr. Naidu, the author of amendment No. 3, that that amendment to clause 2 would be out of order. When the Assembly has taken the Bill into consideration it will have endorsed the principle that a salary shall be paid, and therefore it would not be open to him to move that no salary shall be paid when we come to clause 2. The Honourable Member's method of making his opinion effective will not be to move the amendment to clause 2, but to vote against the motion which is now under consideration.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, at least once I find myself in agreement with my Honourable friend, the representative of Bengal Europeans. Sir, I am one of those people who believe that some of the public offices in our country are paid more highly than the country can bear, but, Sir, I am also quite aware of the fact that in our country a large number of people are allowed to make incomes much larger than any public servant can ever aspire to obtain. I feel therefore that as long as a large number of people are allowed to make incomes which are much larger than the incomes which the public servant can obtain, it is not possible for us to get for public offices always the best men that we should obtain. I therefore think that, as long as we do not restrict the incomes of all people to the extent to which we want, it is not right for us to pay to our public servants smaller salaries. We should pay at least those salaries which will not limit the scope of our choice to any extent. I, therefore, feel, Sir, that we should pay our President the highest salary that it is possible for us to pay him. It has been said several times that people do not accept such offices as the office of the President of the Legislative Assembly or any other such public office for the money or for the salary which the post carries. Sir, it may be true. But, at the same time, it is also true that, if we do not pay a very good salary to the holders of those posts who have to occupy a very responsible position like that of the President of the Legislative Assembly, our choice will be restricted. There may be some people for whom it may be possible to make a sacrifice of their income. There may be some people who may not care very much for money and in that case may accept the office for any salary that is offered, or they may

accept a post without any salary. But, Sir, it is not possible for all people to accept public work on the basis of voluntary service or on the basis of low salaries. Therefore, if we do not pay a very good salary to our President, our choice will be restricted. Moreover, Sir, I feel that, as the world is at present constituted and as the world is dominated by certain ideas of the importance of wealth, we must provide the President of the Legislative Assembly with those means which will enable him to maintain the high social status and the dignity of his office. Sir, it may be said that the high social status and the dignity of the office do not depend upon money. But I do ask the Members of the Assembly whether it is a fact. My experience is that, to-day at least, the social status of a man and the dignity of an office do depend upon the salary that is paid and upon the wealth that he possesses. (*Several Honourable Members*: "No.") Sir, I hear some people saying "No." I assure them that I shall be very glad indeed to see the day that when social status will not depend upon wealth and when the dignity of an office will not depend upon the salary which it carries. But, Sir, that day is not to-day. I admit that even to-day some people may get very high social status without the help of money. Some people may hold a great position in society without money. But, Sir, if you ask me whether it is possible for all men to get that status or for all men to get that dignified position without wealth, I feel that we are not stating facts as they exist to-day. I, therefore, think that, as long as the world is dominated by the idea of the importance of wealth, we should invest the President of the Legislative Assembly with that wealth which is necessary to enable him to maintain a high social status as well as the dignity of that office. I feel, therefore, that the House should not consider any amendments which suggest a salary lower than what the Government have suggested. My feeling is that Government have not made a very generous suggestion, but I am not prepared to suggest an amendment for a higher figure. I do not generally send in amendments on questions like the one under discussion, and that is the only reason why I have not made any suggestion. But, Sir, if you ask my opinion, I would not pay the President of the Legislative Assembly a salary which is less than that of a Member of the Executive Council. I, therefore, feel that the House should give the President such a salary that we should be able to get the man whom we want and we should not be compelled to get a man who offers himself. It should be in our power to command the services of the man whom we consider to be a fit man for the Presidency of the Legislative Assembly, and our choice should not be restricted to those only who offer themselves for the office. With these words, Sir, I express my full concurrence with the views expressed by Sir Campbell Rhodes.

Colonel Sir Henry Stanyon (*United Provinces: European*): Sir, in a very few words I would like to put the matter on a slightly higher ground than it was put by the last speaker. Personally—and I am sure my feeling is shared by practically everybody in this House—I do not find my respect for a man increased by the fact that he drives in a Rolls-Royce instead of a Ford car. The question at issue is a very simple one. First of all, we want a whole-time President. After all, Sir, even the President of a Legislative Assembly like this is a human being subject to human influences; and it must be a help to him, as it certainly is to a Judge, (there is much analogy between the two positions) to be detached from other occupations and interests which may unconsciously affect his impartiality and his ability to see clearly in their right proportion the

[Sir Henry Stanyon.]

questions that so constantly come before him as President. Therefore, I am entirely in concurrence with the view that we must have a whole-time President. His chief duty as President will be to hold fair, equal and impartial judgment between all individuals and all parties in the House. Outside that, he may fill his time, if he has any time left to fill, with such non-political works of excellence as you, Sir, have made, I might almost say, your hobby. If we want that, we must pay for it. You cannot expect to get any man of the education, learning, character, age and deportment which we require for the proper occupation of the Presidential Chair in this House unless you pay him well. It has been rightly said by Sir Campbell Rhodes that this House is, and should be, an example to the Provincial Legislatures, if possible, in all matters connected with legislative procedure. If we want a man such as I have described we must pay him a reasonable salary. Not a salary beyond what the House or the country can afford; not a salary which will encourage our President to make a big splash in the world; but such a salary as—and here I am in agreement to a certain extent with Mr. Joshi—will carry a measure of respect and enable the President to disregard and put aside every other occupation for his livelihood. Therefore I think that the figure which has been fixed in this Bill is really the minimum figure which this House should offer.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhammadan Urban): Sir, I am sorry I was not in the House to hear the whole of the speech of my friend Sir Campbell Rhodes, but the latter part of it which I heard has my full concurrence. There is no doubt that the President that we select should be a man of outstanding ability, of high character and of noble deportment. I do not think that age is so much a qualification as my friend Sir Henry Stanyon suggested. But there is one thing in which I differ from the great majority of the Honourable Members who have already spoken, and that is that they seem to have taken salary to be fixed as compensation for the President for devoting his abilities and his time to the work of the Assembly. My impression is that all the Members of this House—I do not mean the salaried Government Members, but the non-official Members of the House—are here to do public service. They are not here to expect any remuneration for that service and the President of this House certainly will not expect anything like the remuneration for his services and for his time which he is accustomed to receive in his own business or profession (*A Voice*: "Why not?") for the simple reason that I know of persons eminently qualified to occupy the Chair to whom no salary you could offer would be adequate compensation, and yet they may be public-spirited enough to occupy the Chair and guide the business in this House. I differ from the proposition that it should be a tempting salary. The temptation for the President should lie in the service he is called upon to render and not in the salary which he is likely to get. But I recognise that the President, like all other human beings, has got to live. He has got to maintain a position. If you like to call it dignity you may. But to my mind the dignity of the President consists in the manner in which he discharges the duties of his office. I am happy, Sir, to join with my friends who have gone before me in saying that, if the dignity of the House is preserved by your successor in the manner in which it has been preserved by you, it is all that we would desire. Having all these con-

considerations before my mind, I feel, Sir, that it is very difficult for any one to draw a sharp line and say this figure and no more, or this figure and no less. It is really very difficult. I may mention that we have considered the question in our party meetings, and as the nature of the question shows, there could not be any agreement upon a matter like this. But I think that, if the salary is put at anything between Rs. 2,000 and Rs. 3,000, it ought to be quite enough for all the purposes which we have in contemplation. I eliminate altogether, Sir, as I have already submitted, the compensation for the abilities which the President has to bring to bear on the discharge of his duties. Now, Sir, as regards his being a whole-time man, I quite agree with the previous speakers. As regards his maintaining a wholly impartial attitude, again I am at one with my friend Sir Campbell Rhodes and the other speakers, but I have to add that the selection of a party man as President must necessarily be taken to be an invitation to him, and if he accepts the office, to be an undertaking from him, to cease to be a party man from the moment he takes office. That is a *desideratum* which we shall certainly bear in mind when we go to elect our President. Comparisons are always odious, comparisons between the salaries of the Executive Councillors, Secretaries or other Government officials are specially so. I would beg the Members entirely to free their minds from all such comparisons. All that they have to consider is what is a reasonable salary for a President with the qualifications I have mentioned, not to enable him to make a dash as Sir Henry Stanyon has just said, but to live like a gentleman and to maintain the position which is his by reason of his occupying the Chair of this House. I may mention here, though I do not know how far it is correct, that I read in one of the newspapers some time ago that Mustapha Kemal Pasha drew a salary of only £40 a month. Now that is a government of the people by themselves, and if a person of the distinction of Mustapha Kemal Pasha and his position in the country as the head of the administration, can keep all the dignity attached to that position on £40 a month, I do expect that the President of this House ought to be able to do so with something between Rs. 2,000 and Rs. 3,000. As for the respect which this House will pay to its President, I submit it is for the House itself to determine who is the person who will command their respect. It is essential that the President that we select should command the confidence not only of this House, but of the public.

Mr. M. C. Naidu (Burma: Non-European): Sir, I have two main reasons for saying that the elected President of this Assembly shall not get any salary. The first is that in a democratic Assembly like this, an elected Member, whatever duties he may be called upon to undertake, should be on the same footing as others as regards pay and allowances. The duties of President are certainly onerous, but they are not appreciably more onerous than the duties of a Member of this Assembly. The dignity of the office of President is enough to secure that there will always be plenty of aspirants for that honour and dignity alone. Many lawyers sacrifice rich practices at the Bar when they are elevated to the Bench. They regard the honour of their office as sufficient reward for their pecuniary loss, and I do not see why a similar tradition should not be established in this House. We come to this House in a spirit of service to the public without regard to material considerations. I frequently hear this spirit of service talked about by Members of this House, and I thoroughly agree with it. To all those in this House who put public service above personal benefit, I think

[Mr. M. C. Naidu.]

my proposal will appeal, and it has the further advantage of economy, of saving public funds.

My second main reason is that in the present condition of Indian politics, when parties and policies are not yet in a stable and permanent condition, you will be throwing down a bone of dissension if you create an appointment with a pay of Rs. 4,000, Rs. 3,500, Rs. 3,000, Rs. 2,500, Rs. 2,000, Rs. 1,500 or even Rs. 1,000, according to the amendments, to be struggled for by all elected Members. It will tend to increase disunity. There will be danger of resort to canvassing, to the use of improper influence, and to all sorts of underhand practices if you decide that the President should be paid. The dignity of the office will be much greater if the position is honorary.

It may be said that I am going against the practice of most if not all of the democratic assemblies in the world by making this proposal. It may be so, but if it is, I reply "Never mind. Why should we not strike out a line for ourselves, and let India show the way to the rest of the world?"

I have no objection to the Bill being referred to the Select Committee.

Mr. Ahmad Ali Khan (Assam: Muhammadan): With your permission, Sir, I propose to move the amendment standing in my name to the effect that the salary of the elected President should be Rs. 3,000 a month.

Sir, we have often indulged in the easy task of lecturing to the Government Benches on the necessity of observing the greatest possible economy in the expenditure of Indian revenue. Therefore I felt that this was a time when we should practise a little of the precept that we have been so fond of preaching to others. It was with that idea in my mind that I endeavoured to find out what possible reduction we could make in the pay proposed by the Government, and I came to the conclusion that nothing less than Rs. 3,000 a month—no doubt not a very handsome sum—would suffice to enable the President to live, as a distinguished and Honourable Member of this House put it, like a gentleman filling the dignified office of President.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): May I know, Sir, what is the salary of the President in the Honourable Member's own Provincial Council?

Mr. Ahmad Ali Khan: I will tell the Honourable Member presently. I will come to that later. Of course I have kept this fact in mind that it would not be right for us to allow the President such a salary as would compel him to supplement it by having recourse to private sources of income.

Mr. L. Graham: May I ask the Honourable Member if he is moving an amendment to a clause?

Mr. President: I do not know whether he is moving any amendment. If he is moving his amendment, we have not come to that stage yet. The Honourable Member's opportunity to move will come when the motion for consideration has been carried.

The question I have to put is:

"That the Bill to determine the salary of the President of the Legislative Assembly be taken into consideration."

The motion was adopted.

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, on principle I do not think that the salary of the President should be less than that of the Secretary of the Assembly. The pay of the Secretary of the Legislative Department, who is also the Secretary of the Assembly, is Rs. 4,000 a month; and I should therefore be very glad to move that the pay of the President be Rs. 4,000. But these are the days of retrenchment and I would therefore have it at Rs. 3,500. That is my amendment. There has been some proposal to the effect that the pay of the President should be Rs. 3,000 for the whole year. When I thought of Rs. 3,500 I thought that Rs. 3,500 would be paid only for the time that the Assembly was in session, and Rs. 2,500 or something like that, when the Assembly was not in session. But if a motion is moved that Rs. 3,000 be fixed as the salary of the President for the whole year I will accept it. After these remarks I do not wish to move my amendment but merely state that if the House accept the proposal that the pay of the President should be Rs. 3,000 for the whole year I will be satisfied.

Mr. L. Graham: Sir, do I understand that the Honourable Member has moved his amendment.

Khan Bahadur Sarfaraz Hussain Khan: No, Sir, I have not moved it.

Khan Bahadur W. M. Hussainally: On a point of order, Sir. May I know if I am at liberty to move my amendment in regard to any salary that is fixed. I should like to make the President devote all his time to the work of the Assembly, whether the salary fixed by the House is Rs. 2,000, Rs. 3,000 or less or even more. I should prefer to move my amendment to any salary fixed. I formally move the amendment at present to the Bill as presented by the Government.

Mr. President: After clause 2 has been passed, either in its present form or amended, the Honourable Member will have an opportunity of moving his proviso in the form on the paper and it will apply to any figure that then appears in clause 2.

Mr. Ahmad Ali Khan: Sir, with your permission I will answer the question that was put to me by an Honourable Member of the House as to what salary was allowed to the President of my Provincial Council. It will come as a surprise. We have been very niggardly in that respect. We only allow him Rs. 500 a month. But I do not think that should be any index to the pay of the Honourable President of this House. In fixing the salary at Rs. 3,000 my reason is that I believe that that sum should suffice the future elected President to live, as our esteemed and Honourable friend, Pandit Motilal Nehru said, like a gentleman filling the dignified office of President of this House. Of course, I am fully conscious

that any figure that may be arrived at must be arbitrary.
12 Noon. Opinions may differ as to how much is necessary to enable one to live in comfort. We have different standards of comfort, but I venture to think that a good number of Honourable Members in this

[Mr. Ahmad Ali Khan.]

House will agree with me that no salary less than Rs. 3,000 a month will suffice for the purpose. Before I sit down I should like to say one word and it is this. I hope that in the election of our future President we shall be spared what to me seems the unseemly spectacle of having to decide between the claims of competing candidates and that we shall follow the practice that prevails in the House of Commons and decide on the Member beforehand whom we consider to be the most suitable to fill the Chair. Sir, I feel that I must join with those Honourable Members who have preceded me in their praise of the remarkable manner in which you have discharged the very onerous and difficult duties of President and of the remarkable success with which you have won our respect and admiration.

I move that the salary be fixed at Rs. 3,000 a month.

Mr. President: Amendment moved:

"In clause 2 for the word 'four' the word 'three' be substituted."

The Honourable Sir Alexander Muddiman (Home Member): Sir, Mr. Graham, when he introduced this Bill, explained the attitude of Government towards this matter, and that is, that it should be left to the decision of the House. But I do feel that this is a matter in which we all have an interest and I would like to suggest one or two considerations before the House comes to a decision on this question. The Bill as it stands provides for a salary of Rs. 4,000 a month. That salary is the salary of a High Court Judge. It has been said that the position of President of this House is one of great dignity and that you require the best man for it. There can be no question about that. Sir, this House owes to you a very great debt of gratitude for the way in which you have presided over it and I hope that the future Presidents of this House will maintain the high standard you have laid down. It has been said that High Court Judges are easily obtainable on Rs. 4,000 a month. Sir, it is the duty of my Department occasionally to try and find men to fill the position of High Court Judges and I may say they are not easily obtainable. There are few men who care to, or are in a position to, sacrifice a lucrative practice at the Bar to sit on the Bench, and I think you may find some difficulty, if you fix the salary too low, in getting the best possible candidate to fill the Chair. It is a matter of very great importance. The smart transaction of the business of the House depends very very largely on the President. I myself have discharged those duties in another place for a considerable period and I have no hesitation in saying, both from my experience then and for the short time I have been in this House, how important it is for all parties and for the business of the House that the President should be a man in every way suitable for the post. It has been said that what is a sufficient salary is always a matter of discussion. I venture to think that it will be wise if this House finds it possible to arrive at a unanimous decision on this matter without taking too narrow a view of the needs of economy and without prejudicing perhaps what is a greater issue by a desire to protect the interests of those whom they represent. The attitude of Government, as I have said, will be to leave the matter to the House to this extent that officials other than members of the Executive Council will vote as they please. Members on the Government Bench will probably support the original provisions of the

Bill. But I do hope, before the House decides this matter, it will consider that unanimity in a matter of this kind is of great importance. One more point and that is that, if we compare the emoluments that are assigned to the Speakers of other Houses in other parts of the world, we should see they are usually on a liberal scale. The Speaker of the House of Commons, I believe, subject to correction, draws £5,000 a year. He has other dignities and advantages. He has free quarters. (*A Voice*: "And a sumptuary allowance.") I am informed he has also a sumptuary allowance. I am not endeavouring to sway the House unduly one way or the other, but before it comes to a decision I hope it will consider the few points I have put before it.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): While I associate myself with all the views expressed as to the qualifications that are necessary and ought to be expected from the President we are going to choose, I can not see my way to agreeing with some of the observations which go to show that the dignity of the Chair depends upon the salary attached to it. Sir, I have never come to associate the dignity of any office with the salary which it carries with it. The Prime Minister in England draws perhaps one-third of the amount which the Provincial Governors here draw, and yet his dignity is not impaired. (*Several Honourable Members*: "No, no.") Some Ministers there (not the Secretaries of State) draw a salary much lower than the salaries which some of our public officers in India are drawing and yet their dignity is not impaired. (*Several Honourable Members*: "No, no.") Why no? (*Several Honourable Members*: "Quite wrong.") Some Ministers do get £2,000 only. With reference to the Indian comparison that the salary of a High Court Judge must be the basis upon which we must proceed here, I beg to say that it should not be the criterion. When the proposals of the Lee Commission came before this House, Honourable Members were very strong and very vigorous in criticising and scrutinising the proposals made for raising the salaries of public officials here. You criticised their budget, you scrutinised their budget, and you said that the budget of expenditure which is necessary for an officer in this country is quite satisfied by the present salary drawn by him and that no increase was necessary. But, Sir, when it comes to a proposal to fix the salary of your own President, of a man of this country whom you are likely to choose as your President, you wish to raise the salary and plead for its being increased and enhanced so much so that even a Labour Member like my Honourable friend, Mr. Joshi, who has enclosed within his own circle certain persons from whom we should choose our President, has recommended a salary much higher than that proposed by the Bill. It seems to me that if we agree now to raise the salary of the President to Rs. 4,000, to-morrow we shall not be able to plead that the salaries of the officers of Government cannot be at a high figure. It will be said by the Government Benches to-morrow that you have fixed the salary of the President at Rs. 4,000 and that it will not be right to ask for the reduction of salaries of our public officers and our Judges; and it seems to me, Sir, from the financial condition of this country that it cannot afford to put any public officer on a salary higher than Rs. 2,500 or 3,000, and we must not therefore set an example on this occasion by fixing the salary of the President of our Assembly at a high figure. Sir, in fixing the figure of Rs. 2,000 in my amendment I have taken into consideration all that is necessary for the convenience and comfort of the President that we are going to choose. I have taken into consideration his housing accommodation, his dress, his

[Mr. C. Duraiswami Aiyangar.]

clothing and I may say I have made provision in case the gentleman that we are going to choose for the Presidentship will like to have English home-spun tweed instead of Indian *khaddar*.

Pandit Shamlal Nehru: May I inquire if the Honourable gentleman has taken the marriage of the President's daughter into consideration?

Mr. C. Duraiswami Aiyangar: Taking into consideration the probable candidates and the probable circle from which we are going to choose our President, I think that it will be enough to pay him Rs. 2,000 as out of pocket expenses and that will certainly not take away from the dignity of the Chair. The dignity of the Chair depends upon the way in which the Chair conducts itself and Members conduct themselves towards the Chair. I have no doubt that the Members of this Assembly will co-operate with the Chair in protecting the dignity of that Chair without any reference to the salary that the President draws. I therefore move my amendment that the salary be fixed at Rs. 2,000. As for the other amendment of which I have given notice, I thought that the word "elected" was superfluous. However it does not matter whether it appears or not.

Mr. President: The question is:

"That in clause 2, for the word 'four' the word 'three' be substituted."

Mr. N. M. Joshi: I want to oppose this amendment. I have already explained the reasons which actuate me in opposing the proposal for the reduction of the figure from 4,000 to 3,000. I have listened to the arguments of several Members who have proposed a smaller salary but I am not yet convinced why the salary should be less than what is proposed by the Government of India. It was said by the Honourable Pandit that when people accept offices like that of the President they do not do it for the salary which that office carries. I admit that fact, but at the same time the Honourable Pandit will have to admit that when you suggest a smaller salary to that extent you restrict the sphere of your choice (*Voices*: "No.") There may be some people for whom it may not be possible to make the sacrifice which it is necessary to make. (*A Voice*: "We do not want them.") You may not want them but if they are the best people we should want them. (*A Voice*: "They cannot be the best men if they want money.") Sir, money is required by the President to be elected for maintaining himself in a proper position and proper comfort. I have heard it said that people who accept public offices should accept them as a public honour. I would like them to accept office as a public duty but at the same time it is not possible for all people to make the sacrifice which such acceptance entails. I am the last person to say that while we are engaged on a public duty we should not make a sacrifice. But I hold that any sacrifice which a man may be called upon to make should be a perfectly voluntary sacrifice and not a compulsory sacrifice. If any President whom we may choose finds that the salary of Rs. 4,000 is too much for him, I shall give him a helping hand in reducing the burden of the salary. But, Sir, let us offer him the best salary that we can. If he can make a sacrifice there are many ways open to him to spend his money on the public good (*A Voice*: "Entertainments?") It was also said that when we ask the Government to pay reasonable salaries to the public servants it was somewhat inconsistent that we should ask ourselves that our President should be paid a salary of Rs. 4,000 as proposed in this Bill. I admitted when I spoke first that some of the public offices in our

country are more highly paid but at the same time I made it quite clear that if I want to begin the restriction of incomes, I shall certainly not begin that operation with the President of the Legislative Assembly. I want the large bloated incomes which some people make to be restricted, but I shall first restrict their income before I restrict the income of the President of the Legislative Assembly, and let me go further and say before I restrict the salaries of the public servants in this country. If we begin the operation of reducing the incomes with the President of the Legislative Assembly and the members of our public services, we shall certainly not get the best men that we should obtain for these posts. There is only one word more I would like to say. It is said that if we pay a higher salary there will be canvassing. But I have seen canvassing even when there is no salary. There are many people who are very rich and they want some public office for honour. You cannot prevent their canvassing among themselves. I am quite sure there will be some people here who are so rich that they can afford to accept the position of the President of the Legislative Assembly if there were some Member willing to choose them. Therefore, by reducing the salary or by giving no salary, you do not prevent canvassing which is sure to take place whether there is a small salary or a large salary, but I do feel that if we can prevent canvassing by anything we can prevent it by paying a good salary, so that we can always have a large field of choice. I therefore feel that this amendment should not be accepted.

Mr. President: The original question was :

“ That clause 2 stand part of the Bill.”

Since which an amendment has been moved :

“ That in clause 2, for the word ‘ four ’ the word ‘ three ’ be substituted.”

The question is that that amendment be made. .

The Assembly divided.

AYES—45.

Acharya, Mr. M. K.
 Ahmad Ali Khan, Mr.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Pama.
 Alimuzzaman Chowdhry, Mr.
 Belvi, Mr. D. V.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Dr. S. K.
 Dutt, Mr. Amar Nath.
 Goswami, Mr. T. C.
 Gour, Sir Hari Singh.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hari Prasad Lal, Rai.
 Iyengar, Mr. A. Rangaswami.
 Jajodia, Baboo Runglal.
 Jeelani, Haji S. A. K.
 Kazim Ali, Shakh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Mehta, Mr. Jamnadas M.
 Misra, Pandit Harkaran Nath.

Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Nambiyar, Mr. K. K.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Piyare Lal, Lala.
 Ramachandra Rao, Diwan Bahadur
 M.
 Rangachar, Diwan Bahadur T.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Roy, Mr. Bhabendra Chandra.
 Rushbrook-Williams, Prof. L. F.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan
 Bahadur
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Kumar Ganganand.
 Vishindas, Mr. Harchandrai.
 Wajihuddin, Haji.

NOES—46.

Abdul Munin, Khan Bahadur Muhammad.	Lindsay, Mr. Darcy.
Abdul Qaiyum, Nawab Sir Sahibzada.	Marr, Mr. A.
Abul Kasem, Maulvi.	McCallum, Mr. J. L.
Ahmed, Mr. K.	Mitra, The Honourable Sir Bhupendra Nath.
Ashworth, Mr. E. H.	Moir, Mr. T. E.
Blackett, The Honourable Sir Basil.	Muddiman, The Honourable Sir Alexander.
Bray, Mr. Denys.	Muhammad Ismail, Khan Bahadur Sa'iid.
Burdon, Mr. E.	Rajan Bakhsh Shah, Khan Bahadur Makhдум Syed.
Calvert, Mr. H.	Raj Narain, Rai Bahadur.
Chalmers, Mr. T. A.	Rhodes, Sir Campbell.
Cocke, Mr. H. G.	Sadiq Hasan, Mr. S.
Cosgrave, Mr. W. A.	Sarda, Rai Sahib M. Harbilas.
Crawford, Colonel J. D.	Sastri, Diwan Bahadur C. V. Visvanatha.
Dalal, Sardar R. A.	Sim, Mr. G. G.
Fleming, Mr. E. G.	Singh, Rai Bahadur S. N.
Fraser, Sir Gordon.	Sinha, Mr. Devaki Prasad.
Ghazanfar Ali Khan, Raja.	S'anyon, Colonel Sir Henry.
Ghose, Mr. S. C.	Tonkinson, Mr. H.
Graham, Mr. L.	Webb, Mr. M.
Hira Singh, Sardar Bahadur Captain.	Willson, Mr. W. S. J.
Hudson, Mr. W. F.	Wilson, Mr. R. A.
Hussanally, Khan Bahadur W. M.	
Jinnah, Mr. M. A.	
Joshi, Mr. N. M.	
Kasturbhai Lalbhai, Mr.	

The motion was negatived.

Mr. Amar Nath Dutt: Sir, I beg to move the amendment which stands in my name, and which runs as follows:

"In clause 2 for the words 'four thousand' the words 'fifteen hundred' be substituted."

Sir, my reasons for proposing that the salary proposed should be reduced to Rs. 1,500 are these (*Voice*: "Withdraw, withdraw, withdraw.") I am not going to withdraw unless I am forced to withdraw. In this Assembly I do not think anyone can compel me to withdraw an amendment which I put forward for consideration of this House, and I am not going to withdraw it. I do not mind whether the majority of the Members throw it out or not, but I am entitled to place my views before you. I have always felt, Sir, that money and ability do not necessarily go together. (*Laughter*.) It is not because you may pay a man a very fat salary that he is an able man and will be an able President. I do not believe that. Then again much has been said about the dignity of the office. Sir, in a poor country like India we are not going to rob the tax-payers of their money for the sake of the dignity of the particular individual who is to be elected to the office of President. I was really pained when I heard one of the noblest sons of India, who belongs to the Servants of India Society, Mr. Joshi, who himself does not get more than Rs. 75 per month, supporting the view that we ought to give a fat salary to our President. Sir, if we can get men like Mr. Joshi for the service of our country on Rs. 75, if we can get men like the late Mr. Gokhale for Rs. 75 and Dr. Paranjpye for Rs. 75 per month, I do not believe that we cannot get men to occupy the Presidential Chair of this House for Rs. 1,500 (*Mr. M. A. Jinnah*: "Fix Rs. 75.") I would be glad if Mr. Jinnah accepts or moves an amendment to reduce the salary to Rs. 75. But as I know the temper of this House, as I know that people think that living in Delhi is a little more

expensive than elsewhere, and that men coming from elsewhere may require some more money, and that at less than Rs. 1,500 a man cannot keep himself up, therefore I propose that instead of the words "four thousand" the words "fifteen hundred" be substituted; and I think that is quite a decent sum because we have seen the flowers of the Universities serving on Rs. 300 or Rs. 400; and do you mean to say that while the flowers of our Universities, of the Calcutta University for example, Premchand Roychand Students and Doctors of Science and Philosophy have been serving on Rs. 300 or Rs. 400, and that while many a graduate is not able to get even Rs. 40 a month, we should be justified in paying more than Rs. 1,500 a month which would attract the best graduates of our Universities? Therefore, Sir, I move the amendment which stands in my name for the acceptance of this House.

The motion was negatived.

Khan Bahadur W. M. Hussanally: Sir, I have already said what I had to say in regard to my amendment; and I will repeat that the Bombay Council have put in a proviso that their President shall be a whole-time man and shall do no other business than his own proper work. But as the view has been expressed by some of my friends that the President of the Assembly will have plenty of work even when the session is not on, I think the condition that he should do no other business, I think the condition my amendment imposes, ought to be enforced. So far as quite honorary work is concerned, of course my amendment does not affect the position. Sir, I formally move my amendment.

Mr. President: Amendment moved:

"To clause 2 of the Bill the following proviso be added, namely:

'Provided he devotes all his time to the duties of his office'."

Mr. L. Graham: Sir, in an earlier stage of the Bill this morning, at the consideration stage, my Honourable friend Mr. Hussanally made a mis-statement. In moving his amendment he has repeated that mis-statement. He said that the Bombay Council had added a proviso to this effect. Now, Sir, I hold in my hand the Bill as read for the third time and passed on the 18th October 1924 in the Bombay Legislative Council, and the operative section of that Bill runs as follows:

"There shall be paid to the elected President of the Bombay Legislative Council a salary calculated at the rate of three thousand rupees a month."

There was no proviso to that effect, Sir. However, that is not the ground on which I oppose this amendment. Whatever Bombay may do, let them do. In this case, they have not done it. However, it is perfectly clear that it is the general feeling of this House, and will be accepted at once as a convention, that the Honourable President of this House shall not take up professional work between the sessions, but it is unseemly that we should bind him by Statute not to do so,—and this amendment, even if it were carried, would not bind him. Who is to decide, Sir, whether the President devotes all his time to the duties of his office? What is meant by "all his time"? The matter can be reduced to an absurdity at once. Does it mean that he ought not to sleep at any time? Does it mean that he should not find time for walks? Does it mean that he is not to take up any philanthropic work? Does it mean that he should have no time for his meals? The position is utterly absurd. I do not know about his devotions. However, as I have said, this amendment proposes no authority. If the House is not satisfied with the conduct of its President, the

[Mr. L. Graham.]

remedy is provided in the Act itself, because the President may be removed from office by a vote of the Assembly with the concurrence of the Governor General. If, Sir, the President should fail to maintain those high traditions, Sir, which you have established from the Chair, then, Sir, the House has its own remedy.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural)*: Sir, I should like to ask the Honourable Mr. Graham what is the exact position of the President in relation to other Government offices which he might hold, simultaneously, along with the Presidentship of this Assembly. I should like to know, Sir, in view of the provision contained in the English enactment relating to the salary of the Speaker that he should not hold any office either for himself or for anybody entrusted to him or any office of profit under the Crown, whether it is the intention of Government that the tradition should also be established in this House that the President of this Assembly should not, along with his office, simultaneously hold any other office of profit under the Crown. If that is so, —though there is no provision in this Bill to that effect—if that is the position, I do not think there will be any need for the amendment of my friend Mr. Hussanally. I do not think, Sir, he intended at any rate to prevent the President of this Assembly from doing any philanthropic work. What I believe he had in mind was that simultaneously, along with this office, the President of this Assembly should not perform any other office which might mean some more emoluments from the Government. I hope, Sir, that the Honourable Member will make a statement in regard to this matter.

Mr. L. Graham: Sir, I think it not quite reasonable to expect me to make a declaration at this stage. It is quite, true, Sir, that the Act does not provide that the President of the Assembly shall hold no other office, but I may point out that if he, being an elected Member of this Assembly, were to accept any other office, he would have to resign his seat in the Assembly, and he would then cease to be President. We may take it, however, that it is most unlikely that he would ever be asked to accept a salaried office. We may therefore probably dismiss that contingency as absolutely incredible. But should he do so, the House has the remedy in its own hands—to ask for his removal.

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-official): Sir, my friend, Khan Bahadur Wali Muhammad Hussanally, does not pose as an expert draftsman, and while there is much in the actual wording of his amendment which may require emendation, I do strongly support the principle upon which he has drafted it. I would have expected rather more from the Honourable Mr. Graham—a proposal that he would redraft this amendment in order to meet the case. What I have in mind is this. It has been said this morning, and if I can interpret the feelings of the House correctly it received general acceptance, that our future President should not hold any other office of remuneration. If that is the feeling of the House, why should the Bill not say so and lay it down? It would be possible otherwise for a President to be, say, a director of companies or something of that kind, which might not technically mean holding another appointment. But my own view and that of my colleagues is that the man whom we elect to this exalted office, to be our own chief for

* Not corrected by the Honourable Member.

the future, should regard it as an absolutely whole-time appointment so far as any work of remuneration goes. In regard to public work of an unpaid and honourable nature, we shall be only too glad to see him devote all the spare time he can to it.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban)*: May I add one word, Sir, to what Mr. Willson has said? Take this instance. Supposing you have a member of the bar who happens to be elected as the President of this House, when the session is not on would he be entitled to practise? (*Voices*: "No.") I do not wish it either, but I ask would that be a bar?

Mr. L. Graham: The House has to decide.

Mr. M. A. Jinnah: I quite understand of course that it is quite possible that at the end of the year you may not elect him. I understand the election will be for a year.

Mr. L. Graham: Three years, or so long as he remains a Member of the Assembly.

Mr. M. A. Jinnah: It will be all the more important to make it quite clear then. I therefore certainly support the motion and I say we ought to make it very clear in the Statute rather than leave it to the House afterwards to take unpleasant steps. I think it is not desirable, but the position should be made perfectly clear.

Mr. W. M. Hussanally: Sir, in reply I have only to say a few words. So far as my recollection goes, I read in the newspapers that this clause was adopted in the Bombay Council, but if it is not so, it does not matter. All the same, as our friend Mr. Willson put it, I am concerned with the principle of the amendment and not with the wording. If the wording of my amendment does not suit the taste of Mr. Graham, I have no objection to his amending the same so as to make it acceptable to the House. So far as the question of practice at the bar is concerned, I did mention this very inatter in my speech at the commencement and I am glad that my Honourable friend Mr. Jinnah has pointed this out again and Mr. Graham has no answer to give. It will be perfectly open to the President, if you do not pass this amendment, to go back when the Assembly is not in session and practise, which will certainly not be acceptable to the House. As regards taking up appointments as directors of companies, there will be no bar to him to do that as well. As the Honourable the Home Member put it only a few minutes ago, it is very difficult for Government to get Judges of the High Court on Rs. 4,000, so that it will not be very easy for us to get a suitable gentleman for the office of the President even for Rs. 4,000, I take it. If that be so, there may be a temptation to make an extra income when the Assembly is not in Session, whereas there will be plenty of work to do even when the Assembly is not on and we wish him to do that work. We also wish that the Assembly staff should be entirely separated from the Legislative Department, and when that is done, he will have plenty of work to keep him engaged all the year round. I therefore strongly support this amendment.

Mr. President: This is one of the rare occasions on which the President may reasonably enjoy the discretion vested in him under Standing Order 32, namely, to address the Assembly before putting a question to the vote.

* Not corrected by the Honourable Member.

[Mr. President.]

I have only two things to say. One is that I am very glad indeed to find a general opinion throughout the Assembly that the occupant of the Chair should be a whole-time officer, in the sense that, when the Assembly is not actually sitting, he should either be explicitly excluded by Statute or by the established convention of the Assembly from taking part in any public activity which can possibly impair his impartiality in the Chair. That is the very marrow of his function as President.

The second point to which I draw the Assembly's attention is that Mr. Graham's criticism of the drafting of Mr. Hussanally's amendment is, I think, just. The Assembly may perhaps pass the amendment in this form just now, and, when we come to the next stage, Members will have then had time to consider whether the proviso is in proper form and represents the real desire of the House. If the Assembly wishes now to insert in the Statute an explicit prohibition against the kind of activities that we have been discussing, I suggest to Government, if we put it into the Act, the motion that the Bill be passed be postponed in order to give the draftsman full time to consider, and the Assembly also further opportunity to consider whether its real intention has been established by the words proposed to be introduced.

The Honourable Sir Alexander Muddiman: I will leave the question at this, that if it is agreed to, the clause will be re-drafted and amended at a subsequent stage of the Bill.

Mr. President: The question is:

"That to clause 2 of the Bill the following proviso be added, namely:
'Provided he devotes all his time to the duties of his office'."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title was added to the Bill.

Mr. President: The amendment standing in the name of Pandit Shambhu Dayal Misra will be inoperative as the word "elected" already occurs in the Statute. By changing the Preamble we cannot get round the original Statute.

The Preamble was added to the Bill.

Mr. L. Graham: Sir, I do not now move the motion that the Bill be passed.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I beg to move that the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration.

The purpose of this Bill is, as explained in the Statement of Objects and Reasons, to bring into accordance with the law the practice that has in fact been followed for some little time in the assessment of income-tax. The practice hitherto has been where there has been a change in the constitution

of a registered firm, owing to one or more of the partners retiring, to assess the partners with reference to the shares held by them at the time of the assessment, although on the profits of the firm in the previous year. It has now been ruled that partners must be assessed not according to the shares to which they are entitled in the year of assessment, but according to those to which they were entitled in the year in which the profits were earned. The net result, as rather frequently happens in the case of super-tax, is that people who ought to be paying super-tax are apt to get off. We propose in this amending Bill to amend the law, so that in future the practice may be the one which was followed until the Bombay High Court gave that decision. The matter has been discussed with the Chambers of Commerce, and, as I have not heard from any quarter any objection to the Bill, I will confine myself now to moving the motion that stands in my name.

Mr. President: The question is:

“That the Bill further to amend the Indian Income-tax Act, 1922, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Basil Blackett: Sir, I move that the Bill be passed.

Mr. President: The question is:

“That the Bill further to amend the Indian Income-tax Act, 1922, be passed.”

The motion was adopted.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member): Sir, I rise to move the motion which stands in the name of my Honourable friend Sir Charles Innes. The House will regret to hear that Sir Charles Innes is confined to his house to-day with a bad chill and, with your leave, Sir, I beg humbly to try and take his place. Fortunately my task is confined to moving for leave to introduce a Bill the objects and reasons of which are fully stated in the Statement of Objects and Reasons. I need not, therefore, spend time in convincing the House that, although this is a Bill introduced by the Commerce Department, it is one in which the Finance Department takes a certain amount of interest. I should like just to add one thing. It is stated in the Statement of Objects and Reasons that these proposals are included in a separate Tariff Bill instead of in the Finance Bill because they have not been made primarily with reference to the revenues of the year 1925-26. As a matter of fact, we have had this question of changing over from *ad valorem* duties to specific duties in the case of sugar and cigarettes and one or two other things under consideration for some time and it was at one time our intention to introduce this Bill last September. The purpose is to improve the methods of our customs valuation and customs collection and at the same time to secure greater steadiness in our revenue which is apt to fluctuate rather widely in the case of *ad valorem* duties.

[Sir Basil Blackett.]

on an article such as sugar. The *ad valorem* duties in India date back to the time when we had nothing but a revenue tariff. When you have a small revenue tariff, 3 or 5 per cent., there is a good deal to be said for *ad valorem* duties. But when you get higher you necessarily introduce considerable complications into the assessment and collection of customs duties if you try to maintain the *ad valorem* principle right through. In many countries specific duties have, in fact, been substituted in the particular case of sugar. The purpose of this Bill is, in addition to various small improvements in the law, to introduce specific duties in place of *ad valorem* duties in the case of sugar and cigarettes not with reference to an increase or decrease in the amount of revenues to be obtained from those articles but with reference to the convenience both of the Customs Department and of the importer. We are taking advantage of the same Bill to introduce certain small amendments which are specified in paragraphs 4 and 5 of the Statement of Objects and Reasons. In the case of silk mixtures, there have been considerable complaints, not entirely from the male sex, about the high duty that is being charged on goods that are really cotton but contain a small quantity of silk. The Government thought that 30 per cent. was rather a high charge for them. It is proposed therefore to alter the Schedule in the case of silk mixtures down to the 20 per cent. figure. Finally, one small amendment is required to rectify an error in the Schedule to the Steel Industry (Protection) Act, 1924, in the matter of discs and circles.

Mr. President: Motion moved:

"That leave be given to introduce a Bill further to amend the Indian Tariff Act, 1894."

Mr. W. S. J. Willson (Associated Chambers of Commerce: Nominated Non-official): May I ask the Honourable Member if he will be so good as to give us some indication of the amount of time we are likely to have to consider this Bill. It has been a source of complaint on behalf of many of my Chambers of Commerce in the last year or two that Government have frequently given us insufficient time for a Bill such as this to be circulated round the country for the purpose of eliciting public opinion. And, as I can quite imagine that opinions, even of my Chambers, may be divided on the question, particularly of sugar, I should like to have an assurance from the Honourable Member now that we will be given a reasonable time to deal with the question.

The Honourable Sir Basil Blackett: I understand, Sir, that it was the intention of Sir Charles Innes to move on Monday that the Bill be referred to a Select Committee in order to afford an opportunity for the discussion of the Bill in the Select Committee. I do not know whether it will be possible by the combination of that arrangement with some other arrangement by which the discussion in the Select Committee should not be rushed to meet the difficulty to which Mr. Willson has referred.

Mr. W. S. J. Willson: I may say, Sir, that the proposal that the Bill be referred to a Select Committee next Monday would not be acceptable. We find in practice that once a matter is referred to a Select Committee, there is a natural tendency to try and dispose of it during the current session. I should not like to commit myself to the opinion that there will

be sufficient time to send it round to all the Chambers of Commerce, which are scattered all over the country, and whether they will be able to give their views within such a short time.

The Honourable Sir Basil Blckett: I will take notice of that expression of opinion. I am not sufficiently in possession of the views of the Honourable Sir Charles Innes to say anything more on the subject.

Mr. President: The question is:

"That leave be given to introduce a Bill further to amend the Indian Tariff Act, 1894."

The motion was adopted.

The Honourable Sir Basil Blckett: I introduce the Bill.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I regret, in the first place, that I was not in my place when my name was called and consequently I disturbed the original sequence of the Agenda. The House disposed of the previous items so expeditiously that I was taken by surprise.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): Can we go backwards on the Agenda, Sir?

Mr. President: The items appear on this Agenda in the form in which the Governor General chooses to lay them down. They are not governed by any precedence of ballot. At least I do not imagine that a ballot has been conducted for the Members of the Governor General's Council.

Pandit Shamlal Nehru: May I mention, Sir, that I had not the slightest intention of obstruction. But only the other day I was half a minute late for my Bill and was not called upon to move it.

The Honourable Sir Alexander Muddiman: I can assure the House that we do not ballot amongst ourselves.

THE CONTEMPT OF COURTS BILL.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I beg to move for leave to introduce a Bill to define and limit the powers of certain Courts in punishing contempts of Courts.

I would ask the House to bear with me for a minute or two while I draw their attention to the existing law on the subject. As regards the courts, other than the High Courts established by Letters Patent, the provisions are to be found in the Code of Criminal Procedure and in the Indian Penal Code. As the House is aware, section 480 of the Criminal Procedure Code gives the courts a certain power of punishing contempts therein specified by a summary procedure. I do not think I need read the section to the House. But it comes to this that in cases where there has been a refusal to sign a document and one or two cases of that kind and if the offence is committed in the view and presence of the court, the court can deal with it in the summary manner provided for in that section and sentence the

[Sir Alexander Muddiman.]

offender to a fine not exceeding Rs. 200 and, in default of payment, to simple imprisonment for a term which may extend to one month. That, Sir, is a power which is conferred on all courts.

Then we have in a section of the Penal Code, section 228, a substantive offence triable in the ordinary way as substantive offences are triable, and which enables action to be taken against people who intentionally insult or interrupt public servants sitting in judicial proceedings. Those are provisions which are common in respect of all the courts, and they are the only provisions which are common. The chartered High Courts, constituted by Letters Patent under the Government of India Act, have however certain powers, to which I must draw the attention of the House for a minute. They have the power which is vested in the superior courts in England, to punish contempt by a summary process in cases where indictment or information is not calculated to serve the ends of justice. Here the power of punishment, *brevis manu*, extends not only to contempts committed in the presence of the court, but to such actions taken outside which may have the result of prejudicing or obstructing the administration of justice. It has been a matter of some debate between the various High Courts in India whether the power which they undoubtedly possess of protecting their own proceedings in this way extends to the proceedings of their subordinate courts. I will not trouble the House at this stage with a detailed examination of the cases, but it appears that the Madras High Court in a case in 21 Madras Law Reports, page 832, and the Bombay High Court in a case in 24 Bombay Law Reports, page 16, held that they do possess this summary jurisdiction to protect their subordinate courts. On the other hand, the Calcutta High Court have expressed themselves less definitely on the subject, and indeed they seem to doubt whether that jurisdiction does exist, that is to say, the extended jurisdiction of protecting the courts subordinate to them. That was dealt with in a case reported in 17 Calcutta Weekly Notes, 1285, and in another case reported in the Indian Law Reports, 46 Calcutta, 173. That, Sir, is the position, as it occurs to me, of the law as it now exists. There are courts therefore which, though ranked as High Courts, are not chartered High Courts, and have not this special power of proceeding summarily either to protect themselves or to protect the courts which are subordinate to them. They are in fact in the same position as the ordinary courts of this country. Instances of such courts will be found in the Schedule to the Bill. They include the courts of the various Judicial Commissioners. This question whether further provision should be made to protect a court in the matter of contempt has long been under the consideration of Government. So far back as 1914 the Government of India actually introduced a Bill, which was circulated, and was not further proceeded with mainly owing to the fact that the great war had broken out. I need not detain the House with any examination of the provisions of that Bill, for the Bill for which I ask leave to introduce proceeds on an entirely different basis. The present Bill, instead of making contempt an offence punishable on trial before a Magistrate, confers all the powers in connection with the provisions which it introduces into the law, on the High Courts themselves. The High Court is made the authority which takes cognisance and deals with contempt, not only in regard to its own proceedings, but also in regard to matters arising in connection with courts subordinate to it. Now, as I said when-

I referred to the existing powers of the chartered High Courts, the powers of those courts are unlimited. They have the same unrestricted, unfettered jurisdiction as the superior courts in England have. The Bill which I am asking leave to introduce provides punishment for contempt of court in clause 2, and it enables the court specified in the Schedule to take cognisance of offences punishable under that clause, when such offence is alleged to have been committed in respect of such a court, and further it enables the court specified to take cognisance of offences committed in respect of courts subordinate to it, not only of its own motion, but also on application to the court. Now, in so far as the existing contempt jurisdiction of chartered High Courts goes, that clause does not enlarge it if the view taken by the Bombay Court and the Madras Court is the correct view. It does enlarge it as regards subordinate courts if the view taken by the Calcutta High Court is the correct view, and it does in any case enlarge it because there are in the Schedule certain courts which are not chartered High Courts. Then clause 4 enables the High Court to make rules and provides what I might call procedure in contempt. Clause 5 limits the powers of the court to punish contempt. Although in one direction we are enlarging the jurisdiction in contempt, we are fettering the powers of the court in regard to punishment. As the courts at present stand they are unlimited. We seek in the Bill to fetter those powers. (*An Honourable Member*: "How can you?") We reduce the punishment to six months, whereas I am informed the power now vested in the courts in India is unlimited as it is in England. Those are the main points in the Bill and I do not think at this stage I need detain the House much longer. The Bill affirms and confirms the jurisdiction of the High Courts to protect themselves and subordinate courts; it confers the jurisdiction of chartered High Courts on certain other High Courts. It further limits and controls the powers of the High Courts as provided in the Bill in respect of punishment.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, I only wish to bring it to the notice of the Honourable the Home Member that in Bills of this nature it will be desirable that the Members of the House are supplied with copies of the Bill previously so that they may be in a position to say whether they want to oppose the principle or not. To the best of my recollection I have not received a copy of this Bill, and I found on making inquiry of some other Members of the Assembly that they had not likewise got a copy beforehand. I find this was printed on the 9th of February, 1925, and I think it might have been supplied at least yesterday. But although I made some inquiries at the Notice Office yesterday at about 2 or 3 o'clock, even then I was told a copy of the Bill was not available. I have no wish to oppose the introduction of the Bill at this stage, but I only want to bring to the notice of the Honourable the Home Member that in Bills of this nature, which involve a principle of conferring certain powers of a serious nature on the courts, it is better that they should be previously put into the hands of Members.

The Honourable Sir Alexander Muddiman: Sir, I am always willing in the case of any Bills with which I have to deal and desirous that Honourable Members should have them as early as possible and I regret the Honourable Member has been inconvenienced in the matter, but I may point out that this is merely a motion for leave to introduce.

Mr. President: The question is:

“That leave be given to introduce a Bill to define and limit the powers of certain Courts in punishing contempts of Courts.”

The motion was adopted.

The Honourable Sir Alexander Muddiman: I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th February, 1925.

LEGISLATIVE ASSEMBLY.

Thursday, 12th February, 1925.

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

STATEMENT OF BUSINESS.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I wish to make the following statement with regard to the probable course of Government business in the next week.

The first business on Monday the 16th will be the Demands for Supplementary Grants. On the same day motion will be made for the constitution of departmental Standing Committees. I shall ask for leave to introduce a Bill to amend the Prisons Act, and leave will also be asked to introduce a Bill to amend the Cantonments Act. On the business for Monday it was intended to put down a motion to refer to the Select Committee the Indian Tariff (Amendment) Bill, but I have decided that that motion shall be put down on the 18th instead of the 16th. If we have time on the 16th I shall also move to circulate the Contempt of Courts Bill, the Bill which you gave me leave to introduce yesterday. Either on the 16th or 18th motions will be made for taking into consideration the Indian Merchant Shipping (Amendment) Bill as reported by the Select Committee and also the Obscene Publications Bill as reported by the Select Committee. On the 18th the motion for passing the President's Salary Bill will be made, if agreement has been reached on the form of the drafting of the amendment to be made in clause 2. The House will remember that yesterday we held over that Bill in order to settle the actual drafting of the amendment. A motion will be made at the third reading of the Bill to put into proper form the draft amendment that has passed the consideration stage.

MESSAGES FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. President: I have received a Message from His Excellency the Governor General:

(The Assembly received the message standing).

"For the purposes of sub-section (1) of section 67A of the Government of India Act and in pursuance of Rules 43, 46 and 47 of the Indian Legislative Rules and of Standing Order 70 of the Council of State Standing Orders, I, Rufus Daniel, Earl of Reading, hereby appoint the following days for the presentation to the Council of State and to the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council (in the said Rules and Standing

[Mr. President.]

Orders referred to as the Budget) and for the subsequent stages of the said Budget in the Council of State and in the Legislative Assembly, namely:

<i>Friday, February, 20th</i> ...	...	<i>Presentation of the railway portion of the Budget, hereinafter described as Part I of the Budget, in both Chambers.</i>
<i>Monday, February, 23rd</i> ...	...	<i>General discussion in the Legislative Assembly of Part I of the Budget.</i>
<i>Tuesday, February, 24th</i> ...	...	<i>General discussion in the Council of State of Part I of the Budget.</i>
<i>Wednesday, February, 25th</i> ...	...	} <i>Voting of demands for grants under Part I of the Budget in the Legislative Assembly.</i>
<i>Thursday, February, 26th</i> ...	...
<i>Friday, February, 27th</i> ...	...
<i>Saturday, February, 28th</i> ...	...
<i>Saturday, February, 28th, at 5 p.m.</i> ...	...	<i>Presentation of the remaining portion of the Budget, hereinafter referred to as Part II of the Budget, in both Chambers.</i>
<i>Tuesday, March, 3rd</i> ...	...	} <i>General discussion in the Legislative Assembly of Part II of the Budget.</i>
<i>Wednesday, March, 4th</i> ...	...
<i>Thursday, March, 5th</i> ...	...	<i>General discussion in the Council of State of Part II of the Budget.</i>
<i>Friday, March, 6th</i> ...	...	} <i>Voting of demands for grants under Part II of the Budget in the Legislative Assembly.</i>
<i>Saturday, March, 7th</i> ...	...
<i>Thursday, March, 12th</i> ...	...
<i>Friday, March, 13th</i> ...	...
<i>Saturday, March, 14th</i> ...	...

(Signed) *READING,*

Viceroy and Governor General."

Mr. President: I have a further Message from His Excellency the Governor General:

"In pursuance of the provisions of sub-section (3) of section 67 A of the Government of India Act, I hereby direct that the heads of expenditure specified in that sub-section shall be open to discussion by the Legislative Assembly when the Budget is under consideration.

(Signed) *READING,*

Governor General."

RESOLUTION RE GRIEVANCES OF INDIANS IN TANGANYIKA.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, in the unavoidable absence of my Honourable friend, Sir Purshotamdas Thakurdas, and with your kind permission, I beg to move:

"That this Assembly recommends to the Governor General in Council to instruct the representatives of the Government of India at the next meeting of the League of Nations to effectively ventilate there the grievances of Indians in 'Mandated' Territories, especially Tanganyika, and to seek immediate redress thereof."

Sir, before I proceed to enumerate the actual grievances of the Indian settlers in Tanganyika and the redress that we seek for those grievances, I think it will not be out of place if I give a very brief account of the circumstances under which Tanganyika came under the administration of the British Colonial Office and the circumstances under which the grievances

from which these settlers suffer arose in that territory. After the termination of the great war and when the Treaty of Versailles was signed, by Article 119 of that Treaty Germany renounced in favour of the principal allies and associated powers all her control over her overseas possessions including German East Africa; and when the Covenant of the League of Nations was entered into by the various allied powers provision was actually made for the administration of these territories renounced by Germany. Article 22 of the Covenant of the League of Nations provided for the administration of these territories; and I shall read to Honourable Members the relevant portion of Article 22 of the Covenant:

“To those colonies and territories which as a consequence of the late war have ceased to be under the sovereignty of the States which formerly governed them and which are inhabited by peoples not yet able to stand by themselves under the strenuous conditions of the modern world, there should be applied the principle that the well-being and development of such peoples form a sacred trust of civilization and that securities for the performance of this trust should be embodied in this Covenant.

The best method of giving practical effect to this principle is that the tutelage of such peoples should be entrusted to advanced nations who, by reason of their resources, their experience or their geographical position, can best undertake this responsibility and who are willing to accept it, and that this tutelage should be exercised by them as Mandatories on behalf of the League . . .

The degree of authority, control or administration to be exercised by the Mandatories shall, if not previously agreed upon by the Members of the League, be explicitly defined in each case by the Council.”

In accordance with the provisions of this Article of the Covenant of the League of Nations, a mandate was given to the British Government to administer the territory of Tanganyika which formerly belonged to the German Government, and the territory is now being administered by the British Colonial Office on behalf of the League of Nations under the specific mandate that has been given to them. According to the census taken in the year 1921, it was found that there are in that territory about 2,500 European and American settlers and about 10,000 Indian settlers. These Indians have been settled in the Tanganyika territory for a very long time and they had been enjoying under the German régime all rights of citizenship in that territory.

In the year 1923 on account of certain financial troubles which the Tanganyika administration had to face, three Ordinances were promulgated to increase the revenue of the territory. These Ordinances are known as the Profit Tax Ordinance, Pedlars' and Live-stock Dealers' Ordinance and the Trade Licensing Ordinance. I do not want to tire the House by giving a detailed account of the various provisions of these Ordinances, but I would only draw the attention of Honourable Members to those relevant portions of the Ordinances on which the Indian settlers feel that they are hard hit. One of the provisions of the Profit Tax Ordinance is that if the merchants in Tanganyika do not maintain their accounts either in the English language or in the Swahili language written in English characters, the assessor may cause the accounts to be translated into English and the expenses of the translation must be borne by the owner of the business. Sir, this is a provision of the Ordinance which hit the Indian community very hard indeed. The Indian community forms practically 90 per cent. of the commercial community in Tanganyika, and most of the Indian merchants are Gujaratis without much knowledge of English, and I would ask Honourable Members to realise the amount of hardship that these Indian merchants would be subjected to by this provision, namely, that if the accounts

[Mr. R. K. Shanmukham Chetty.]

are not kept in English or in Swahili written in English characters, they have to be translated into English and the expenses of the translation to be borne by the Indian merchants. That is the most objectionable portion of this particular Ordinance known as the Profit Tax Ordinance. There is another Ordinance known as the Pedlars' Ordinance. According to the provisions of this Ordinance, if it is anticipated that a pedlar will not keep intelligible accounts, he may be charged profit tax in advance. Any officer is empowered to open and inspect the stock of a pedlar at any time. The licence given to a pedlar is confined to a specified district, and the licence may either be cancelled or withdrawn without any reasons being assigned. Now, Sir, the Indian pedlars there who form a very considerable number naturally feel that these are very severe provisions indeed. But the most serious of all the objections, and one over which the Indian settler has agitated very strongly, is the provision in the Trade Licensing Ordinance which compels every merchant to maintain his accounts only in English or in Swahili written in English characters.

Well, Sir, it is alleged on behalf of the Tanganyika administration that these Ordinances are not meant to be specially applicable to the Indian mercantile community, but that they are applicable to all the communities settled in Tanganyika. But when Honourable Members realise that 90 per cent. of the commercial community in Tanganyika is composed of Indians, most of whom, as I said, are Gujaratis without knowledge of English or Swahili, it will be seen that the net effect of the enforcement of this provision will be the practical extermination of the Indian mercantile community from Tanganyika. When these Ordinances were passed, the Indian mercantile community raised its voice of protest. A deputation was sent to the British Colonial Office, and, in spite of all the representations and vigorous protests that were made on their behalf, both by the deputation and I believe by the Government of India, the Colonial Secretary in reply to a question that was put in the House of Commons in March 1923 said that the Colonial Office could not see its way to amend the provisions of these Ordinances in the manner demanded by the Indian settlers. As a protest the Indian mercantile community observed a *hartal*. They closed their shops for about 50 days; they instructed the merchants of Bombay not to ship any further goods to Tanganyika on account of the crisis that had thus arisen there, and the matter was immediately brought to the notice of the Government of India by the British Indian Colonial Merchants' Association of Bombay, and the Government of India, as usual, replied that they would pay due attention to this and that they had instructed the Trade Commissioner in East Africa to inquire into the matter and send them a report. This was in March 1923. As I said, as a protest against this Ordinance the Indian merchants observed a *hartal* and closed all their shops. The Ordinance came into force on the 1st of April, 1923, and merchants who traded from that day were expected to take a licence under the Trade Licensing Ordinance, and when some of the merchants did not take out a licence under this Ordinance prosecutions were launched upon them. Some merchants, it is said, who continued the trade were prosecuted and fined 10 shillings each and were also imprisoned for ten days, though it was pointed out by the Indian merchants at the time that imprisonment was *ultra vires* under the Ordinance. Eight respectable Indian merchants were sentenced to three months' rigorous imprisonment or 500 shillings fine each for not rendering a profit tax account. The situation was thus very serious

for over 50 days and the trade was practically at a standstill. But in spite of the representation of the deputation to the British Colonial Office not having been successful, the deputation ultimately sent a cablegram to the merchants in Tanganyika to resume business and to take out licences under protest. In accordance with this instruction of the deputation the merchants took out licences under protest and resumed their trade.

Though, as a result of the various representations that have been made to the British Colonial Office, a number of amendments have subsequently been made in these Ordinances; still the crux of the whole problem remains unsolved. The greatest complaint of the Indian mercantile community is against the provision which enforces them to keep their accounts either in English or in Swahili written in English characters. Well, Sir, one noteworthy feature of the new amendment to the Ordinance was that in addition to English and Swahili being allowed as languages in which accounts might be kept, French also was recognised as a language in which the accounts might be kept. This was done in response to the claim of about 5 or 6 Belgian firms that are in Tanganyika. In response to the claim of these few Belgian firms French has been allowed as one of the languages in which accounts might be kept and Gujarati, which forms the language of about 3,500 Indian merchants in Tanganyika, is not recognised as a language for purposes of accounts.

Sir, I said at the beginning that the territory of Tanganyika is administered by the British Colonial Office as the agents of the League of Nations. They administer this territory according to the provisions of a specific mandate that was given to them. Article 7 of that mandate runs as follows:

"The Mandatory shall secure to all nationals of State Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

Further, the Mandatory shall ensure to all nationals of State Members of the League of Nations on the same footing as to his own nationals, freedom of transit and navigation, and complete economic, commercial and industrial equality."

There is thus an explicit veto on any kind of racial bar in Tanganyika territory. The British Colonial Office is bound by the terms of this mandate to give to the nationals of State Members of the League of Nations the same rights as are enjoyed by the nationals of their own State. We know, Sir, that India is an independent member of the League of Nations. According to the terms of this mandate, Indians settled in Tanganyika have got the right to be treated on absolutely the same lines as the nationals of any other State Member of the League of Nations. We are, it must be remembered, an independent member of the League of Nations. We contribute 65 units towards the expenses of the League of Nations out of a total about 932 units contributed by about 55 members of the League. We contribute towards the expenses of the League about Rs. 11 lakhs per year.

This matter, as I said, was brought to the notice of the Government of India as early as March, 1923. As a result of representations made to the Colonial Office, the time when the clause about the language requirement for keeping accounts should begin to operate has been extended

[Mr. R. K. Shanmukham Chetty.]

to the 1st of April, 1926, so that this clause comes into force in April next year. For the last two years the Government of India have evidently been complaining, cabling, and protesting, I suppose, against the treatment meted out to the Indian nationals settled in Tanganyika, and we have not yet seen even the beginning of a solution of this problem. This Resolution, therefore, asks that the Government of India must instruct their representatives at the League of Nations to bring to the notice of the Council of the League this injustice perpetrated against the Tanganyika Indians by the British Colonial Office. If any member of the League of Nations has got any complaint against the administration of the Mandatory in any of its territories, explicit provision is made in the mandate itself for the redress of those grievances. It is provided:

"The State Members of the League of Nations may likewise bring any claims on behalf of their nationals for infractions of their rights under this mandate before the Permanent Court of International Justice."

Suppose France or Japan or China had been the Mandatory in Tanganyika. What would the Government of India have done in these circumstances? Would they not have brought to the notice of the League of Nations these gross injustices that were being done against the Indian nationals in Tanganyika? But because the British Colonial Office is the wrongdoer, are we to be deprived of the right, the international right that has been secured to us by virtue of our membership of the League of Nations? As I have said, in the mandate there is a distinct veto on any kind of racial or colour bar in these territories. Recently it has been brought to our notice that there are attempts at fresh inroads on the privileges of Indians settled in Tanganyika. We hear that a recent notification has been issued in which the territory of Tanganyika is divided into three zones, and what is called zone No. 1 is reserved to houses which will conform only to what is called the European type. Well, Sir, I for one do not know anything about the details of this, but it looks as if it is an attempt at segregation in disguise. I do not make any specific complaint on that point now, but I only say that it is a matter into which the Government of India will do well to inquire. As we are an independent member of the League of Nations, would the Government of India consider our request improper if we ask that we shall exercise the powers granted to us as a result of an international contract and lodge a complaint with the League of Nations about the grievances of the Indians at Tanganyika?

When this territory was taken over from the German Government, the Tanganyika administration openly invited Indian settlers to purchase enemy property in Dar-es-Salam and invited their co-operation in opening up the land and in developing that territory. During the war it is well known that Sir Theodore Morrison made even a proposal that the Tanganyika territory might be reserved for the colonisation of the Indian immigrants. And may I ask what is the reason of this change of attitude that has come over the Tanganyika administration? Is it because they are influenced by the spirit of their neighbour, the Kenya colony? For we cannot explain this change of attitude on any other basis. Of late, people have been discussing about the disruptive forces of the Empire due to the separatist tendencies of the Colonies. But I for one am perfectly convinced that if the disruption of the British Empire were to take place, it would not be due so much to the separatist tendencies of the Colonies as to the prevalence and the spread of the Boer and the Kenya spirit; and

the well-wishers of the Empire must see that if the British Commonwealth is to be preserved this Boer spirit does not permeate the other parts of the Empire.

Sir, I move the Resolution.

Mr. L. Graham (Secretary: Legislative Department): Sir, I think it desirable that Government should be represented at this stage of the debate and I wish to make it quite plain that, though Government are unable to accept this Resolution, the reason why they are unable to accept this Resolution is because they are convinced that it is not in the best interests of the Indian settlers in Tanganyika that this Resolution should be accepted. I yield to no one in my affection for Gujrati; I am a Gujrati myself. It is the language of my adoption though I cannot say I ever tried to keep my accounts in that language, but as an officer of a Court I have very frequently had to deal with accounts kept in Gujrati.

I would like to take objection to the very loose terms in which this Resolution is framed. It says:

"This Assembly recommends to the Governor General in Council to instruct the representatives of the Government of India at the next meeting of the League of Nations to effectively ventilate there the grievances of Indians in 'Mandated' Territories, especially Tanganyika, and to seek immediate redress thereof."

I put it to the House, does that not imply that all the mandated territories are bristling with Indian grievances? The only grievance which has been brought to the notice of the Government of India is the language grievance. The Government of India fully recognise that this is a grievance and they are taking very, very vigorous steps for the removal of that grievance. But, Sir, is it fair to prejudice the interests of these Indians by casting a Resolution in this very wide form? My Honourable friend, the Mover, vaguely suggested that he had heard that there was a proposal before the Tanganyika Government which meant segregation. I asked my Honourable friend on the left (Mr. Bhore) at once whether there was any such proposal and he replied in the negative. I submit that the only question we are dealing with now is the grievance of the Indian traders in Tanganyika in respect of the requirement of certain laws there that they should keep their accounts in one of three languages required by that local law, namely, English, French, or Swahili in English characters. It is claimed that Gujrati—I presume it is not in English characters but in Gujrati characters—shall be one of the official languages of Tanganyika; it is claimed as a matter of right under the mandate. I am very anxious, I may say here, that we should not prejudice in any way the success of the negotiations which are being carried on very strenuously by the Government of India for the purpose of assuring to the Indian traders in Tanganyika the concession—mark the word "concession"—of keeping their accounts in Gujrati. Sir, I dislike very much the use of the word "implications" and I dislike the use of the word "mentality." Both these words are frequently heard in this House. But I am going to put it to the House and the Honourable Mover of this Resolution that there are in Tanganyika now, as he says, a large number of Indians, and apparently a very great majority of them are Gujratis and they claim it as a right under the mandate that they should keep their accounts in Gujrati, because India is a member of the League of Nations. I would ask the House to remember how many members there are on the League of Nations. For the moment I should say 55 or it might be 56. How

[Mr. L. Graham.]

many languages are spoken by the members of the League of Nations? I should hesitate to say. India is contributing about 160 and I would put the whole at 300 or 400. Is it really maintained as a matter of right that any member of the League of Nations who goes to trade in Tanganyika should be entitled to have his language recognised as an official language of the country? We are, therefore, Sir, all the time pressing for this as a concession. If the Nationals of China or the nationals of Haiti go to Tanganyika, are they to be entitled to the use of their own language? As I have said, the languages of the country are (1) the native language of the country, Swahili and that is required to be kept in English characters, (2) English and (3) French. In respect of French, my Honourable friend the Mover suggested that this implies gross favouritism to Belgium. I reply that English and French are the official languages of the League. Does my Honourable friend mean to suggest that if Mr. Harchandrai Vishindas, who comes from Sind, and some of his Sindi friends, who are great traders all over the world, set up business in Tanganyika, they have an absolute right to claim that they shall keep their accounts in Sindi? Now there is Baniya Sindi or Shikarpur Sindi and Hyderabad Sindi and the Hyderabad Sindi is unable to understand the accounts of the Shikarpur Sindi. Are we not proposing to put a very very heavy burden on the Mandatory if we are to require it to maintain an administration so polyglot as to be able to deal with practically all the languages of the world? Why is this language test imposed? It is only for administrative purposes. If my Honourable friend goes to England and proposes to submit his account to the income-tax officer in Tamil, Telugu or Gujrati or Canarese or Sindi, would he consider it an outrage and racial discrimination if the form is returned to him for translation into English. I read from the Trading Licensing Ordinance. The object of these books of accounts is to enable the true amount of profits of the business to be ascertained for the purpose of profit tax. It is an administrative necessity that the accounts of all traders should be intelligible to the administration. This is a requirement which is imposed upon all persons:

“No person shall on or after the 1st day of April 1925 carry on in the territory, whether as principal or agent any business not being exempted from the operation of this Ordinance except on condition of taking out a licence.”

I turn to a few general conditions as to mandates. My Honourable friend has read from Article 22 of the Covenant of the League of Nations certain passages. I might perhaps be allowed to supplement. I do not suggest that he has refrained from quoting passages which he should have quoted, but I should like to give the House some idea of the duties of a Mandatory to realise that the Mandatories have undertaken in the interests of civilisation a very very grave burden from which they may hope to obtain neither profit nor reward nor honour of any sort but only criticisms, attacks and arraignment before the bar of the League of Nations. It is laid down in Article 22 of the Covenant with reference to the class of country we are now dealing with, the class of country which is included in what are known as “B” mandated territories—Honourable Members of the House are aware that for the purpose of mandates three divisions were made, “A”, “B” and “C”. “A” mandated territories are an advanced class of country, a country which can soon hope to attain the status of standing on its own legs, for example, Syria, Palestine and Mesopotamia. In the “B” class you have countries like Tanganyika for instance and

places especially in Central Africa which are in such a stage that the Mandatory must be responsible for the administration of the territory under conditions which will guarantee freedom of conscience or religion subject only to the maintenance of public order and morals, the prohibition of abuses such as the slave trade, arms traffic and the liquor traffic and the prevention of the establishment of fortifications or military or naval bases and the military training of the natives for other than police purposes and defence of territory, and will also secure equal opportunities for the trade and commerce of other members of the League. What reward is the mandatory government to get out of this? It is surely, as I have said before, a very heavy burden in the interests of civilisation, and other members of the League, Sir, I submit, should be very very careful before they bring the Mandatory before the bar of the League of Nations. They should exhaust every possible means of negotiation with the Mandatory, and they should be very very certain of the justice of their case before they go to the League. My Honourable friend has read from, what I think he would claim to be his charter, Article 7 of the mandate for Tanganyika. I may be allowed to read the passage again to the House. Possibly I shall lay stress on a different part of it.

"The Mandatory shall secure to all nationals of State Members of the League of Nations the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law."

I very much regret to say that the compliance with the local law which was made by the Indian traders in Tanganyika consisted in proclaiming a *hartal*. That local law,—I have already read the provision,—is a local law within the meaning of Article 7.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Made by you?

Mr. L. Graham: Made by the Mandatory. It might be said that the Mandatory has made a law and abused its powers.

Mr. B. K. Shunmukham Chetty: Can you make a law inconsistent with the provisions of the mandate?

Mr. L. Graham: That is just the point I am discussing. According to paragraph 4 the Mandatory shall have full powers of legislation and administration. I am not going to say definitely one way or the other, because I do not wish to prejudice the progress of the negotiations. The local law says that the accounts shall be kept in English, French or Swahili in English. I put it to the Members of this House that they should be absolutely convinced that there is actually a breach of the mandate by the Mandatories before they could agree to support this Resolution. And that, Sir, is a matter for legal opinion. After very very careful consideration I am not prepared to say now that this provision is a breach of the law. It seems to me that it is not, but I am not prepared to give a definite opinion. It appears to me, Sir, that the administrative needs of the country of the Mandatory must also be considered. If the law means that the Mandatory is required to recognise for official purposes every language spoken by every member of the League, then I say, Sir, that the law is an unfair law to the Mandatory. Personally, at present I am not prepared to say that it is so. The point which I wish to make is that we are supporting this claim on behalf of the traders of

[Mr. L. Graham.]

Tanganyika, as my Honourable friend opposite knows, with very great energy, because we think that the interests of the traders, the Indian traders, in Tanganyika do require that this concession should be made. We think it a fair request on the part of the traders. We are not prepared to say that it is a true legal demand, but because we think it is a fair request we are supporting it; and the point that I want to put to the House is this, that our support of this request to the British Government is a claim for a concession if you like, but not a claim as a right, and our negotiations pressing for the grant of this concession will be very gravely prejudiced if this House takes upon itself to pass this Resolution and demand to go straight before the League of Nations and arraign the British Government there. It is practically equivalent to asking us to break off our negotiations with the British Government. (*A Voice*: "How long have these negotiations been in progress?") The details of the negotiations, Sir, and the success which has to a very large extent already attended them will be laid before the House by my Honourable friend the Member in charge of the Executive Department concerned, Education, Health and Lands.

Finally, Sir, I may be allowed to draw the attention of the Members of this House to a paragraph in the mandate to which, if I may be allowed to say so, my Honourable friend hardly gave sufficient attention. If I understood him aright he read a paraphrase and not the text of Article 13 of the mandate itself, the mandate of Tanganyika.

Sir P. S. Sivaswamy Aiyer (Madras: Non-official): May I know what is the class of mandate here?

Mr. L. Graham: A "B" mandate, Sir. I assume, Sir, that we are dealing only with the grievances of Indians in Tanganyika. The Resolution, as I have said, hints vaguely at grievances all over the world. The Government of India have received no intimation of any grievances outside Tanganyika, and for that reason we on the Government Benches are keeping strictly to the grievances of Indian in Tanganyika. Now, Sir, Article 13 of the mandate of Tanganyika provides:

"The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations."

Now, Sir, the mandate itself requires negotiation. Government tell you that negotiations are in progress, that they are hopeful of the result of those negotiations. Now don't you think that in moving this Resolution you ask us to tear up the negotiations, to interrupt them and have nothing whatever to do with the British Government. I submit that the procedure is entirely at variance with the procedure laid down in the mandate. The Mandatory, as I have said before, is entitled to every consideration. He has undertaken a very heavy task. His own mandate says that in the first instance every grievance on the part of another nation, a member of the League, shall be made the subject of negotiation with him. My Honourable friend says, "Let us put aside this article altogether; after all it is only something for the benefit of the mandatory and the mandatory is fair game. Put him up before the bar of the League of Nations and take shots at him". Sir, I am reminded of a notice which, I believe, was displayed in a saloon in the west of America in the days when it was known as

the "Wild West". There used to be an unfortunate man who for the benefit of the rest of the members drinking in the bar used to be set down to play the piano and there was a notice put up above the piano, "Don't shoot the man at the piano. He is doing his best". Now, Sir, the Mandatary is in very much the same position. He has a very unpleasant task before him from which, as I have said, he is going to get nothing whatever for himself. It is a task which he has undertaken for the good of civilization. Therefore, I say, Sir, he should be given every consideration, and the least consideration which should be given to him is that when a nation has a grievance against him, it should proceed according to the terms of the mandate. If we pass this Resolution to-day, Sir, we shall be prejudicing very gravely those negotiations which are in progress, from which good results have already been obtained, though I think my Honourable friend opposite rather tended to minimise those results; and we shall be proceeding directly in contravention of the terms of the mandate. For these reasons, Sir, I oppose this Resolution, though I do trust the House understands that, in opposing this Resolution, Government are convinced that they are acting in the very best interests of the Indians in Tanganyika.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, I do not know why on this occasion the Government have chosen a dry lawyer to be their spokesman. I am afraid Mr. Graham with his legal instinct has been bringing too much of his legal lore into play in dealing with this most elementary question of justice to Indians in Tanganyika. Sir, my Honourable friend spoke of concessions. Is it a concession, Sir, for a human being to claim "I will speak my own language, I will write my own language"? Is it right for any Government to say, "No, no, you shall not speak your own language; you shall not write your own language"?

Mr. L. Graham: On a point of order, Sir. I understand that Gujarati is freely spoken in the streets of Tanganyika.

Diwan Bahadur T. Rangachariar: Yes, Sir. But you prevent them writing it. It has come to that, that it is termed a concession that people should be able to use their own language. Sir, it is this conception of the position which I am afraid really stands in the way of the Government of India making that vigorous protest which they are bound to make in this case. I do concede, knowing as I do what has always been going on, that there have been vigorous protests on the part of the Government.

12 Noon. I congratulate them on the stand they have been making. But, Sir, the day is soon coming when this law will be put in force—it is not far. Now, this Regulation was made in 1923, and we have been negotiating and negotiating in this matter ever since. Where is to be the end of these negotiations? Sir, this question acquires added importance if you remember what happened in July 1920 in Viceregal Lodge. A very influential deputation from Africa waited upon His Excellency the Viceroy. They had a small complaint to make about the then administration—the mandate had not come into force then—they had a small objection to make to a particular clause enabling the Administrator to deport undesirables. This deputation made a vigorous representation on that subject, that they feared that Asiatics might be deemed undesirable and got out of the country. His Excellency the Viceroy then, as we see in the press communiqué of the 27th July, 1920, told the deputation this. He read out to the deputation a portion of the draft mandate for the Tanganyika Territory which it was

[Diwan Bahadur T. Rangachariar.]

proposed that Great Britain should receive from the League of Nations; if this mandate was ratified it would entirely safeguard the rights of India. Sir, far from the rights of India being safeguarded, what has happened since the mandate was established? They have passed a Regulation compelling the Indian population there to keep accounts either in English or Swahili in English characters or in French, and it is a criminal offence not to do so and the offender is liable to a fine which may go up to 2,000 shillings. Sir, the Germans were in charge of this country for years and years and Indians were not required to keep their accounts in any language but their own. Now, Sir, it is a strange irony of fate that when their own Government get charge of the territory, they should be subjected to this added injury that His Majesty's subjects should not keep their accounts in their own language. Can anyone stand up, Sir, to defend such an action on the part of the Mandatory? Does it not rouse the virtuous indignation of my Honourable friend, Mr. Graham? What has happened? Where is the local law, if you make the local law yourselves? There was no local law at the time of the mandate that Indians should keep their accounts in French or in English or in Swahili in English characters. You introduce the local law and say: Now how can this clause in the Mandate apply? Clause 7 of the mandate should be read subject to local law, and I will make the local law depriving you of your right which you have enjoyed for years and years, if not for centuries? If that is the conduct of the Mandatory that is sought to be justified now on the floor of this House, I hope the Government of India are not a party to this justification. It does not do them credit to stand up here to defend the Mandatory who will impose a local law against a usage which has existed in the country for long long years. Sir, Indians form the bulk of the population there. You will find there are nine thousand and over Indians out of 10,950 Asiatics, and there are only 2,447 Europeans, of whom, Sir, 160 only are French and 43 are Belgians. Sir, when this Ordinance was first passed, excluding French, the French Government protested and in five minutes they were able to get the French language recognised as an official language in which the accounts could be kept, and here, Sir, the British Government, the Government of India, with a population of 300 millions odd, have been negotiating and negotiating for three years without effect. How were the French able to get French recognised? Did all these fancy difficulties about Chinese and Sindi stand in the way? Did such difficulties as is Chinese going to be the language, is Japanese going to be the language—did all these fancy difficulties stand in the way of the Mandatory accepting French in five minutes? Sir, France is an independent nation, whereas India is not. That is the truth of it. Here the Secretary of State for India from one Chamber has to go on his knees to the Secretary of State for the Colonies in another portion of the building. That is the real difficulty which lies in the way. Sir, the Indian nation cannot look at it in the same way as Britishers may be inclined to do. I hope, Sir, they will take a firmer stand than the halting stand which has been made on the floor of the House to-day by my Honourable friend, Mr. Graham. Sir, it is an elementary right, I say, and no concession—it is elementary justice. What happened here? Here for purposes of the administrative convenience I know the Madras Government for a time insisted upon the Marwaris trading in Madras keeping their accounts in English. In five minutes, Sir, by interpellation and Resolution in this Assembly, we were able to get the Government off!

India to alter this rule. If for administrative purposes you want to impose taxes, it is the duty of the Government to find the necessary machinery and agency and not compel people to keep accounts in a language they do not know. It is an absolute injustice for any Government to do this. It will not be a civilised Government if it did that. It will not be fit for the Mogul, it will not be fit for the barbarians to do so; that is to compel citizens to keep accounts in any language they do not know. They will have to keep accounts in double column and treble column—they are accustomed to keep accounts in their own way. It is the business of the tax-gatherer to employ the necessary agency for checking the accounts. Now, here is a Government which shamelessly imposes this obligation. The people trade with India and Zanzibar, all their correspondence is in Gujarati, and then you compel these people to keep their accounts in English. It appears to me one moment's reflection will convince any just Government that they are imposing an unjust measure. It is against that that Indians protest. It is against that we want the Government of India to take a firm stand. Sir, let not dry questions of law enter into it. Here is a question affecting a large population and not a handful of people. My Honourable friend, Mr. Shanmukham Chetty, has told us that out of the traders there more than 90 per cent. of the commerce is in the hands of the Indians of this country. Very little of it is in the hands of Europeans. There are very few Europeans engaged in commerce there. Still they are able to get their languages recognised for keeping accounts and my Honourable friend justified it by saying they are the official languages of the League of Nations—English and French. What has that got to do in Tanganyika? Then, Sir, let Gujarati be also the official language of the League of Nations if it comes to that. We are paying for the upkeep of this League of Nations. If any benefit is to be derived at all from our being a State Member of the League of Nations, this is the occasion for the Government of India to insist upon our rights. There is a large feeling, as Honourable Members of this House well know, there is a large feeling, that we get no benefit from being a member of the League of Nations. In fact, there was a serious proposal made by Sir Deva Prasad Sarvadhikary that we should cease to participate in the League of Nations. Sir, that feeling will grow if we do not take advantage of our position as an Independent State Member of the League of Nations. Sir, the Mandatory unfortunately happens to be our own Government. They claim to be our trustees. Is this the way a trust is to be discharged, to go and compel your people to keep accounts in a foreign language? Sir, let there be warmth and indignation in the protest. I do not want in any way to spoil the negotiations which may be going on, but let more pressure be put upon the British Government. This is not the sort of lukewarm support which we have seen to-day which we want—we want a wholehearted and vigorous support of this proposal. The British Government will be placed in a most embarrassing position; if to-day the Resolution is not carried, some months hence it will be carried, so this situation has to be faced. Let the British Government be aware of it. In that aspect I give my support to this motion.

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, this morning when I got hold of my morning paper the *Hindustan Times*, a Nationalist paper of this city, commenting on this Tanganyika Resolution, it concluded in this way:

“The attitude of the Government of India in this discussion will form a test as to the sincerity of its professions with regard to the condition of Indians abroad.”

[Mr. B. Das.]

Sir, many of us already know the attitude of the Government of India in this matter, and the Honourable Mr. Graham, the Member for Gujrat, defined that attitude when he said that the Government of India cannot accept this Resolution. When the Honourable Member for Gujrat spoke so feelingly about the Gujratis—I wonder if the Honourable Mr. Graham keeps his domestic accounts in Gujrati—and said that their domestic accounts are not to be kept in Gujrati but are to be kept in English or in Swahili. But I am thankful to the Honourable Mr. Graham for coming out in the true colours of the Government of India and saying that they cannot accept the Resolution and for his having dealt with the case before us not by means of that long-winding argument to which we are so accustomed from my friend, the Honourable Sir Narasimha Sarma, the Law Member. The Members of this House are very much accustomed to the wisdom of the Leader of the other House. The other House is full of wise men, and naturally the Leader of that House brings to us lots of that wisdom and sometimes expostulates with this House, but somehow, when we go to our own homes and read these long debates of the Honourable Member, we find them without any corn, but full of husk and chaff. In 1923, a Resolution of Sir Deva Prasad Sarvadhikary partially brought this Tanganyika question, already alluded to by Mr. Rangachariar, for discussion before the last Assembly—which was also full of wise men, but we don't find most of them amidst us to-day. That Resolution was replied to by the Honourable Sir Narasimha Sarma in his long winding, flamboyant language to which I have already said we are so accustomed. Referring to this Tanganyika question, what did he say? He did not speak bluntly as my friend, Mr. Graham. Mr. Graham is not an Indian but an Englishman—a Member of the Executive Government and can adopt the bureaucratic tone and speak bluntly. He therefore says, “the Government of India will not accept, neither will the Colonial Office, who are the Mandatory of Tanganyika, accept any such proposition.” But my friend, Sir Narasimha Sarma is an Indian; before he joined the Government Benches he was a public leader and he kept in touch with us, and, when he will return to us after a few months he will have again to keep in touch with us. What did he reply? Referring to this Tanganyika question, he said:

“I maintain that the Tanganyika mandate falls within the second class of the “B.” mandates. Now here the British Government are directly responsible for the administration of Tanganyika.”

I ask the House to note this British Mandate. Well, of course, the British Government, no doubt, exercise control over the Executive Members of the Government of India in matters which are the concern of the British Government, and the Indian Government must carry out the orders of the British Government because they are the masters of the Indian Government and the Indian Government is a part of that British Government. Referring to the servility of Tanganyika Sir Narasimha Sarma stated:

“Except to this extent that some favour has been shown to the native, the indigenous inhabitant of Tanganyika, I cannot think that Honourable Members can take exception to favours shown under the taxation laws with regard to the indigenous inhabitants of that country whose interests were primarily entrusted to the safe keeping of the British Government.”

Remember, we are not part of the British Government. “Barring that, there is no discrimination whatever. Furthermore, there are no disabilities whatever”—mark you this, coming from a responsible Indian leader.

The Indians complained of what? "They were asked to keep accounts in English and Swahili, they were asked to take out licenses every year, the taxation was imposed at a time when there was a tremendous trade depression, so forth, and so forth". I will come to his assurance to the House, to the Indian Members—of course the Members of the Legislative Assembly at that time were also full of wise men, many of them were very wise men. The Government of India were asked to interfere and to do all that they could to see that those laws which prejudicially affected the interests of Indians who were settled in that country should be removed, and my Honourable friend, the Law Member, who is always very glad to interpret the Government views to us in this House, said:

"I am glad to say the Home Government have promised such consideration and have authorised the Government of India to state that the question of introducing amendments into the Ordinance will in due course be considered by the Secretary of State in consultation with the Governor."

Of course, they have done nothing; and that year another very wise Member of the Government of India, Sir Tej Bahadur Sapru (I do not know if he was then a Member of the Government) represented us on the League of Nations and also at the Imperial Conference. We thought that wise Member of this House would place the case of India very strongly before the Imperial Conference, but look at the way he placed our case before the Imperial Conference. He said:

"In Uganda Indians are pressing for representation by election rather than by nomination to the Legislative Assembly, and in Tanganyika, which my countrymen helped to win for the Empire, Indians have certain grievances which I understand are at present under the consideration of the Colonial Office, such as the profits tax, the pedler's license, trade license, and may I express the fervent hope that the Colonial Office will give a very sympathetic consideration to those considerations before they arrive at any decision."

Look at the defence which our Honourable Member makes. It is all wisdom, they always talk in the language of wisdom, they do not press our point, they always speak conveniently and mildly, and beg and agitate with the Colonial Office. Well it is something of course, but not all. Our delegate Sir Tej Bahadur Sapru might have received his instructions from my Honourable friend, Sir Narasimha Sarma, as probably he was in charge of this question then.

Well, my friend, the Mover of this Resolution, usually when he takes up any Resolution, presses hard and hits hard, but to-day he was in a very begging attitude; he asked for certain favours from the Government of India, from the League of Nations, from the British Government. Do you expect any favours from the League of Nations? What is that body? A body of old wise men, thinking of universal co-operation and humanitarian principles, formed that League of Nations. But who joined that League of Nations? One of the founders of that League of Nations, Mr. Wilson, is dead. Why did he die? (Laughter.) It is the failure of the League of Nations that killed Mr. Wilson. It is the imperialistic policy of Britain that killed Mr. Wilson. The poor man died heart-broken. That was why Mr. Wilson died a premature death. Another member of this League of Nations, Lord Robert Cecil, has received a medal from the United States for his good intentions towards the League of Nations. And we Indians, what interest have we in the League of Nations, although we pay lots of money every year? At first we were a first class member but now we are a second class member. We pay to the tune of 12 lakhs of rupees. We have no representatives on the League. Who will be our representatives? My friend Mr. Graham will say that the people of India can have no representation, that the Government do not think that India is

[Mr. B. Das.]

fit to sit side by side with other nations in the League of Nations. Sir Ali Imam once represented India in the League of Nations. He pressed the Indian point hard in regard to representation of India on the Labour Organisation of the League and told them that 60 millions of people in India are labourers. But have the Government of India done anything? Is there any Indian who represents us on the Labour Organisation? Of course the Government of India may send as the representative of India one of the members of the executive Government or one representative from amongst the Ruling Princes of the Native States—those they want to give a holiday in Europe. But do they represent the people of India or do they represent the executive Government of this country? We do not want the executive Government of this country to be the representative of India in the League of Nations. It is the people of India who must be represented in the League.

Mr. L. Graham: On a point of order, Sir, the Honourable Member is speaking on the amendment which, I think, you will rule out of order.

Mr. B. Das: Sir, my friend, Mr. Rangachariar argued the very thing. I therefore say that my friend Mr. Chetty has put his demand very moderately. But I say whether the Government accept this Resolution or not, I do not expect anything will come out of it, because the Government of India are committed to the principle to which my friend, Mr. Graham, referred this morning.

On a point of order, Sir, can I move my amendment?

Mr. President: The Honourable Member's amendment is clearly outside the scope of the Resolution.

Mr. B. Das: Then I will conclude my speech. Mr. Chetty's Resolution was ably seconded by Mr. Rangachariar and it has my hearty support. But I still say it is a very modest demand and a moderate demand and I hope when the Honourable the Law Member discusses this subject, he will give us an idea as to what will be our future representation in the League of Nations; whether we will go there as sightseers or whether there will be actual representatives of the people of India who would have a voice, who will really represent the feelings of the people of India.

Mr. J. W. Bhore (Secretary, Department of Education, Health and Lands): Sir, before the House decides to commit itself to the acceptance of this Resolution, I think it ought to have before it a clear and dispassionate statement of the position, so far as the facts are concerned, in regard to the offending Tanganyika Ordinance. From the speech of the Honourable Mover I gathered that it was this Ordinance and more particularly the requirement that traders' accounts should be maintained in English, French or Swahili that has induced him to move the House to take the unusual, the drastic and—I hope to show—the inopportune step recommended in this Resolution. Sir, when the Honourable Mr. Shanmukham Chetty takes the floor of this House, we are growing accustomed to expect from him a speech of more than ordinary distinction and I am sure the House will agree that he has not disappointed us to-day. But I would not like the real issue to be clouded by his eloquence. I propose, Sir, to state the simple facts of the case and I ask the House on those facts to come to the conclusion that the right course, the only possible course to adopt is not that recommended in the Resolution but that which the Government of India have pursued and which they are pursuing

at the present moment. Sir, the grievances of Indians in Tanganyika flow from what has been called the Trades Licensing Ordinance, which has been objected to universally in the territory concerned, and in regard to which we ourselves have made most earnest representations to the Colonial Office. Now, Sir, what is it in this Ordinance to which exception has been taken? I would like the House to be perfectly clear on this point and on the nature of the grievances. Indians in Tanganyika have laid stress on two grievances in respect of this measure. The first, Sir, is the necessity for the yearly renewal of trade licenses which places traders at the mercy of the officials every year. The second is the requirement that accounts should be maintained in English, Swahili or French, which will inflict an intolerable burden on them. Now, Sir, on both these points we have pressed the Indian case. With what result? I know, Sir, it has been suggested that our intervention has been impotent and barren of results and that we have only succeeded in wasting time. Sir, I am content to place the results achieved before the House and leave the decision to its judgment. Now, Sir, in regard to the first grievance we have been able to get the categorical assurance from the Secretary of State for the Colonies that the apprehension lest the licensing authority might raise difficulties or make conditions when application is made for further renewal of a license is groundless. This will not be possible and licenses will be renewed as a matter of course on payment of the fee. I think, Sir, the House will agree that we could have obtained no more satisfactory assurance on that point. So much, Sir, for the first grievance: Now, let us come to the second. In our representations on this matter we made it clear that while the language requirement in the matter of the maintenance of accounts would operate very hardly on everyone generally, it would operate with exceptional hardship on the small trader. Sir, the Secretary of State for the Colonies, who, I may say, received all our representations with the utmost courtesy and the utmost consideration, was able to see eye to eye with us on this matter of the small trader. In order to afford relief to the small trader it was directed that no one whose profits did not exceed £150 a year should be required to maintain any accounts at all; and, Sir, it was further ordered that the language provisions of this Ordinance should not come into force until the 1st of April 1926. There, Sir, the matter rested, until the Colonial Office added French to the list of languages in which accounts might be maintained. Then, Sir, we again took the matter up and, taking advantage of the presence of our Colonies Committee in London, we utilized their able advocacy to again press our case. How did the Colonial Office meet us? They did not say to us this is a *chose jugée* and we cannot go into the matter at all. On the contrary, Sir, they expressed their readiness to re-open the question. And I am able to announce that the new Governor of Tanganyika has been instructed to re-examine the whole position. That, Sir, is, in brief, the history of the case and it is at this juncture that this Resolution is moved. Sir, I know that it has been suggested that we have been unduly patient in this matter. Sir, patience is the badge of all our tribe on this side of the House. It is perfectly true that negotiations have been protracted. But in our very natural anxiety to see that a quick and rapid settlement is reached in this matter, let us not forget the fact that in the circumstances of this case delay is inevitable. The parties to these negotiations live in three separate continents thousands of miles away and the House will recognise that physical conditions alone impose an almost insuperable obstacle to a quick and rapid settlement. Then, again, Sir, it

[Mr. J. W. Bhore.]

has been suggested that negotiation as a weapon of settlement has failed. Sir, I deny that absolutely. Is it nothing that in regard to our first grievance we have been able to get a most satisfactory solution? Is it nothing that we have been able to get a material restriction of the application of the Ordinance itself? Is it nothing that we have been able to get for the small trader total exemption from the application of this Ordinance? Is it nothing, Sir, I ask, that we have finally been able to get from the Colonial Office the assurance that the matter will be re-opened and that the whole question re-examined? Sir, I ask this House to consider whether, in view of all that has been obtained by patient negotiations with the Colonial Office, it is now prepared to discard rudely this method of settlement? Sir, I can conceive of no more inopportune moment for pressing this motion. We are practical men and we are striving by practical means to secure some practical measure of relief for our nationals abroad. I do ask this House most earnestly to endorse unequivocally the action and the course which we are taking and I do appeal to my Honourable friend the Mover not to press his motion.

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadan): Sir, I could not understand the point of view of my Honourable friend Mr. Graham when he stood up to deliver the official reply to this Resolution. He told us that the demand of the Indians settled in Tanganyika was a fair request, a claim for a concession, and he emphatically asserted that it could not be described as a legal demand for their right. I was surprised, Sir, how, considering the demand of the Indians to be only a request for a concession, the Government of India could press for a recognition of this demand. The administration of the mandated territories is carried on according to the provisions of the Covenant of the League of Nations, which explicitly lays down that the administration of the mandated area is to be carried on for the development and well-being of the people of that area. If, therefore, the demand of the Indians settled in Tanganyika is merely a claim for a concession or a fair request, I submit, Sir, that it would not only be unbecoming of the Government of India to do so, but would also be contrary to the provisions of the Covenant to press for this demand. I, therefore, take it, Sir, that in pressing for the recognition of the demands of Indians settled in Tanganyika the Government of India realise that it is not merely of the character of a fair request or a claim for a concession but it has some of the attributes of a demand for a right. Now, Sir, if it is a demand for a right and if the Government of India realise that the disabilities imposed upon Indian settlers in Tanganyika by the linguistic and fiscal obligations are a violation of their rights to trade freely in that country, then the Government of India are bound by that Article of the Mandate which the Honourable Mr. Graham himself read out to the House. I shall refer only to the last portion of it. It says:

"The Assembly will also secure equal opportunities for the trade and commerce of other Members of the League."

Next, Sir, it has been pointed out to us by the Honourable Mr. Bhore as well as the Honourable Mr. Graham that this is not the proper way of handling the situation. The Government of India consider that much benefit can accrue from prolonged negotiations carried on through the Colonial Office in England. Sir, going through the report of the sessions of the League of Nations one is struck by the fact that things even much less important than the one which we are discussing to-day have been

the subjects of discussion before the Assembly of the League of Nations. I take, Sir, the report of the Assembly for the year 1923 published by the British Branch of the League of Nations. On page 44 of that report we find:

"Into such matters as labour conditions, the proportion of the local budget devoted to education, the control of the arms and drink traffic, the investigation was often searching, with results which inspire generally much ground for confidence."

Sir, I had an opportunity of discussing the question of Indians settled in the mandated territories, particularly Tanganyika, with a gentleman who shall be nameless for the time being, but who had watched the proceedings of the Assembly of the League of Nations from year to year. If I may be permitted to mention a remark which he made to me in this connection I may say, Sir, that the gentleman informed me that it was curious how the representatives of India for the last two years—mind you, it was only for the last two years—did not consider it their duty to go into the details of the reports submitted by the Mandates Commission to the Assembly of the League of Nations. My Honourable friend from Orissa, my immediate colleague to the right, has ventilated the grievances of this Assembly against those eminent Indians who have represented the Government of India in the Assembly of the League of Nations. I may here mention, Sir, something which would go a little contrary to that suspicion which seemed to inspire the thoughts of my friend. The gentleman, whom I have referred to just now, told me that the only effective advocacy of the rights of Indians settled in the mandated territories that he had heard at the various sittings of the League of Nations was from that eminent Indian patriot who sits within the walls of this Assembly, namely, Sir Sivaswamy Aiyer. We also find in the report of the Assembly published in the year 1922 by the British Branch of the League of Nations the following lines:

• "When it fell to the Assembly to debate the Sixth Commission's report, a spectacle was provided which two years ago would have seemed incredible. For not only were the actions of that majestic institution, the British Empire, called publicly in question by delegates from countries of a couple of million inhabitants or less, but representatives of one branch of the Empire did not hesitate to mount the platform and censure the policy of another in the eyes of the world."

Then, Sir, the Report goes on to describe the speeches made by the various representatives of the British Empire, and the relevant portion runs as follows:

"There came next Sir Sivaswamy Aiyer, leader of the Moderate Party in the Indian Legislative Council, who took occasion to make some observations in reply to Sir Francis Bell (New Zealand), and also passed various strictures on the methods of South Africa as a Mandatory."

Sir, the information which I could gather from the gentlemen who had attended more than three sessions of the Assembly of the League of Nations was that since the time of Sir Sivaswamy Aiyer the case for India was not at all placed before the Assembly of the League of Nations. Sir, we know that the Government of India are fond of negotiating only through the Colonial Office in England, but we have experience of the assistance and the helping hand offered by the Colonial Office in questions that affect the rights of Indians in other countries. We know, Sir, that there is very little hope which we can entertain from the Colonial Office in England. I have heard from people who have worked in the Colonial Office that the interest which they take in the affairs of Indians abroad is merely the interest arising from ordinary courtesy. There is

[Mr. Devaki Prasad Sinha.]

another and more effective way of handling the situation, another and a speedier course for bringing the difficulties of Indians to the light of publicity, and that is by raising the question through the proper channels, by instructing the representatives of India who attend the Assembly of the League of Nations, to ventilate our grievances there. What this Resolution suggests, Sir, is by no means an unusual course. On the other hand it is regarded by those who have experience of the League of Nations as the most appropriate course. In a little book published by the League of Nations called "Reconstruction since the war: a Survey of four years' work by the League of Nations, 1920-1923," we find the following passage on page 28:

"The Mandates Commission is thus merely advisory to the League Council, but in course of time must become a valuable body with highly varied expert knowledge on administrative problems all over the world.

The Council and Assembly can exercise no direct authority over a Mandatory, but through them the principles and practice of the Mandatory's administration are brought quickly and directly to the bar of the world's public opinion. The result can hardly fail to be beneficial."

Therefore, Sir, in the opinion of those who have studied the constitution and the working of the League of Nations, the best method to follow in this case is to place the case of India before the bar of public opinion by ventilating it at the Assembly of the League of Nations.

Sir, in the course of the discussion of this Resolution I have found that too much emphasis has been laid on the linguistic obligations imposed by the three Ordinances referred to by my Honourable friend Mr. Chetty in his opening speech. Sir, I hope I shall not be accused of any want of patriotism if I differ from Mr. Chetty or from my other Honourable colleagues who have preceded me on this question. I fear, Sir, that we in India and our Indian countrymen in Tanganyika have been laying rather undue emphasis on the linguistic obligations imposed by the Ordinances. I realise that the problem of Indian settlers in Tanganyika as well as in other Colonies, the difficulties created there in the way of our countrymen enjoying full rights . . .

Diwan Bahadur T. Rangachariar: In what respect do they not enjoy full rights in Tanganyika?

Mr. Devaki Prasad Sinha: There are fiscal obligations besides the linguistic obligations imposed by the Ordinances. I regard, Sir, the fiscal obligations and the obligation to get their licenses renewed from year to year as far more humiliating than the obligation imposed on them to keep their accounts in Swahili or in English. And my reason is this. As I was just saying, the situation which our countrymen in various countries and in colonies abroad have to face, the situation which gives to them certain difficulties, is due more to economic causes than to political causes, and if our countrymen who go to other places and to other colonies of the world try to assume the roll of aggressors there, our position as inferior members in this bargain would become still more difficult. As I said, Sir, I speak with a great deal of hesitation on this question, but I honestly feel that if on going to another country Indians do not try to identify themselves with the interests of that country and to appreciate the thoughts and the sentiments and the feelings of those people among whom they have to live and to die, the position of Indians will, I am sure, continue to be difficult. It is our duty to take an interest in

our countrymen settled abroad to see that their standard of life is raised, to see that they undertake to make themselves adaptable to the conditions of the country in which they have to settle down, but at the same time we must not forget that it is our duty to fight for the rights of those of our countrymen who are settled abroad—the rights of citizenship and the rights of freedom of association and freedom of speech—if those rights are at all sought to be violated. I want to make a distinction between the linguistic obligations imposed by the Ordinances and other kinds of obligations which interfere with the trading facilities given to all citizens. I consider, Sir, that it is far more important for us to agitate for the removal of other disqualifications in the way of carrying on trade in Tanganyika. It is far more important for us to agitate that the obligation which an Indian citizen there is subjected to of renewing his license from year to year should be cancelled rather than that we should be fighting merely on the sentimental ground of gaining the right of writing our accounts in Gujrati. Sir, I hope I shall not be misunderstood, but I do hope that the efforts of the Government of India and those of our leaders in this country who are anxious to see the lot of Indians in the colonies improved, may not be limited merely to a discussion of this question in this Assembly or in the Assembly of the League of Nations. It is our duty also to carry on some kind of propaganda in those countries where our countrymen are settled as colonisers, propaganda with a view to giving them a stimulus for increasing their own standard of life and for showing to the world that so far as business capacity is concerned, so far as the capacity for developing the undeveloped resources of these colonies is concerned, our countrymen are in no way inferior to the other white colonists. With these words, Sir, I support the Resolution.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban):* Sir, after I listened to the speech of Mr. Graham and the speech of Mr. Bhore, I remembered what the late Mr. Gokhale said. He said that the Government of India in personnel were foreign, but he wished that in spirit they were Indian. Sir, in those days the personnel of the Government was almost entirely foreign. Now it is a mixture of foreign and Indian, almost half and half; but I regret to find that the spirit is still not Indian. There is something magical, something extraordinary, some sort of witchcraft at work, so that when you are translated to that Bench you seem to forget the Indian feeling and the Indian spirit. Mr. Bhore, for whom I have very great respect, in his able speech, if I may say so, put the case very clearly and he appealed to us not to embarrass the Government. Sir, it reminded me of one set of beggars asking another set of beggars not to do something which might destroy "our interests." No doubt the Government of India are merely a subordinate branch of the British Government. No doubt they are afraid that in the course of the negotiations that are going on, if we pass this Resolution, the Colonial Secretary will at once say, "We are not going to discuss any more." And Mr. Bhore is mightily afraid that, if this Resolution is passed, the negotiations will come to an end. Well, Sir, although I recognise his advice that we ought to be practical—and I am not one of those who does not believe in the wisdom of negotiations and compromises, I believe in them fully,—still, let us examine the situation. We have been at it for the last two years. It is perfectly true, as Mr. Bhore has pointed out to us, that the Government of India have succeeded in making the position of the Indian traders more satisfactory with regard to the licenses. I also concede that with regard to the small

* Not corrected by the Honourable Member.

[Mr. M. A. Jinnah.]

traders the representations of the Government of India have borne some fruit; but remember even they have got to pay the translation fees in order to enable the officials to examine whether they come under the taxable amount of their income or not. Sir, what is the question about which we have been negotiating for the last two years with His Majesty's Government and the Colonial Secretary? It is a simple question. Do I understand that the Colonial Secretary or His Majesty's Government is so incompetent as not to understand this simple question? Does the grievance exist or does it not? Is it a just one or is it not a just one? And does it require two years and do you want still more time to understand it? After Mr. Bhore's strenuous efforts, after the heroic efforts of the Government of India for the last two years, where do we find ourselves now? The Colonial Secretary has graciously consented to re-open the question, says Mr. Bhore. I ask you, does not that show the utter impotency of the Government of India? And you ask us now to do what? To wait. For what and for how long? Sir, in spite of this strong feeling, in spite of this strong opinion that I hold, I would have willingly agreed to meet the Government but for this difficulty. The League of Nations is going to meet in July. (*A Voice*: "In September.") Well, in September, if you like, at least this year. This Ordinance will come into force in April 1926, and supposing nothing is done and the sittings of the League of Nations are over. This Ordinance will come into force in April 1926. Before whom, then, can we go except that final Court of Appeal which is open to us? And, Sir, how is it going in any way to prejudice the position of the Government of India? The position of the Government of India is quite clear. As my Honourable friend Mr. Bhore said, I am sure the Government of India are doing their very best, notwithstanding the speech of Mr. Graham which, to my mind, was one which ought to be condemned. He talked of concessions. He spoke as if it was a favour. He talked and adduced arguments which, to my mind, were really, disingenuous arguments. Why? He himself said that he did not want to say anything which would prejudice the interests of Indians in Tanganyika, and the whole of his speech from top to bottom was intended to convey the impression that he would try and get a concession as if it was merely a concession. Now, Sir, what I want to ask the Government of India is this. How is it going to prejudice you if this Resolution is passed? Your position is very clear. You have been negotiating, and I frankly admit that, so far as the Government of India are concerned, they have been doing their best. I do not doubt it for a moment, although I regret the speech of Mr. Graham and its tone. Sir, I again ask, how is the position of the Government of India going to be prejudiced? Their position is this. They say: "For the last two years, we have been negotiating; we are still willing to admit that there is a just and a reasonable grievance which should be removed." Please remove it. But if you do not remove it out of sheer justice, out of sheer fairness to India, you, as the Government of India, will have to place the matter before the League of Nations which is the final tribunal, and we in this Assembly desire you to do so if you fail in your negotiations. Therefore, Sir, I fail to understand how this is going to embarrass the Government of India, and I am not at all convinced by the arguments of Mr. Bhore that we should not press this Resolution to a division if necessary.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, when I came this morning, I had no intention of participating in this debate, but after hearing my Honourable friend, Mr. Graham, I think it

is very undesirable that the observations which he made as to the legal position should go unchallenged. We have all had the advantage of hearing Mr. Bhore, and the appeal he made to us not to embarrass the Government of India in their negotiations with the Home Government. I fully appreciate the force of that appeal, and I have no desire whatever to cause any embarrassment to the Government of India in the negotiations which they are said to be carrying on with the Home Government. But at the same time I wish to make it perfectly clear that we have a remedy under the Covenant of the League of Nations. At any rate the

1 P.M. doubts which Mr. Graham feels seem to me to be due to an exceedingly narrow interpretation of the Covenant of the League of Nations and it is very desirable that the Government of India should be braced up in their understanding of the legal position. That there is a grievance will hardly admit of any doubt. That these 10,000 Indian settlers have been in the habit of keeping their accounts in their own vernacular even during the German regime has not been questioned. That there has been a law now made requiring all these people to keep their accounts in either English or Swahili is also a fact. The only question is whether there is a remedy open to the Indian settlers and if so a remedy only by way of representation to the Home Government or by action under the Covenant of the League under this mandate. It is not necessary for me to make any observations upon the remedy by way of a representation to the Home Government. The real question now before us is: have we or have we not a right under the mandate which has been conferred upon Britain with regard to this territory? Now Article 7 of this mandate distinctly lays down that the Mandatory shall secure to all nationals of States, Members of the League of Nations, the same rights as are enjoyed in the territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade, subject only to the requirements of public order, and on condition of compliance with the local law.

The first question is whether this Article speaks only of legal rights or of moral rights and claims as well? The suggestion that it is confined to purely legal rights does not seem to me to be well warranted. Has any person any right of entry into a piece of foreign territory? I am not aware of any legal right in any person to enter the territory of a State of which he is not a subject. There is distinctly recognised by this Article the right of subjects of other States to enter the mandated territory. It is not a legal right but a purely moral right that is recognised by this Article. Similarly, the right to carry on a profession or trade may be a perfectly legal right in the country in which a person resides but I am not aware that a person has got a legal right to go and enter any country in the world to carry on his profession or trade. It may be a natural right, it may be a moral claim. But all the rights that are recognised here of the nationals of other States who are members of the League of Nations to enter the mandated territory or to acquire property there or to exercise a profession or trade are all rights not of a strictly legal character, not recognised by any municipal law but recognised only by perhaps international law or perhaps not even that but only by considerations of expediency and international relationship. The argument therefore that only legal rights are contemplated by this Article seems to me to be not well founded. The right to keep a person's accounts in his own language is to my mind

[Sir P. S. Sivaswamy Aiyer.]

incidental to the exercise of his profession of trade and the right is subject only to two limitations, namely, the requirements of public order and the condition of compliance with local law. The requirements of public order cannot certainly be stretched to cover this regulation that he must keep his accounts not in Gujrati which is his vernacular but in some other language. It refers rather to considerations of the character of police regulations. The words are certainly inappropriate to a regulation of this character requiring accounts to be kept in a different language.

Then as regards the condition of compliance with the local law, is it some local law already existing or some local law to be made hereafter? Supposing that the words "local law" are to be construed in a very general way so as to include local laws which may be made in future as well, and that the Mandatory with regard to Tanganyika made a law that no person not acquainted with the Swahili language should enter Tanganyika territory, would you say that it was a mere local law or would you say that it went further? A provision that no person shall enter Tanganyika territory who was not acquainted with the Swahili language might from one point of view be considered to be a local law. In fact, any law that is made by the Legislature of any particular country can be said to be a local law. I do not think, however, that the words "local law" can be interpreted so as to mean a law of this general description. If it is interpreted so as to include any and every law made by the Legislature of that country, the Legislature may make laws which would have the effect of completely cancelling all the rights which are recognised and conferred by this Article 7. It seems to me that the Article has to be interpreted in a reasonable way in accordance with the spirit in which it was framed, and so as not to destroy the rights recognised by it. Having regard to the intentions of the framers of the Act it seems to me that in this particular instance at any rate there can be no doubt that the rule that the accounts of 10,000 settlers out of 12,000 shall not be kept in their own vernacular but in another language was not a reasonable law to pass.

Then, Sir, if there is a violation of a right conferred by Article 7, there is a remedial right conferred by Article 13 of making a representation to the League of Nations and any question of the interpretation or application of the Articles of the mandate is a matter for the Permanent Court of International Justice. Article 13 provides:

"The Mandatory agrees that if any dispute whatever should arise between the Mandatory and another Member of the League of Nations relating to the interpretation or the application of the provisions of the mandate, such dispute, if it cannot be settled by negotiation, shall be submitted to the Permanent Court of International Justice provided for by Article 14 of the Covenant of the League of Nations."

We certainly have a case for taking before the League of Nations and the Permanent Court of Justice in regard to the manner in which this Article has been interpreted or applied. I wonder whether the spokesmen on behalf of Government contend that we have absolutely no case whatever to take before the League or that there is no reasonable doubt as to the interpretation or the application of the provisions of the mandate. The Government spokesmen seem to labour under the impression that they are bound to strain the Articles against our own nationals and that they are bound to interpret or apply these provisions of the mandate as far as possible against ourselves. Instead of giving the benefit of doubt to our own nationals they seem inclined to give the benefit of doubt, if any,

to the Mandatory who has proceeded in a manner so utterly unreasonable and so contrary to the spirit of the terms of the whole mandate. I think it is at least a case in which there is reasonable room for a difference of opinion as to the interpretation or application of the provisions of the mandate which we are entitled to submit to the League. Of course, it does not prevent us from seeking the other remedy of a representation to the Home Government. I do not wish to place any impediments in the way of the adoption of that course. By all means let the Government of India pursue that course, but if we fail, let us have recourse to the other remedy also which is provided by the terms of the mandate.

Mr. R. K. Shanmukham Chetty: Sir, when a person is driven to the last extremities he generally goes to a lawyer and the Government of India were evidently in that position when they briefed Mr. Graham to reply to the Resolution that is now before the House. But unfortunately, Mr. Graham also was in the position of a lawyer who was conscious of the fact that he had a very bad case, indeed, to defend. After the very able speech of my Honourable friend Mr. Jinnah in which he exposed the utter untenability of the position taken up by the Government, there is not much for me to say by way of reply.

Sir, so far as I can see, Government can oppose this Resolution on one of three grounds; firstly, that they have no case to take up before the League of Nations; secondly, that it is not proper to lodge this complaint at this stage because here is still hope of coming to a settlement by negotiation; or thirdly, that the Government of India are not in a position under any circumstances to lodge a complaint against the British Colonial Office. It is only on one of these three grounds that Government can oppose this motion. If I have understood my Honourable friend, Mr. Graham, rightly, his position was the first one. He is doubtful whether we have got a proper case to take before the League of Nations. Sir, he said that the Government of India are trying their utmost to get a concession in favour of the Gujarati merchants. I emphatically protest against the use of the word "concession". So far as I am concerned, and so far as this House is concerned, there is absolutely no doubt that the provisions of this Ordinance enforcing the use of only English, French or Swahili as languages for commercial accounts are a serious infringement of the legal right conferred upon the Indian settler by the terms of the mandate given to the British Colonial Office. If we are convinced of that position, we have certainly got a case to be taken up before the League of Nations and, if necessary, before the International Court of Justice.

The second position was taken up by my Honourable friend Mr. Bhoré. He fortunately took up an attitude of sweet reasonableness which I welcome. His position comes to this: We have been carrying on negotiations with the British Colonial Office for the last two years and we are not hopeless of the result of our negotiations. Sir, the Government of India are the most optimistic body in the world. They are never hopeless of anything in the world. This matter was brought to the notice of the Government of India as early as March 1923 and in a letter received by the British Indian Colonial Merchants Association dated 17th March 1923 the Government said:

"I have been desired by the Honourable Mr. Chadwick to acknowledge the receipt of your telegram of the 17th instant and to inform you that the Indian Trade-Commissioner in East Africa has been asked to report the facts to the Government of India by telegram."

[Mr. R. K. Shanmukham Chetty.]

Negotiations therefore began practically on the 17th March 1923; and then in a letter, dated the 3rd May 1924, to the same Association the Government of India took the very strange position in which they stated:

"In the opinion of the Government of India it would be difficult to press a proposal which involved large expenditure unless possible objection on this score could be met and they would be glad to have the views and suggestions of your Association in the matter."

Evidently during the course of the negotiation the Government of India had to face the serious onslaught of the British Colonial Office and they, like my Honourable friend Mr. Graham, began to doubt whether they can press this claim of the Indian merchants on the British Colonial Office. I strongly deprecate that attitude taken up by Government. If Government are absolutely convinced that we have got a very good case and that the legal right of the Indian settler in Tanganyika has been seriously infringed by this Ordinance, then we in this House can cherish still some hopes of these negotiations terminating favourably; but if the Government of India are going to take up this kind of attitude that after all they are doubtful whether it would be advisable to press this claim in view of the financial position in which the Tanganyika administration is involved, then there is absolutely no hope of a solution. We know the results of the Government of India's negotiations even when the Government of India take up a very firm attitude and we can realise what will be the result of the negotiations if the Government are going to take up this half-hearted attitude. Even if my Honourable friend Mr. Bhole is very optimistic as to the results of the negotiations, I for one cannot understand how the Government's case would be prejudiced by accepting this Resolution or by having this Resolution passed in this House. On the other hand, I should say that it will considerably strengthen the position of the Government. As my Honourable friend Mr. Jinnah pointed out the next meeting of the League is in August or September this year and if no solution is arrived at before that date, then the mischief will have been done in April 1926 and, when once the mischief has been done, we know by practical experience that it will be very difficult to find a remedy. But now the Government of India with the strength of this Resolution behind them can very well tell the Colonial Office "Look here, we are now asked by the Legislative Assembly to take this action. If you cannot arrive at a solution of this problem before September next, we will have no other course open to us but to bring this matter to the notice of the League of Nations. I should rather think that the acceptance of this Resolution by this House would considerably strengthen the position of the Government of India in their negotiations with the Colonial Office. Therefore, Sir, even on the second ground I do not think how Government can oppose it. I venture to ask whether the opposition of Government is on the ground that as a subordinate government, under no circumstances can they lodge a complaint against the British Colonial Office? So far no spokesman of Government has said anything on this point. But Sir, if the attitude of the Government is going to be one of subordination even in this respect then it will expose to the world the utter hollowness of the fact of our being an independent member of the League of Nations. The other day in answer to a question asked in this House by my Honourable friend Mr. Chanda, my Honourable friend Mr. Graham said:

"The Government of India must dissociate themselves from the Honourable Member's insinuation that India derives less benefit from her membership of the League than do other members thereof."

Well Sir, here is a practical test to show to the world whether India derives benefit at all from her membership of the League of Nations. We do not ask for any favours. Here is a legal right given to us by virtue of our membership of the League of Nations and by virtue of our having been a party to a contract whereby a mandate has been given to the British Colonial Office. Are we or are we not going to exercise that right? And if the Government of India cannot see their way to exercising fully the rights of membership given to us by international contract, then I think the sooner the Government of India withdraw from the membership of the League of Nations the better. But, Sir, if that contingency were ever to happen, I for one would be very sorry indeed.

Mr. L. Graham: Sir, may I start with a word of personal explanation. It has been suggested apparently that the task of replying to this Resolution has been put upon me because it is a thoroughly unpleasant task. If you want to dispose of a thoroughly unpleasant task you put it on a lawyer. The task of replying to this Resolution falls on me as Secretary in the Legislative Department. My Honourable friend Mr. Rangachariar knew that already, although he was the first to take that point against me. There is, I expect Honourable Members are aware, a distribution of business among the different Departments of Government, and it so happens that League of Nations work is allotted to the Legislative Department.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): May I rise to a point of order. Is the Honourable Member entitled to speak after the Mover of the Resolution has replied. I understand it is only the Member of the Government under the Standing Order?

Mr. President: Under the definition clause of Assembly procedure Mr. Graham is a member of the Government of India. He is not a "Member" of the Governor General's Council but he is a member of the Government of India.

Mr. L. Graham: Has the Honourable Member read the definition?

Mr. M. A. Jinnah: I do not object. I only wanted to establish a ruling.

Mr. L. Graham: I should have been very glad not to have been obliged to reply, I confess freely. But, as I have said before, this falls to me as Member in charge and as Secretary in the Legislative Department to which the work of the League of Nations is assigned. I, Sir, shall be the first to express my very sincere regret to the House if anything I have said has conveyed to the House the impression that I am not very strongly in support of the claim of the Indian traders in this respect. The difference between Government on this side and the Mover of the motion is solely on a matter of method. We say that we are already pursuing one method in which we see very good hopes, and that if this House insists on the adoption of another method, that second method being inconsistent with the first method will ruin the prospects which we expect from the first. I do not understand how any Member of this House, after having heard Mr. Bhoré's speech, can say that our first method has been unsuccessful. Sir, it has been favoured with a very considerable degree of success already, and we have not yet finished. (*A Voice:* "When will that finish?") My Honourable friend, Sir Sivaswamy Aiyer tackled me on the legal point, although I thought I had made plain in my speech that I did not take the legal point. I said that it is a

[Mr. L. Graham.]

point that might arise; but we were going on with the question generally of the merits of the claims of this large section in Tanganyika to be allowed to keep their accounts in Gujarati. The question will arise eventually as to whether a local law made by a Mandatory is inconsistent with the terms of the mandate—I never deny that for a moment. There is only one more point I wish to take—the somewhat mercenary attitude of this Assembly towards the League of Nations. I have had in the course of this session to reply to a number of questions on the extent of our contribution. It is always being suggested that India is not getting her money's worth out of the League of Nations. Now, Sir, neither India nor any other country should adopt that sort of attitude towards the League of Nations. The League of Nations is not a commercial transaction, the League of Nations is not a gilt-edged security. I regard the League of Nations, Sir, as a speculation, perhaps the most glorious speculation ever entered on by mankind, and it does distress me very much that Members of this House should get up and say, "Let us get out of it, we are not getting our money's worth."

Mr. R. K. Shanmukham Chetty: On a point of personal explanation. I did not want to convey the impression that we must get our money's worth, I said that, if we are unable to exercise our legal right conferred by international contract, let us get out of it.

Mr. L. Graham: Sir, there were other references besides that of my Honourable friend. At that moment, I was dealing with the question of the contribution. In conclusion, Sir, I have only to say that the matter is one of method alone; and I am convinced that my Honourable friend, Mr. Bhole, has put his case in such a strong way that no one who has not started with a prejudice against any activities of the Government of India on behalf of Indians will possibly fail to appreciate it. I am afraid the Government must persist in their attitude towards this Resolution.

Mr. President: Resolution moved:

"This Assembly recommends to the Governor General in Council to instruct the representatives of the Government of India at the next meeting of the League of Nations to effectively ventilate there the grievances of Indians in 'Mandated' Territories, especially Tanganyika, and to seek immediate redress thereof."

The question is that that Resolution be adopted:

The motion was adopted.

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

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

RESOLUTION *RE* GRIEVANCES OF THE POSTAL STAFF.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): *Sir, I move the Resolution that stands in my name. It runs as follows:

"This Assembly recommends to the Governor General in Council that a committee to inquire into the grievances of the postal staff be constituted to be composed of 9 members of whom 3 shall be chosen from among the non-official Members of the

* Not corrected by the Honourable Member.

Legislative Assembly, 3 to be Government officials and 3 to be elected by the Executive Council of the All-India (including Burma) Postal and R. M. S. Union, the chairman of the committee being a non-official Member of the Assembly."

Now, Sir, by the freaks of the ballot box this Resolution has fallen on my head. When I was approached to put my signature to the notice of this Resolution, I did not imagine that this tremendous responsibility would fall on my poor shoulders instead of on the strong shoulders of Mr. Jinnah, the President of the Postal Union for the year, who sits by me, or on the earlier President of the Postal Union. They enjoyed the hospitality of the Postal Union; they had been garlanded by them, feasted by them I hope also, and it was only just and proper that this work should have gone to them. They are better posted in the grievances of the post office people than I myself can pretend to be. But when this Resolution was placed in my hand for signature, I said that it was an appeal on behalf of employees to their employers to secure better pay, minimum living wages for the employees, and to improve their general economic, and with the economic their general intellectual and social, position. And I, Sir, have been an employee, not the employee of big clients, but the employee of poor press people, and I have naturally a sympathy for under-paid wage earners all over the world; and that sympathy led me to put my signature to this Resolution. I have been impressed, a little painfully impressed, Sir, by one fact, and it is that this Assembly of ours is becoming in its mind more and more an employers' association, because, whenever any question comes up for the improvement of the lot of employees, we always claim that we have been generous enough to them. We say, "Leave it to our good sense; it is as much, perhaps more, to our interest to see to the welfare of our workmen as it is to the interest of the workmen themselves; trust us; believe in us." We had that argument when we had the Maternity Bill in this House, and when I was listening to that debate, particularly to the speeches of my friends opposite, I wondered whether they still remember the old motto of Sir John Falstaff: "Nothing on compulsion." That was the whole argument in that debate. But it impressed me that we were becoming a little too partial to the employers, and it was quite time that the employees had a little say on the subject.

Now, Sir, coming to this matter, what is it that I want, what is it that the postmen want? They say they do not want any increment in their wages at once; they do not ask you to spend anything on them. All that they say is, "We have certain grievances and we come to you praying you to look into our grievances. Give us a hearing and we shall be satisfied for the nonce if you give us a hearing. If after giving us a hearing you find that we have not a case in favour of our demands, we shall be satisfied." That is what this Resolution says. Some one pointed out that this Resolution ought to enumerate the grievances of the postmen. I think the postmen or those who are behind the postmen in voicing their condition do not make any reference to grievances, because when we talk of grievances it sets up the backs of some people all the world over who say, "Let not the poor talk of their grievances. Let them pray and we shall listen." And the poor postman comes here to pray and I hope the Assembly and the Government Benches will listen. They say, "Give us an inquiry." The Government will say "Why, we gave you an inquiry only five years back. The Imperial Legislative Council asked for an inquiry into the grievances of postmen, postal clerks and others and we gave them an inquiry only five years back and we improved their pay only five

[Mr. Bipin Chandra Pal.]

years back, and it was not a very insignificant improvement." But what the postmen say is that immediately upon the publication of the report of that Committee the postal unions all the country over expressed their dissatisfaction with the findings of that Committee. More than that they said: "We are not bound to accept the conclusions of this Committee because we had no voice in the committee itself; you did not appoint any of our men or any of our representatives to plead for us on equal terms with the other Members of the Committee and secure for us the just redress of our grievances. That was our first complaint; that was the complaint which we urged upon you from the very beginning of the institution of that inquiry." Then the second argument was this—I want to appeal to the Honourable President that our request to have a clock on the other side has not yet been attended to—the second argument which the postmen advance is this: "You say you gave us a Committee in 1920 and you cannot give us another Committee so soon after. What about the telegraph people? We work together; we are practically under the same overlordship, because we have got only one Director-General of Posts and Telegraphs combined, and the telegraphists had an inquiry sometime in 1920. Just before the Postal Committee a Telegraph Committee had been appointed and that Committee made certain recommendations to improve the prospects and the status of the men in the telegraph service. In 1921 again a fresh Telegraph Committee was appointed to inquire into the further demands of the telegraph staff; we have waited over five years." Of course a telegram goes quicker than a postal letter (*A Voice*: "Not always.") and therefore perhaps it was in the fitness of things that the telegraphists having had an inquiry in 1920 could have another inquiry in 1921. Now, we want an inquiry after five years. But there is another cause also. The telegraphists are better organised. They have been better organised. Mr. Barton who is the President, or rather the General Secretary of the Telegraph Union happens to be one of the nine hundred and odd masters I have in Calcutta, and I owe my place here to that extent to him and to the influence which he exercised over his fellow men. But I must say that Mr. Barton is fully competent to protect the rights of his fellow workers, while our postal people are not so competent. I remember, Sir, there was some trouble with the telegraph men some time ago. Many many years ago there was a strike and it lasted, I think, for quite a fortnight. During the war they tried to create trouble, and there is one thing in common between me and my friend, Mr. Barton, that both of us came to be temporarily cared for by the Government. Mr. Barton was interned, I believe, during the war for trying to create trouble in the telegraph department, and I think that gives the key to the whole situation, while the telegraphists having got an inquiry in 1920, got another inquiry in 1921, and they got practically everything. Mr. Barton was a member of the Telegraph Inquiry Committee, and the whole inquiry was conducted upon the memorandum which he himself presented to that Committee. We, Sir, had no representative of ours on the Postal Committee that you appointed in 1920. We could not present with any authority a memorandum of our grievances before that Committee. On the contrary, the Committee worked upon the memorandum presented by one of the postal officials and it was the official case which the Committee considered more or less to the neglect of our case. Was it right, Sir? Was it proper?

Then the next question is this. That there are grievances of the postal service, no one can deny. Even the Committee which was appointed admitted really the difference between the postal and the other services under the Government.

I read in the Report of the Postal Committee:

“Conditions of service of postal clerks differ very much from those of the ordinary clerks in a Government office. Their hours of work are longer, much more irregular, beginning in some cases at 5 a.m., and ending as late as 10 p.m. They get no holidays to speak of, and they have considerable pecuniary responsibility. In confirmation of this view, we quote the following from the minutes of a meeting recently convened at Simla to discuss certain matters connected with the pay of clerical and menial establishments.”

I am happy to note that among the Members of that Committee was my distinguished friend Sir Bhupendra Nath Mitra, and that Committee put it on record thus:

“On the other hand, in the postal department the clerical service is unpopular, and its duties are harder than those of ordinary clerical establishments.”

If that be a fact, Sir, then it is only meet and proper that the grievances of the postal people should receive greater consideration, more tender consideration, more urgent consideration, than the grievances of the other departments of the public service. The Postal Department is one of those departments of the Government of India against which we have nothing to say. It is the most efficient, the most hard worked, and I am proud to be able to say, the most honest department under the Government of India. (Hear, hear.) These poor people get from Rs. 25 to Rs. 30 a month, and they handle day in and day out thousands and thousands of rupees; they handle very very valuable articles, and every Postmaster-General knows it and testifies to it. And I know the present Director General will not be slow to testify to the fact that he has got in the postal service a set of men more honest than whom, more hard-working than whom, more deserving than whom, it will be difficult to find any public service in any part of the world. Our post office people differ in some respects from the post office people in other countries. For instance, they not only deliver your letters, they not only do the ordinary duties of postal peons—I am talking now, Sir, of postal peons, delivery peons—they not only do that but they deliver to you money orders. Those of you who have been in England and those who belong to England know it is not a very easy thing to get a money order from a British post office. They simply send you a notice that a money order has come for you. They don't tell you from whom it has come. You have to go to the post office and answer many questions. Who has sent it? What is the amount or the value of the money order? And unless you can satisfy the post office clerk or the post office man—or woman it is now more than the post office man—you cannot get your money order. But now I sit at home and the money order comes to me. If I am away, the money order is delivered to my people at home, if they know that they are my people, and these people carry on this responsible business from year's end to year's end. On what pay? In Bombay they get, I think, from Rs. 27 to Rs. 45. In Madras from Rs. 22 to Rs. 35. (Mr. A. Rangaswami Iyengar: “That is in the city.”) I am talking of the city. I am not talking about other places, because it is in the city that there is a very large transaction in these money orders every day. And every time that they go out, if you look at the numbers of money orders that they have in their hands you will find that they carry on them

[Mr. Bipin Chandra Pal.]

cash to the extent of perhaps sometimes the total of their ten years' pay. Sometimes it may come to that even. Now, this is the state of things. What are you going to do with regard to these people? Are you going to leave them discontented? That is the whole question. Or do you want a contented body of servants in this matter? More than that, Sir. Times are very hard. Times are growing harder and harder every day. (A Voice: "No.") (Mr. K. Ahmed: "Would you pay your bearer like that?") Yes, Sir, if my friend Mr. Kabeerud-Din wants me to answer that question—I don't keep a bearer, I don't call him my bearer or my servant—I say those who help me get their pay in proportion as I get mine. That is if there is any increase in my income they always share that increase proportionately with me. (Mr. M. A. Jinnah: "I should like to be a Government servant.") But the Government is not Bipin Chandra Pal. But that is neither here nor there. The question is this. Times are harder. My friend says: "No, they are not harder." Now, I will tell him from Government statistics. Take the cost of living. Has the cost of living gone down? No, the cost of living has increased. We had an inquiry into the cost of living conducted by my friend, Krishna Lal Dutta. (Mr. A. Rangaswami Iyengar: "Ask the I. C. S. people; they will tell you.") And what do I find? The Committee of which he was President disclosed that

3 P.M.

there was a general rise in the cost of necessities of 41 per cent. in the year 1912 above the normal prices—that is, the prices of the previous period—and we know that these things have got a knack of never coming down again. When the cost of living goes up once, when the prices of things go up once, very rarely do they come down again. The increase in the cost of necessities continued steady with occasional fluctuations till July, 1914, when the war broke out. Publications of the Department of Statistics, Government of India, show that at the end of December, 1918, there was an average rise of 129 per cent. in the prices of necessities as compared with the prices of July, 1914. This gives a rise of 181·9 per cent. in the cost of necessities at the end of December, 1918. Since then prices have mounted up much higher still. It would be no exaggeration to say that the prices of necessities all taken together are above 250 per cent. higher than what Mr. K. L. Dutta's Committee regarded as normal prices; it may or may not be so.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): What is the date of that Report?

Mr. Bipin Chandra Pal: This is Mr. K. L. Dutta's report. The report was published before the war. After the war we have come to the new world which the war was meant to create, the new earth and the new heaven, but prices have not gone down. If you take 1910 as the index number I think you will find that the prices to-day have gone up nearly 200 per cent. Unfortunately, Sir, we have no statisticians under the Government of India, or if we have any, they do not apply themselves to this work and we have got no index number so far as the Government of India are concerned. If we had an index number as they have now in England then we could have tested all these calculations more accurately. In the absence of that index number, going by what we experience every day, we are entitled to claim that prices have gone up nearly 200 per cent. above what K. L. Dutta's Committee regarded as normal prices. What about our own position? What have we got? With the index that we

have from this last committee it comes to this. We have got a rise of an average of about 88 per cent. The last committee recommended certain improvements and as a result of their recommendations being accepted by the Government, our pay including war allowance and grain allowance, all combined, has gone up by 88 per cent. of the previous wages while the cost of living has gone up nearly 250 per cent. That is the position, Sir. If it has not gone up, let the Committee inquire and say it has not. What is the good of my saying that it has gone up and some of my friends here saying "No, it has not"? Let us have an inquiry, an open, a careful, an expert inquiry. An inquiry is all that we want. Our postmen have been, as I said, very efficient. We have complaints against all the other Departments of the Government of India, but very few complaints really against the Postal Department. As I said, and I repeat it, and I am proud to be able to repeat it, we have in the postal service a body of men the most hard-worked and the most honest that we could have in this country and I think I may add with some justification the least-paid compared to their responsibilities. I will not anticipate what my Honourable friends on the opposite benches will say on the subject. I will have an opportunity of answering them later on. With these few words I move the Resolution that stands in my name.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, I have great pleasure in supporting the Resolution moved by my Honourable friend from Calcutta. I do not wish to wipe out the favourable impression that may have been created by the eloquent speech of my Honourable friend, by speaking long on this subject. He has described the lot of the postal employees in his masterly fashion.

We all know that the postal employees are very hard worked. The Committee themselves have admitted that some postmasters have to work from 5 o'clock in the morning till 10 o'clock at night. The Bombay postmen have to go up four stairs or even five stairs and visit several such buildings in one morning. Moreover, the work which the postal employees have to do is more responsible than that which the clerks of several other Departments of the Government of India have to do. They have to deal with money and it is a very responsible task. Personally, I always hate to deal with money, I am always afraid of it. I therefore feel that the Government of India by entrusting the work of distributing money orders, sometimes to illiterate people in the villages, have thrown a very great responsibility upon the postal employees. Although they work under very difficult circumstances, although they have to work very hard and although the responsibility is very great, still there is hardly one here who will not recognise that the postal employees have given the fullest satisfaction to the public of India. Sir, I have seen the postal deliveries and the work of the postal departments in some of the countries on the continent and even in England, and I can say this much that the postal department in our country is conducted as efficiently as in any other country that I have seen.

Sir, the grievances which the postal employees have are many and I do not wish to deal with them in detail. The Government of India themselves will admit that the postal employees are paid less than what is paid in several other departments in the various provinces. I do not say that they are paid less than in every other department, but I have no doubt that they are paid less than in many other departments of the Government. There was a time when the postal employee was not as well educated as the employees of some of the other departments but that time

[Mr. N. M. Joshi.]

has gone. At present every clerk of the Postal Department has to pass at least the matriculation test of examination. There are hardly any employees now who do not pass that examination in the clerical grade. I therefore do not know why the Government of India should make any difference between the clerks of their several departments. Moreover the employees of the Postal Department have very few holidays compared with the employees of other departments. I recognise that it is not very easy to give all holidays to the postal employees, but what I want to impress upon the House is this that, if we want the postal employees to forego their holidays, we must at least pay them better than the employees of other departments. It is no good saying that the postal clerks and postal men are getting the same pay as the clerks of other departments get. The postal clerks have very few holidays and the Government of India must compensate them for the loss of their holidays.

Then, Sir, there is one thing that generally creates some sort of bitterness in the minds of the postal employees and that is the great difference which the Government of India make between the postal employees and the employees of the Telegraph Department. The department, as my Honourable friend Mr. Bipin Chandra Pal has pointed out, is under the control of the same Director and I cannot understand why they should make such a great difference between the salaries and the other conditions which are given to the telegraphists and those given to the postal employees. Not only are the telegraphists given better salaries but they are provided with houses. The postmasters are sometimes given houses but in many places they are not given houses. I therefore want to impress upon the House that this inquiry is very necessary, because the discrimination made between the telegraphists and the postal employees is causing a great deal of bitterness in the Postal Department. I do not wish to go into greater detail as regards these grievances. These grievances, as I have said, are many and I want this House to approve of the proposal of my Honourable friend Mr. Bipin Chandra Pal for the appointment of a committee.

There are many people who feel that as the postal employees are asking for their salaries to be increased and their conditions of service to be improved, there would be some other employees of some other departments coming forward to ask for better salaries. When we consider this question there should be only one consideration before our mind and that consideration is whether our employees are paid what they deserve to be paid. There are many people who may argue that the Postal Department may not have sufficient funds and if there are funds those funds must be utilised for the reduction of the postal rates. I am very anxious for the reduction of the postal rates but I am equally anxious to do justice to the postal employees. It is not the business of the postal employee to inquire whether you are making profits or not. What he is concerned about is to see that he is properly paid and this House should be concerned only with this. If the Postal Department does not make a profit, then let the Government increase the rates. I do not think that an increase of rates will be necessary. Nobody has yet shown that an increase of rates will be necessary, but, even if an increase of rates is necessary in order to improve the conditions of these men, it will have to be done. Fortunately, that position has not arrived and I am quite sure that if we look into the financial position of the Postal Department we shall find that it is not

very difficult to satisfy the demands of the postal employees to the extent to which a committee like the one which is proposed recommends. Sir, I am very glad that recently the Director General of Post Office has sanctioned some increase in the salaries of the postal clerks in the city of Bombay. But, Sir, even there he has made some discrimination. He has not yet done full justice to the clerks in the Dead Letter Office. Somehow or other the Heads of the Department always want to make some distinction between the Dead Letter Office and the other post offices in order I suppose that these postal employees should not combine themselves in a solid body. Then, Sir, the Director General of Post Offices I am told has sanctioned increases only for clerks, and the humble postmen and other subordinate employees, or, as they are called, the men of the inferior services, have derived no benefit from the increases which have been given.

Sir Geoffrey Clarke (Director-General of Posts and Telegraphs): Sir, may I rise to a point of explanation. The Director-General of Post Offices has no power to sanction these very large increases of pay in Bombay or anywhere else. These are matters placed by the Government of India before the Finance Committee to be laid before the House for final sanction.

Mr. N. M. Joshi: I am sorry, Sir, I laid the blame on the wrong shoulders. I thought the Honourable Member was quite ready here to represent the Government of India, but if he is not I am quite willing to transfer the burden to the shoulders of the Government of India. Sir, I have heard Government Members maintaining in this House that they are in India because they want to protect the weaker sections of the population against the stronger sections. But, Sir, when I examine the action of the Government of India I find that they are always willing to support the stronger sections and on many occasions neglect the interests of the weaker ones. That is the case in the present instance. I am told they have sanctioned an increase of salary for clerks but they are unwilling to give increases to the postmen and other inferior employees of that Department. I cannot understand why the Government of India should make this difference of treatment between the clerical and the other subordinate sections of postal employees. I hope therefore that the Director General of Post Offices will give some attention to this question at an early date. I feel, Sir, that if the postal clerks in the city of Bombay get an increase, and I believe they have got that increase very deservedly, there will be great bitterness in the minds of the postmen and other inferior servants in the city of Bombay. These inferior servants in the Postal Department have many special grievances. They do not get leave which other postal employees get. They cannot even get casual leave unless they give a substitute. If they want privilege leave they must also produce a substitute and give their salary to the substitute. And as regards pension, these inferior servants hardly get any pension at all till they have served 30 years, and the rate of pension is very small. I know, Sir, that the conditions of service of inferior servants in all departments are the same and it may be difficult for the Postal Department to change the conditions of service for the inferior servants which are common to other departments. Sir, I want the Director General of Posts and Telegraphs to represent strongly to the Government of India that he cannot make any distinction between what is known as inferior servants and superior servants as regards the granting of leave and the granting of a pension. As I have said in this Assembly several times, in the case of the inferior servants there is a greater necessity for a pension than in the case of superior servants. Superior servants can save something, they are

[Mr. N. M. Joshi.]

educated men, they are better paid; but in the case of inferior servants, they are hardly educated and their salary is so low that they cannot save. If, therefore, there is any need for discrimination in this respect, there is a need for discriminating in favour of inferior servants and not against them. Sir, the postmen have many other grievances. In the city of Bombay I am told that postmen die in larger numbers,—earlier than other employees even of the Postal Department. Once I asked the Government to make an inquiry into this complaint, but the Government of India refused. I do not know why they should be so careless about the health of their employees. The postmen in Bombay especially are asking for a provident fund in place of pension because they have found that there are very few people who live long enough to enjoy their pension and therefore they want a provident fund in place of pension. Unfortunately, the Government of India have not yet taken their demand into consideration. In Bombay the employees of several departments are given quarters by the Government. The police is being housed properly by the Government, but, Sir, the postmen are not properly housed by the Postal Department.

I do not wish to go into all these grievances, but there is only one more which I would like to mention, and it is this. The Government of India have passed a Workmen's Compensation Act. It was urged that the Government of India should include the runners and the village postmen in the scope of the Workmen's Compensation Act. It has been proved that these runners and village postmen undergo a great risk to their life and to their limb during the course of their duty, and it is necessary that the advantage of the Workmen's Compensation Act should be given to them. Unfortunately, the Government of India have not yet seen their way to do that. I know, Sir, that the Government of India give some compensation to the family of a man who is killed during the course of duty. But, Sir, I feel that there are many cases in which a man may not be killed, he may be injured, and such a man should get the benefit of the Workmen's Compensation Act. I therefore urge upon the Government to look into the grievances of the postal employees very carefully and give them their best consideration.

Sir, before I close, I would like to say one word, and it is this, that I fully recognize that the Postal Department, especially under its present head, Sir Geoffrey Clarke, has been very sympathetic to the employees. (Hear, hear). He has always given his sympathetic consideration to grievances whenever they were placed before him. He has treated the organizations of the postal employees with great courtesy: and I therefore hope that this demand of the postal employees will meet with a very sympathetic consideration from Sir Geoffrey Clarke and Sir Bhupendra Nath Mitra. Sir, although I recognize that the Director General of Post Offices and the Department generally are sympathetic towards the employees of the Department, my fear is that the Postal Department itself is too much in fear of other Departments, namely, the Finance Department (*The Honourable Sir Bhupendra Nath Mitra*: "We all are.") Sir, I appeal to the Director General and to Sir Bhupendra Nath Mitra not to be browbeaten by Sir Basil Blackett. Let them stand to their guns in the fight for the employees of the Department, and I am quite sure both the Department and the public will reap ample benefit.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): Will I be in order, Sir, if I move an adjournment of the debate at this stage

until after the Budget? If I am in order, I shall propose it and give my reasons for it.

Mr. President: I will consider that.

Mr. H. G. Cocke (Bombay: European): Sir, one good result of this Resolution coming forward is the fact that I understand the revenue of the Telegraph Department is improving every minute. Telegrams keep on arriving urging the cause of postal employees and I see near me a very large bundle. But, Sir, from every other standpoint, I deplore this Resolution, just as I deplored the Resolution in connection with railway grievances. To my mind you have got to treat a business department of Government in a business way, and although Committees were appointed after the war in connection with the readjustment of pay, it does not follow that it is desirable to have such Committees again. The circumstances were special. There was an absolute upheaval in prices and it was necessary for Committees to be held to readjust wages to the altered conditions. But I do not think any good purpose will be served now by having new Committees to look into these matters. There is a proper way of bringing grievances up, and, as we all know, and as Mr. Joshi has just said, we have a very sympathetic man as the Director General, who is always ready to listen to grievances and to adjust them wherever possible. From every standpoint this should be regarded as a business discussion and as a discussion upon a matter upon which you have got to consider the results—the profits or losses—of the department. It is absurd to go and appoint a Committee and to find that there are recommendations put forward for pay, which you simply cannot meet without increased postage rates. I am sure the public of India will not listen to increased postage rates, and I therefore say that it is very much better not to run any risk of a Committee of this sort. It is very unfortunate, I think, that all these telegrams should be coming in and that the Members of this Assembly should have papers and pamphlets sent to them daily by interested parties asking for their support and suggesting that they should not speak or take part in a Resolution timed to come before this one, in order that this Resolution might have ample time. In fact, a suggestion was made that Sir Purshotamdas Thakurdas should either not move his Resolution put down for to-day, or that in any case the debate on it should be hurried up. That sort of thing I do not think will go down this Assembly and I hope that Members will show their disapproval by refusing to be pushed into accepting a Resolution of this sort.

The Honourable Member who proposed this Resolution referred to the fact that the Government of India possessed no statistician who could be relied upon to give correct figures of food costs and so forth. That may be true of the Government of India, but in any case it is not true of one of the chief Local Governments, who have made a study of local conditions and prices of food-stuffs and who publish the results every month. The figures of the *Bombay Labour Gazette* certainly do not bear out the figures which the Honourable Member gave the House this afternoon. As the Honourable Sir Charles Innes said the other afternoon in discussing railway grievances, very roughly it may be taken that the pay of subordinates in railways, and I believe this also applies to the post office, has increased by 100 per cent. or more; in many cases by as much as 150 per cent; whereas the cost of living, according to the *Bombay Labour Gazette*, has increased about 60 per cent. as compared with July

[Mr. H. G. Cocke.]

1914. Those are Bombay figures, but reference is also made in the Gazette to Calcutta figures and I understand the rise there has been slightly less. So that I am quite sure that the more one looks at the figures and takes the trouble to study the *Labour Gazette*—and I suggest that my Honourable friend should subscribe to it forthwith—the more will one be impressed by the fact that prices are on a downward trend. That being so—and it is admitted to be so—the appointment of this Committee is all the more unnecessary.

One other point. The Honourable the Mover started by a reference to the fact that he was proposing this Resolution owing to a freak of the ballot box. Well, Sir, I can only say that I am very sorry the ballot box has not performed still more freaks. This Resolution, I think, is particularly unfortunate, as also the similar Resolution in the case of Railways, and I wish these Resolutions had been loaded with lead and remained at the bottom of the ballot box.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadan Rural): I rise, Sir, to support the Resolution proposed by my Honourable friend Mr. Bipin Chandra Pal. But in supporting it I must begin by saying that somehow I do not like the grudging spirit in which he moved his Resolution. Somehow, he seemed to be out of spirit. Possibly he was, in the first instance, weighed down by the thought of his grievance against his employer, but in that case, I think so long as my friend wields the useful and ready pen that he does, there is time enough for him to square up with his employer of the press. But I believe it is as well that he was in that dissatisfied state of mind, because it is only then that he could realise the wisdom of the saying that "social sorrow loses half its pain when it lends itself to easy commiseration with others." Perhaps it is because he was in that state of mind that he took up this Resolution easily. But he seemed to grudge that the heavy responsibility of moving the Resolution fell upon him, whereas there were others who were Presidents of the Unions and who were garlanded and feasted. In that respect also, I think, this matter could be put right within a short time. If my Honourable friend thinks that the touch of the presidential chair in any conference or meeting or assembly certainly opens up the gates of knowledge, then within a very short time the whole flood of the light of knowledge will begin to shine upon my friend also. My point is this that no one need grudge the limited knowledge of the subject that he may possess in a matter like this. After all, let us look at the thing in the proper perspective. When we go to the ballot with so many signatures upon one Resolution, it only means that we are putting a curb upon the play of the provoking deity, the ballot. By that means we are simply trying to check the provoking freaks of the ballot box. Otherwise all of us who sign the Resolution are as anxious to move it as each one of us can be. For instance, at Simla last time I myself might have had the good fortune to move the Resolution if I was not crowded out for want of time. My point is this that Mr. Pal might certainly regard himself as fortunate in being the winner of the ballot.

Mr. Darcy Lindsay (Bengal: European): Sir, are we discussing the ballot or are we discussing the postal grievances?

Mr. N. C. Kelkar: I have been saying this only because I wanted my friend Mr. Pal to put more zest and gusto in to the advocacy of the cause—he has in his hand.

The case is a simple one whoever takes it up. The case is, I think, briefly put in one or two sentences. The grievances of the postal people existed to a large extent before 1920, before the first Inquiry Committee was appointed. Then a committee was appointed after some agitation, and the grievances were partly redressed. But then they were not wholly redressed. In the meanwhile another committee was granted to the Telegraphic Department people, and now our case on behalf of the postal employees is that a similar committee should be given to them in order that a full inquiry may be made into their grievances as well. That is the simple case. If you look at the different amendments on the paper, you will find there is not much difference of opinion among those who have proposed the amendments on the real principle of the Resolution, that is to say, an inquiry by some sort of a committee. But before I touch on that subject,—and even when I go into it I will not go, I promise the House, into tedious details of Rs. 10 and Rs. 15 or Rs. 20, or applying the calculus. I shall not speak of small ratios and differences of pay and so on, because these details are likely to be regarded as tedious. But the main proposition stands correct and sound, that the employees have grievances and they must not be denied a proper inquiry into the matter. But before proceeding to that, I would like to say one word about an undercurrent of thought that seems to run in this House, and which was given expression to the other day during the discussion of the railway grievances by my friend Sir Charles Innes, I am sorry he is not in the House to-day. I am referring to those remarks, but of course I shall not be taken directly to criticise that speech, but to be criticising only the general idea that underlay the speech. He seemed to be out to give this Assembly a kind of minatory warning that it is a dangerous game to go into the details of administration of any department. And I refer to that matter here because in this inquiry also some people's minds may be swayed by the idea that, in discussing small matters like this, the small pays, pensions and local allowances of postal men, we are really going into details of administration which really we ought not to do. But I want at once to state the reason why we do this. The State is a great employer, but we also want the State to be a good employer, and it is our business in this Assembly, representing as we do a number of electors, among whom also there are postmasters and others who are voters, to look into the administration of the postal and similar departments, at least from the point of view of policy, and in generally discussing policy of course we cannot very well avoid small details at times. But that does not mean that we come here ready with briefs on individual grievances of grievance mongers. I would certainly deprecate any attitude assumed by any Member of this House that he was an advocate in this Assembly for any personal individual grievance. But an individual grievance is sometimes an unmistakable symptom of a wrong policy. I felt really very sad when in his speech the other day Sir Charles Innes went the length of even suggesting that this inquiry into administrative details on the part of the Assembly Members might lead to corruption. He said, quoting somebody's words, that politics might corrupt railways and railways might corrupt politics. Possibly some other Member on behalf of Government—I do not mean to say that the present Director General will say that—I know him by repute, though not personally, too well to suppose that he is of that frame of mind; and if I seem in this matter to speak better of one than of another it may be realised that after all servants of the Crown are not rival beauties—so that the praise of one means disparagement of the other. I refer to that matter

[Mr. N. C. Kelkar.]

in particular because it is a question of principle and we must come to close grips with that principle some time or other, and therefore I take this opportunity to go into that matter, because I really took it to heart the other day during the discussion of railway grievances that Sir Charles Innes should have thought fit to remind us of a possible danger that inquiry into the details of the administration might lead to corruption. Possibly his mind was harking back to the early traditions of his own British Parliament. We all know that the first Prime Minister of the Parliament was well-known for his maxim that every man has his price; and by realising the importance of that maxim he was the first Prime Minister of England—and ruled it. All students of history know that. But I want to go a little step further. The other day when I was just looking over the duties of a Whip—because I am myself a whip—I came across this precious piece of information relating to the duties of a whip and for the sake of enlightening the House I shall read that extract:

“The post of the whip was originally created for the corruption of members in a criminal sense of the word. Ministers bought their majority by payment of actual cash; they had a window in the House itself where members came to be paid for their votes after the division. The Political Secretary to the Treasury was called the Patronage Secretary, because in his capacity of agent of corruption he disposed of the patronage. Places in the custom house, Post Office and Excise were the small electoral change which the Government distributed. The Patronage Secretary had to supply the Government with a majority as cheaply as possible.”

I do not know whether Sir Charles Innes had that function of the whip in his mind when he solemnly warned us against corruption. Corruption means one of two things. It means demoralisation or actual pecuniary corruption. I have already spoken of the second thing. Even as for demoralisation I would say that we are not such intellectual fools as to go astray by the sheer necessity of having to look into the details of administration of any department. Now, we put several questions on behalf of these employees. Why do we do so? Are our questions personal in any subjective or objective sense? Certainly they are impersonal. In most cases, I think from my own experience, I can say that we cannot even imagine the physiognomy or colour or voice of the man concerned for whom we are putting a question. I mean they are so apart from us. The questions, therefore, I say are impersonal both subjectively and objectively. That applies similarly to any Resolutions that we propose for them. (*Mr. K. Ahmed*: “What about the Tatas? The rumour is that you have got two lakhs of rupees from them.”) My reply to that is easy; I shall tell my Honourable friend the reply which sometimes I give to the accusation against the Swaraj Party in the mufassil when they are asked as to how much the Swaraj Party got from the Tatas. I say the share of those who hold the patronage must have been much greater than what the Swaraj Party is alleged to have got; when they ask as to the amount of money that has changed hands I say go and ask Government. However, I do not want to pursue that matter further. (Laughter.) I only touch that subject here because I really want to fight against that notion which seems to have taken possession of the mind of some Members on the other side that we concern ourselves in any personal sense or manner with the grievances that we place before this House. The Postal Department is such a department that we really love it. I may at once say that it is the one department in the administration of the Indian Government which we really love. It is the most innocent department and the most useful department in the whole gamut of

administrative departments under the Government of India, and therefore we love it. It is a matter of every day use to us. Its usefulness radiates equally into the rural and urban areas, and there is hardly any other department which really does so much work, and therefore we stand up here not merely to represent its cause and to testify to the practical beneficence and the practical usefulness of the postal service. We stand up here to support its cause as enthusiastic advocates of its proper claims, whatever they may be. But when I speak of proper claims, I am not prepared to go at once into the duties of the men, nor to discuss the emoluments of a clerk here or a clerk there, or the pay of a postmaster in the Bombay city or Poona city, and so on. All that I am prepared to leave to a proper tribunal of inquiry. As I have said, our heart goes out to these postal people, and in that respect I have on my side the testimony of other eminent people also. I will just read to the House what one of the greatest poets of England, Rudyard Kipling, himself thinks about the menial—of course he means the postal menial—who runs the Royal Mail.

Diwan Bahadur M. Ramachandra Rao: There is Cowper also, if you like.

Mr. N. C. Kelkar:

“Is the torrent in spate? He must ford it or swim
Has the rain wrecked the road? He must climb by the cliff
The Service admits not a but, nor an if,
While the breath's in his mouth he must bear without fail
In the name of the Emperor—the Overland Mail.”

Now, I ask the House, if we stand up here in the name of this mail bearer, the bearer of the Royal Mail, the Emperor's Mail, to put forward his claims for better consideration, are the Government going to tell us in return that our attention, our devotional attention, to administration is going to corrupt this Assembly?

Then I will read another extract from the Director General's own book upon the post office. Therein he has given a picture of what sort of a man the postmaster is, and how many duties he has really got to perform:

“From being merely an agency for the conveyance and distribution of letters and light articles, the post office has gradually undertaken an enormous amount of what may be called non-postal work. It deals with vast numbers of money orders, collects the price of goods for tradesmen, pays pensions, sells quinine, deals in Government loans and is the poor man's bank. It is to be hoped that no new line of business is going to be taken up in the near future, such as the sale of railway tickets which was once seriously proposed, or else the principal duty of the department may be forgotten in the turmoil of the side shows.”

That is a quotation from the Director General's own book. It will show to this House what view he takes of the busy character, of the varied character, of the work which a postmaster has got to do.

Then I will refer to one point, and that is about the supposed rivalry between a postman and a telegraphist. I am not prepared to put that point in the manner that my Honourable friend Mr. Bipin Chandra Pal put it. I do contend that we do not advocate the cause of the postman in a spirit of bitter rivalry. I think it is not a spirit of bitter rivalry but a spirit of hopeful rivalry. The hope lies in the fact that because the telegraphist has got redress of his grievances, therefore the postman also may hope to have his grievances redressed similarly. That is the only point of view from which we look at the grievances of the postman. And then naturally the question comes as to who is the more efficient or who

[Mr. N. C. Kelkar.]

is the more necessary agent of this kind of work. And in that respect I must say in my own judgment the telegraphist; though of course he enjoys his share of technical skill he does not certainly require that capacious mind and that steady devotion to duty that a postman or a postmaster does. I will just read out a few lines in which the duties of a postmaster are described again:

"If the telegraphist is a highly technical good man, it is very correct to say that a postal official,—at least that man who is in charge of a post office at busy towns not less than a Taluka or Tahsil town—is a highly practical and smart business man. On one side he is accepting money orders, insured articles worth thousands of rupees, and on the other, he is giving instructions to his postmen or other menials about delivery or classing mails, or to the half a dozen men standing at the counter, each with a different kind of transaction—one customer asking for packets of commercial envelopes and offering five rupee notes for the transaction; another asking to send his money order or his parcel free of customs charges to a city in China; a third asking to transfer his Savings Bank's account along with his cash certificates and Government securities to Aberdeen; a fourth man offering a telegram for despatch to the Archipelago; a fifth man inquiring why his letter from Brazil has taken so many days to reach him, and so on. Is not the knowledge of this official, who is expected to give prompt and correct information to the above members of the public and complete their business, highly technical?"

Therefore his business can be called technical as well as practical. The other point of view has already been put and therefore I need not go into it. That is that the postman bears a very heavy pecuniary responsibility, which the telegraphist does not have to bear on his shoulders. The telegraphist's work to my mind, while of course it is responsible work and calls for efficiency I admit, is not that kind of difficult work which the postman has to do. His is not that sort of responsibility. His work is like that of the typist, a kind of mechanical work, whereas the postman's work requires greater suppleness of mind also. These being the facts of the situation, it is certainly legitimate for the postmaster or the postman or the postman or the post clerk, whoever he may be, to put forward his claim boldly, with the full consciousness of justice being on his side, that at least a committee of inquiry should be appointed. I do not stand here with definite proposals as to how the present grievances should be redressed. I am even willing to agree with some of those who want a little change in the personnel of the Committee. I will be even satisfied if the Director General gives an open assurance that he will sit down with two of his Assistants, two of the Indian Postal Superintendents, and give these people and their representatives a full hearing and a proper hearing for two or three or four days, so that he may personally speak to his subordinates face to face and satisfy himself and thus give them a pleasure which otherwise they can never hope for. I therefore don't stand here for any particular method of inquiry or for any particular personnel of the inquiry committee. I stand here only for an inquiry and I think for that inquiry a case can be made. I will end my remarks by just reminding the Director General of what he said in reply to the Resolution which was moved in 1919 by my friend, Mr. G. S. Khaparde; and Mr. Patel also moved a Resolution that year. He said in his reply to that Resolution:

"Let us have a committee. Let us have the non-official members and the staff represented and go into the matter thoroughly. As Members of this Council are anxious about this affair, let us have a committee to go into the question."

I assure him that not only the menials, not only the postal people, are waiting for this inquiry, but I may tell him that the same reason to which

he attached so much importance before exists even now, namely, that the Members of this Assembly are anxious about this affair, and I request him to give us the same reply, "Let us have a committee to go into the question".

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, when I came to this House this afternoon I thought that I would hear from my friend Mr. Bipin Chandra Pal, and the other Members of this House who would support his Resolution, adequate grounds for asking for a fresh committee of inquiry at this stage. Well, Sir, I am sorry to say that I have been disillusioned. We have heard about various matters but nothing very relevant to the point at issue. I had no idea that my friend Mr. Bipin Chandra Pal was so ignorant of recent history relating to the matter on which he had undertaken to speak. It is therefore with a feeling of deep regret that on behalf of Government I cannot help opposing this Resolution. My opposition is not due to any inherent wickedness on the part of the bureaucracy. As was mentioned the other day by my Honourable friend Mr. Acharya, and has been mentioned again to-day by my Honourable friend Mr. Kelkar, in March, 1920, the bureaucratic Government responded readily to a demand voiced in the Imperial Legislative Council for an inquiry similar to that now demanded by Mr. Bipin Chandra Pal. Nor is my opposition actuated in any way by a want of sympathy with the large body of men employed in the subordinate services of our Postal and Telegraph Department. On the other hand, I can assure the House that I have the greatest sympathy with all reasonable grievances of all subordinate services, for the simple reason that in the earlier years of my service I had the honour of being a member of one of those services, and I probably know more than any Member of this House of the hard lot of these low-paid men who form a valuable element of the various branches of the public service in India. My opposition to the Resolution now before the House is dictated by a conviction—a conviction which has been intensified by the speeches I have listened to—of the futility of the inquiry recommended by Mr. Pal; and I have not the slightest doubt that if Government were to agree to the proposed inquiry, no practical advantage would be derived therefrom in any way commensurate with the labours of the committee.

As I have already said, in March, 1920, Government agreed in deference to the wishes of Mr. Patel and other Members of the Imperial Legislative Council to appoint a committee composed of officials and non-officials and representatives of the staff to inquire into the conditions of service and pay of the subordinate postal staff and certain classes of the subordinate telegraph staff. The terms of reference to the Committee were:

"To inquire into the conditions of service of the non-gazetted, supervisory, clerical and certain delivery and menial establishments employed in the postal branch and such subordinate establishments of the telegraph branch including the telephone staff as have not been dealt with by the recent Telegraph Staff Committee, with special reference to the rates of pay and allowances, the hours of duty and the principles which have been laid down for fixing the strength of the staff."

The Committee was presided over by Mr. Heseltine, who had himself started his official career in one of the subordinate services, had risen to one of the highest appointments in the Indian Finance Department and at the time of his appointment as President of the Committee had retired from Government service and was consequently a non-official. He had no axe to grind and his previous associations fitted him eminently to hold the scales evenly between the claims of the staff and the interests of

[Sir Eshupendra Nath Mitra.]

the tax-payer. The members of the Committee were Rao Bahadur B. N. Sarma, who, before he fell from grace and joined the bureaucracy, was as vigorous a member of the opposition benches as Mr. Bipin Chandra Pal, two non-official Europeans, Sir Henry Ledgard and Mr. Doran, a retired Postmaster General, and two representatives of the staff, namely, Rao Bahadur Srinivasa Rangachari, President of the Bangalore Postal Union, and Khan Sahib Eshan Azum, a Superintendent of Post Offices and the only official on the Committee, though he was actually representing a certain section of the subordinate staff. Mr. Bipin Chandra Pal apparently did not even take the trouble to examine the composition of the Committee. (*Mr. Bipin Chandra Pal*: "I did.") The Committee, as I have pointed out, was practically a purely non-official body and on it were represented the staff. In fact, one of the representatives was the President of a postal union. The pay and conditions of service of the rest of the subordinate telegraph staff were also examined in 1920-21 by two successive Committees composed largely of non-officials and the representatives of the staff, the second of these Committees being presided over by my Honourable friend, Diwan Bahadur Rangachariar. Each of these various Committees submitted unanimous recommendations and in this respect there was no difference of opinion between the representatives of the staff and the other members. If my Honourable friend Mr. Bipin Chandra Pal and the other Members who have taken part in this debate had carefully studied the report of the Postal Committee,—and from the speeches to which I have listened here this afternoon I have reason to doubt whether they have done so—they would have recognised the thoroughness with which that Committee examined the question of improvement of pay and conditions of service of the subordinate postal staff. The Committee examined not only the then existing rates of pay and allowances, but also how these compared with the prevailing rates for similar employees in other branches of the public service. They took into account the various disabilities under which the staff laboured, as compared with similar employees in other departments, in regard to hours of work, split duty, paucity of holidays, etc.; and to the extent that it was not possible, with due regard to the public convenience, to wholly remove such disabilities they made allowance for them in determining the rates of pay recommended by them. I do not propose to waste the time of the House by detailing to them the various recommendations of the Committee on the subject of the improvement of pay or of the improvement of the conditions of service. Mr. Bipin Chandra Pal has himself admitted that the effect of the recommendations was to give the staff, on the whole, a rise of 88 per cent. over their pre-war rates of pay. The House is also fully aware, in spite of statements made by Mr. Bipin Chandra Pal, that the improvement in rates of pay took place in 1920, that is, at a time when the level of prices had reached its peak. The Incheape Committee of 1922-23 drew attention to this point and expressed the opinion that in view of the fall in prices in recent years, the time had arrived for making the whole question of the pay and allowances of subordinate services the subject of an inquiry. No such inquiry has yet been undertaken by the Government of India, or by any of the Provincial Governments, and the rates of pay sanctioned for subordinate services in 1920 are still in force. The improvement made in the pay and conditions of service with reference to the recommendations of the Postal Committee of 1920 has, however, failed to give satisfaction to the staff or rather to a certain section of it,—a misguided section which is apt to waste its energies in voicing imaginary grievances rather than in making use of those energies more profitably and establishing their

claims to the higher prospects which the Department undoubtedly offers to the more efficient class of its employees. I make this qualification deliberately and with reference to my personal experience as a former member of a subordinate service and to my subsequent and long association with those members of that service to whom I shall always be indebted for the assistance I received from them in the successful organisation of a machinery for dealing with war accounts. No sooner were the orders of Government issued on the Postal Committee's report than the vocal section of the subordinate postal staff characterised the committee's recommendations as extremely disappointing. The specific criticisms were originally directed against certain anomalies connected with matters of detail, for example, the determination of the initial pay to be assigned to individuals in the time scale rates recommended by the committee, etc., the apathetic or summary treatment of mail overseers and Inspectors of Post Offices. But in 1923 the demands crystallised into an irreducible minimum of pay for clerks, sorters, postmen, menials, etc.; and there have also been placed before the Director General from time to time no fewer than over 100 grievances requiring prompt redress. These grievances include improvement of rates of pay and allowances in various directions; a re-examination of conditions of service so as to remove certain disabilities, a matter which as I have already stated was fully gone into by the Postal Committee of 1920, and to the extent that the disabilities could not be remedied with due regard to public convenience were duly allowed for in fixing the rates of pay recommended by them; the grant of concessions in regard to leave and pension, not enjoyed by corresponding employees in other branches of Government service; the overruling of audit decisions; and a host of other matters. I do not for a moment say that there is anything wrong in the subordinate employees bringing to the notice of the head of the department or of the Government of India their just grievances; and, as a matter of fact, the Director General and the Government of India have already taken action to remedy such of the grievances that have been found to be reasonable. Unfortunately, a large mass of these grievances is of such a nature that it is impossible to take any action on them even if they are backed up by a committee of the type recommended by Mr. Bipin Chandra Pal. I have already referred to the demand for an irreducible minimum of pay. It has been calculated by financial experts that the acceptance of these demands would cost the tax-payer no less than 3 crores of rupees a year. On the face of it is there any justification for this inroad on the tax-payer's purse? If it were the case that the rates of pay, etc., of subordinate employees in the Postal Department were generally less than those of the corresponding body of Government servants in other departments, I admit it would have been difficult for the tax-payer to ignore for any length of time his liabilities in the matter. But what are the facts? The Director General has furnished me with certain figures comparing the present rates of pay of clerks in the Postal Department with those drawn by corresponding servants of Provincial Governments. I find that in every case the rates of pay of the postal clerks are not lower, but as a matter of fact in regard to the maximum pay higher, than those that are drawn by clerks in various district offices. I understand that the position in regard to the other subordinate employees in the Postal Department is generally the same. I have been told by Mr. Bipin Chandra Pal and others that the clerks in the post offices have got a specially responsible class of work inasmuch as they have to handle cash. Have not the clerks in tehsil offices also got to handle cash? I do not

{ Sir Bhupendra Nath Mitra.]
quite see where the difference between the responsibilities of the two come in.

Mr. Bipin Chandra Pal: I did not refer to the clerks. I referred to the postmen in regard to this matter.

The Honourable Sir Bhupendra Nath Mitra: Well, I am coming to that. Does Mr. Bipin Chandra Pal seriously urge that the rates of pay of postmen should be higher than the rates of pay, say, of police constables in the provinces? (A Voice: "Certainly.") I am afraid I cannot subscribe to that proposition. (Pandit Shamlal Nehru: "Look at the income of the constable.") As it is, the rates of pay of the subordinate services in the provinces were fixed after detailed investigation undertaken by the Provincial Governments with reference to the rise in the cost of living. It is not for me to say whether these rates of pay for the subordinate services in the provinces, on which the postal rates of pay are based, do or do not constitute a living wage. If there is any doubt in the minds of Members of this House on this particular point, they will have to ask for a much wider inquiry, and the matter will no doubt be dealt with by my colleague the Finance Member in consultation with Provincial Governments. My point, however, is this, that so long as we give these subordinate employees of Provincial Governments a certain rate of pay it would be impossible for the tax-payer to agree to a higher rate of pay for the subordinate staff in the post offices which was fixed in 1920 by a committee largely composed of non-officials after taking into careful consideration not only the rates of pay given in the provinces but also the various and special disabilities attendant on the conditions of service of the postal subordinates.

My friend Mr. Bipin Chandra Pal was kind enough to say that he shares his increase in income proportionately with his servants. Now, I shall put this question to him. Has the tax-payer of India grown so rich since 1920 that he is in a position to give away more money to his servants of various classes? If so, the implication, of course, is that the tax-payer must pay more taxes into the exchequer to enable Government to meet the cost of the increase in the pay of these various subordinate services. (Mr. Bipin Chandra Pal: "Re-distribution of what he pays.") I wish my friend Mr. Pal had explained what he meant by that. If he had done so, I might have been able to give him a more adequate answer.

Mr. Bipin Chandra Pal further quoted from an old report of 1918 to show that there has been a very large increase in the cost of living. Well, it is admitted on all sides that the cost of living went on increasing after the war up to a certain stage. But thereafter there has been a fall. In fact, the fall was referred to by the Incheape Committee whom I have already quoted; it was referred to by Mr. Cocks and I have got here the relevant figures of the *Bombay Labour Gazette*. Taking the average pre-war figure of the cost of living at 100, the average rose to 183 in 1920. The figure has since gone down and it now stands at 157. On these figures, does Mr. Bipin Chandra Pal still say that an increase of pay of 88 per cent. over the pre-war rates is inadequate to meet the rise in the cost of living? Does not the course of the figures clearly indicate that the Incheape Committee were fully justified in the observation they made in their report, namely, that the time has come for re-examining the pay of all the subordinate services with the object of securing a reduction in the rates sanctioned in 1920? (A Voice: "The subordinate services!") I am simply quoting the Incheape Committee

Mr. Bipin Chandra Pal and Mr. Kelkar have also produced this argument. They said, it was true that the matter was examined in 1920 by a Committee at the request of the Imperial Legislative Council; they then went on to say, but where was the harm in having another Committee, and they quoted as a precedent the second Telegraph Committee. Now, Sir, I have got before me the terms of reference to the second Telegraph Committee which was presided over by my friend, Diwan Bahadur Rangachariar. The terms of reference were these: "To inquire into the questions set out in the memorandum submitted by the deputation of the Indian Telegraph Association to the Honourable Commerce Member on the 19th February and its annexures, excluding all claims for re-revision of rates of pay which were revised in 1920. Claim of Second Division to retrospective effect from 1st December 1919 and method of bringing on to new scale will not be regarded as re-revision, but will be considered by Committee." Government definitely refused to touch the general question of re-revision of pay. The Committee was asked to look into certain questions of detail, including the method of bringing on to the new scale the clerks of the Second Division.

The objection to having another Committee until this House is fully satisfied that there is a case for re-investigating the matter has already been brought out by my friend, Mr. Cocke.

Mr. N. C. Kelkar (Bombay Central Division: Non-Muhammadian Rural): May I interrupt my friend for a minute. Was it one of the terms of reference to that Committee to inquire what rates of pay and allowances were suitable?

The Honourable Sir Bhupendra Nath Mitra: My friend, Diwan Bahadur Rangachariar, is already shaking his head. I have simply quoted from the printed terms of reference to the Committee. (*Diwan Bahadur T. Rangachariar:* "It was concerned with the readjustment of the differences in the rates of pay.") Until we are in a position to admit that there is a case for raising the rates of pay of these postal subordinates, and that the rates of pay are to be raised irrespective of what the consequences may be, that is, irrespective of the source from which we are to meet the extra cost, I say that no practical advantage will be derived by the appointment of the Committee which Mr. Pal has asked for. *Per contra* the appointment of such a Committee would have a very harmful effect, and it is particularly with reference to this aspect of the case that I began my remarks by saying that it was with a certain amount of regret that I had come to the conclusion that the Committee proposed cannot be supported by the Government. The appointment of a Committee would immediately give rise to an impression in the minds of these misguided people that they were probably going to get some increase in pay. I have already in the last two days received about 50 telegrams asking for my personal support to the appointment of a Committee. Now just think what will be the state of mind of these people while this Committee is making its investigations—what these investigations will be directed to I really do not yet understand. There will be a considerable amount of turmoil which will certainly make it very difficult for the men to devote their whole energies to their work. And what will be the effect when probably after a year's deliberation the Committee comes to the conclusion that there is no case for an improvement or worse still if this House decides that in view of the more urgent need for reducing rates and giving relief

[Sir Bhupendra Nath Mitra.]

to the larger body of tax-payers instead of to a limited body of their servants, to throw out any recommendations made by the Committee for improvement in pay or conditions of service? I submit, Sir, therefore that no case has been made out for the appointment of a Committee and that it would be extremely injudicious for this House to approve of the appointment of a Committee.

I shall now proceed to deal with certain minor matters referred to by Mr. Joshi. Here again the very first item that Mr. Joshi wants to have is an increase in the rates of pay of the Dead Letter Office clerks at Bombay, (*An Honourable Member*: "Everything for Bombay") it may be in the rates of pay of Dead Letter Office clerks universally. Now, this question of the rates of pay of Dead Letter Office clerks was gone into carefully by the Committee of 1920 and they definitely recommended that the rates of pay of these clerks should be on a lower scale than those of the other clerks. It is possible that the matter does not involve any large question of principle. If so, it does not also require the appointment of a Committee, and if Mr. Joshi or this particular class of people will bring to the notice of Government through the Director General their reasons for asking for this increase, the matter will be most carefully considered.

Mr. Joshi then referred to the leave and pension of postal menials. Here, as I have already stated, the matter is not one which affects the postal menial alone, and Mr. Joshi himself admitted it. The leave of the menials in the Postal and other Departments is regulated by what are known as the Fundamental Rules—rules framed by the Secretary of State under the provisions of the Government of India Act and on the advice of the Finance Department. The pension also is regulated by rules of general application promulgated with the approval of the Secretary of State. If it is the desire of this House that the conditions of service of menials in Government service as a whole should be improved, they will have to ask for a Committee of wider scope than the one proposed by my friend Mr. Bipin Chandra Pal. So long as there is no improvement in the general conditions of service of menials as a whole, the Committee which he advocates will not be in a position to deal with the question of the grant of better terms of leave and pension to menials in the Postal Department only. Mr. Joshi then referred to the introduction of a system of provident fund. That, again, is a general question which I believe is engaging the consideration of the Department over which my colleague on my left presides.

Mr. Joshi's next point was the provision of house accommodation. I am quite in sympathy with him that we ought to provide house accommodation wherever it is needed; but here again we can do so only to the extent that we can make funds available for the purpose. Those Members of this House who are also members of the Standing Finance Committee must have noticed that we have asked for a larger grant for this purpose in the budget of 1925-26.

Mr. Joshi's next specific point was the application of the Workmen's Compensation Act to the runners of the postal department. The other day in reply to a question in this House I stated that these men are not eligible for the benefit of the Workmen's Compensation Act, but that they are entitled to pensions under the provisions of the Civil Service Regulations. The effect of the rules now applicable to them is actually

to give them a higher benefit than they would have got under the Workmen's Compensation Act. Mr. Joshi practically admitted that this would be the position in regard to the runners who were actually killed in the execution of duty. He seemed to doubt whether the same would be the position in regard to the runners who were injured. I must say I fail to understand his point. A runner, if he is injured in the execution of his duty and is obliged to take leave on medical certificate, gets a certain amount of leave allowance and that itself would not, I understand, be less than the compensation admissible to him under the Workmen's Compensation Act.

Most of Mr. Joshi's points, and some of them are good points, are moreover points of detail for which, as I have already said, we do not want a committee of the type proposed by my friend Mr. Bipin Chandra Pal. They are matters which, if they were brought up to the notice of Government or to my personal notice, through the Director General, would be looked into and if remedies were really needed they would certainly be afforded.

Sir, in view of what I have stated I do not see the utility of the committee proposed by Mr. Bipin Chandra Pal and I must repeat what I have already said that on behalf of Government I must oppose it.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): *Sir, the reason which compels me to intervene in this debate is that I happen to occupy the position of a President of the Postal Union for this year. It was said that those who were feasted and garlanded should champion the case of the Postal Union. Sir, I can assure this House that if there was any bribe offered to me it was much less than what the highest officials are entitled to take, namely, flowers and fruits.

Pandit Shamlal Nehru (Meerut Division: Non-Muhammadan Rural): The Telegraph Department made quite a lot of money in the shape of telegrams!

Mr. M. A. Jinnah: Therefore, I think the House will take me as a person who has really no interest in this matter. I assure the House that I do not hold any brief for the Postal Union. I have tried to the best of my ability to understand their point of view and I assure you that I was very anxious to hear the point of view of Government.

Sir, I will place a few facts before the Honourable Member in charge, who said that no case was made out. As far as I understand, Sir, the grievances are these. I do not agree with the proposition—and I do not think it need be seriously discussed—which was put forward by my Honourable friend Mr. Bipin Chandra Pal that he pays his servants according to the increase or the decrease of his income. I do not think it is beneficial either to the servant or to the master, and it might prove very serious indeed. The principle that I wish to bring forward—and I do not think the Honourable Member opposite will deny it—and to which the Postal Union has also adhered is that all they want is a living wage and fair conditions in which the work is performed. Now, the first and foremost grievance which the Union make is that you appointed a Committee in 1920 with the personnel of which they were not satisfied. That may be a questionable matter, but they say that the recommendations made by that Committee were not fair and adequate recommendations. It

* Not corrected by the Honourable Member,

[Mr. M. A. Jinnah:] I would have you understand that a committee of this kind is no use therefore saying that we appointed a committee in 1920. That committee made certain recommendations, and again now you come forward in 1925 and you want another committee. Therefore, the question really is this, were the recommendations made by that committee fair or were they not? Well, on this point the position which is put forward by the Union is this. They take the case of their co-workers in the Telegraph Department. In the Telegraph Department the pay of men of similar qualifications, clerks, was Rs. 40 before the committee. In 1906 it was raised to Rs. 50, and without a committee in 1919 it was raised to Rs. 75, rising to Rs. 200, and after the committee of 1920 they got from Rs. 80 to Rs. 250, to be reached in 18 years, with free and furnished house accommodation or house rent ranging between Rs. 25 and Rs. 50.

The Honourable Sir Bhupendra Nath Mitra: They are not clerks at all; they are telegraphists, skilled labour.

Mr. M. A. Jinnah: Skilled labour, and what are the persons you employ in the post offices, are they not skilled?

The Honourable Sir Bhupendra Nath Mitra: They are comparatively less skilled. I shall deal with that matter later on.

Khan Bahadur W. M. Hussanally: If the pay of the Telegraph Department is higher, it is a case for reducing it, not increasing that of the Postal Department.

Mr. M. A. Jinnah: That is a very good suggestion, but if I am right that the class of people that you employ are almost the same, it is no use saying that there is special skill required. The class of people you employ are almost the same, and this is the pay given to the Telegraph Department, but the best you can give to the Postal employees is Rs. 35 rising up to Rs. 120 as a maximum. What did you do recently in the Audit Office? Are they also skilled workers? My Honourable friend points to the Finance Member. It is the Finance Member that is always the trouble everywhere. What did he do in the Audit Department? This is what happened. (Diwan Bahadur T. Rangachariar: "Postal Audit?") The pay of employees of the Audit Office, which was almost the same as that of postal clerks, has been raised from Rs. 60 to Rs. 230. Now, whether it is the Finance Member or whether it is my friend Sir Bhupendra Nath Mitra in charge of Telegraphs and the Post Office, Government is the employer and when you find under the same employer these invidious distinctions made, surely the Postal Union is entitled to say, "Why do you make these differences, (and why) do you starve us?" That is grievance number one. Now the answer is given by Government in this way, that the telegraphists are skilled men.

Mr. A. Rangaswami Iyengar: What is the skill?

Mr. M. A. Jinnah: I do not know what the skill is. Now that is the point in dispute. If you have a committee we shall have the representatives of the Government on that committee; we shall also have the representatives of the Postal Unions (Mr. W. M. Hussanally: "Judging his own cause"). My Honourable friend says "judging his own cause". Are not the Government judging their own cause? Government is the employer and the post-office subordinate is the employee, and why should not the employee be entitled to sit on a committee with the employer?

Surely my learned friend has forgotten the first maxim of fair play when he says that "Why is he not entitled to go and say 'I want my representative to be on the Committee to place all the facts before you, so that at least those who are not interested either way will hold the scales even between the two'?" In every committee you must have the interests represented. What is the good of saying "judging his own cause"? I (Mr. W. M. Husanally: "Government have no personal interest.") My learned friend, this is really the limit. "Government have no personal interest"? Of course they have no personal interest, but they represent the tax-payers and they are entitled to plead the case of the tax-payers and they are not bound to pay more than what is necessary; if they did, my Honourable friend would get up and at once accuse Sir Basil Blackett, the Finance Member. What is the good of saying they are not interested? They are interested to this extent, that it is their business to see that they do not pay a single pie more than what is necessary.

Then, Sir, we get to the next point. I do not want to take up the time of the House, but I really thought that the Honourable Member knows it perfectly well. The Postal Union have published their grievances broadcast. I am sure he has got all the copies in his file and therefore it is really no use saying that the Honourable Member does not know what the grievances are. But he said so, as he wanted somebody to state them in the House. I know he knows everything in detail—at least he ought to; every one of us is flooded with printed documents, typewritten documents; and when we poor mortals here, who have no power, are supplied with all the information, can I imagine for a moment that the Government Member has not got all this information?

The Honourable Sir Bhupendra Nath Mitra: On a point of personal explanation, Sir, I never said that I had no information about these grievances, all I said was that I wanted to know from the Mover of the Resolution what his reasons for the appointment of a fresh committee of inquiry at this stage were, and I received very little light on the subject.

Mr. M. A. Jinnah: I entirely agree. (Laughter.) But the Mover of the Resolution gave some credit to the Honourable Member who has got all the information in his file in front of him; and if he wants me to repeat it as the President of the Union I shall repeat it here; I shall do so in two minutes, Sir, and shall not take up more time than that.

- (1) Suitable scales of pay for all classes of officials in the subordinate service.
- (2) The number and pay of supervisory staff.
- (3) Duty and local allowances.
- (4) House accommodation for the staff.
- (5) Increase of staff and reduction of hours of duty.
- (6) Increase of holidays.
- (7) Suitable buildings for post office and rest-houses.
- (8) Increase in number and accommodation of mail vans.
- (9) Split duty.
- (10) Suitable uniforms for those doing outdoor duty.
- (11) Over-time allowances.
- (12) Recruitment and station allowances for Railway Mail Service officials.

Well, Sir, these are the grievances. Now, I do ask the Government to consider this question from this point of view. You must remember

[Mr. M. A. Jinnah.]

you have a large body of men—I believe over several lakhs. You must remember that this Union itself has got 70,000 members. You must remember that they feel that some of these grievances are serious and you must remember that it is your duty to give them some satisfaction. It is no use saying "We oppose this Resolution." It is no use saying "We cannot do anything." It is no use saying "We have not got money." I quite agree that you may not have money and that you may have your difficulties. (*Pandit Shamlal Nehru*: "What about the suggested reduction?") But I do ask you to consider this carefully and I believe Honourable Members here would not mind if the Government were themselves to take some steps and inquire into what at least they consider serious grievances. I can tell the House this much, that I presided over this Union not very long ago. A large body of men were present there. They are loyal and staunch workers. Remember that. They hold Sir Geoffrey Clarke in great regard, and I almost envied him when I looked at the diary which they published the other day, his photograph is published first and mine second. I thought that the President had always a precedence. In this case the men regard him with great affection, and I do assure him that their complaints and grievances are not without foundation. I would therefore plead with the Government most earnestly on their behalf. I said to them at that meeting that they have a great power, they were seventy thousand in their Union, they had the sinews of war, and they could use their organization as well as abuse it; I also emphasised the fact that they must use and not abuse their Union. And I assure you they are all loyal and staunch workers, and I am satisfied to this extent that they have grievances but to what extent they are all just I cannot say, but I am satisfied to this extent that they all feel they have grievances. I do ask the Government, therefore, to give this House an assurance that they will look into this matter and give it their careful and anxious consideration and meet such of the grievances as they can. Under those circumstances, I think my Honourable friend Mr. Bipin Chandra Pal will allow the motion to be adjourned till the September session.

Maulvi Mohammad Shafes (Tirhut Division: Muhammadan): Sir, before I move the motion which stands in my name, I have to acknowledge a clerical error which has crept in, and it is this. After the words "grievances of the Postal Staff," the words "with reference to" were omitted by mistake, and they may now be inserted. My amendment will therefore run as follows:

"That after the words 'grievances of the Postal Staff', the following be inserted:

'With reference to

1. Suitable scales of pay for all classes of officials in the subordinate service.
2. The number and pay of supervisory staff.
3. Duty and local allowances.
4. House accommodation for the staff.
5. Increase of staff and reduction of hours of duty.
6. Increase of holidays.
7. Suitable buildings for Post Office and rest-houses.
8. Increase in number and accommodation of mail vans.
9. Split duty.
10. Suitable uniforms for those doing out-door duty.
11. Overtime allowance.
12. Out-station allowance.'"

Sir, I do not want to take up the time of this House after the learned speech of the Honourable Mr. Jinnah, as I think that he has made out a strong case for an inquiry into the grievances of the postal staff. Now we have got two cases before us. One is the case placed before us by the Government Benches, and the Honourable Sir Bhupendra Nath Mitra says that the Postal Committee which sat in 1920 did full justice to the case of the post office people, and the other is the case put before the House on behalf of the postmen themselves. I have seen myself hundreds of these people, and they are all very loyal and staunch men. I should also say they are all very sincere in putting forward their grievances and in attending the meetings of their Unions in the districts and provinces. I also find from the reports which I have read during the last fortnight that, soon after the Report of the Postal Committee of 1920 was out, all the postal men from different parts of India put forward a very strong opposition and they declared it from all corners of India that it was wholly unsatisfactory. We further find that soon after that the first Postal and R. M. S. Conference took place in September 1920 in this city for the purpose of criticising the recommendations which were made by that Committee. After that, it appears, Sir, that throughout India, every province and every district had some sort of association for the purpose of ventilating their grievances through the proper channel. And I know that there are annual district conferences, annual provincial conferences and all-India conferences held for the purpose of getting the grievances redressed. And there are further signs of there being very serious agitation over this matter, for I find Government themselves have on some occasions admitted that there have been very many mistakes committed in the first Postal Inquiry Committee and anomalies have arisen on that account. I am told, Sir,—I don't vouch for the correctness of the statement—but I am told that more than 300 communications have been received by the Government and the Director General to rectify the anomalies, and even now the initial pay has not been fixed in all cases. Therefore, we have got the two versions before us—the one on behalf of the Government and the other on behalf of the postmen themselves. Government, of course, have put their case very strongly but the postmen have also got their conferences, associations and unions which have been incessantly held for these five years since the committee sat and which has now culminated in bringing forward this Resolution before the House. Now, we, who represent these men, do not know whether the facts are as stated by Sir Bhupendra Nath Mitra in this House or whether they are as stated by the Postal Subordinate Service. Now, I do not know, Sir, how there can be any difficulty in instituting an inquiry and satisfying the House that the grievances of the subordinate staff are merely imaginary. If the grievances are imaginary, we are certainly not here to advocate a cause which does not exist.

With these words I move my amendment.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadian Rural): Sir, I beg to express at the outset of the few remarks that I intend to make that I have considerable sympathy with the large class of public servants whose work has received so much commendation in this House. At the same time, I feel a little hesitaton to commit myself at this sage to an inquiry. Sir, I believe it was my friend Mr. Bipin Chandra Pal who said that this House is showing tendencies of becoming an employers' association. I think, Sir, that it is also necessary to state that we should not constitute ourselves as the mouthpiece of the employees.

[Diwan Bahadur M. Ramachandra Rao.]

There are wider considerations in regard to this matter and I should think, Sir, that the general view of the tax-payer has not received in this debate that attention that it deserves. Sir, Honourable Members are aware that since the increase of postal rates in 1922, there has been considerable agitation throughout the country that these rates should be reduced. None of the speeches made to-day has made any reference to that aspect of the case.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly; Non-Muhammadan Rural): It is irrelevant.

Diwan Bahadur M. Ramachandra Rao: If my Honourable friend Mr. Rangaswami Iyengar thinks that this is irrelevant, I think I ought to tell him at once that if the demands which have been made to-day on behalf of the postal subordinates are to be met either by an inquiry or otherwise, an estimate of those demands which has been made by the Honourable Sir B. N. Mitra shows that Rs. 3 crores would be required. If any portion of their demands are complied with, this House will have to find the money.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor; Non-Muhammadan Rural): How did they find 1½ crores for the Public Services on the Lee Commission's recommendations?

Diwan Bahadur M. Ramachandra Rao: My Honourable friend seems to think that I am answerable for the Public Services Commission and for the increases that have been sanctioned in accordance with their Report. That inquiry must be made to somebody else. I will not deviate from the remarks which I wish to make by the interruption of my Honourable friend. The first point to which I should like to invite the attention of the House are the figures which have been furnished to us during the current session in answer to one of the interpellations, and that is the extent to which postal facilities which were enjoyed since 1920-21 have been withdrawn on account of the enhancement of the rates. Sir, if Honourable Members will turn to page 209 of our proceedings for the current session they will find that prior to the increase of the rates, the number of letters that passed through the Post Office was 612,213,587. Since the increase the number has come down to 519,939,442, that is, there is a drop of nearly 100 million letters since the increase has been made in 1921-22. The number of post-cards that passed through the Post Office in 1920-21 was 630,401,432 and since the increase the number has come down in 1923-24 to 531,906,208, or a drop of nearly 100 million. I ask my Honourable friends whether they do not regard this as a most serious aspect of this question, namely, the withdrawal of postal privileges on account of the enhancement of rates. I would ask Honourable Members who are supporting this motion to make up their minds as to whether they would not bring forward during the next Budget discussion any proposals for the reduction of rates.

Mr. A. Rangaswami Iyengar: Why not?

Diwan Bahadur M. Ramachandra Rao: My Honourable friend says "Why not?" Amongst the numerous telegrams that I have received after coming to this House there are some addressed to me from various parts of the country that the public are anxious for the reduction of postal rates.

Mr. A. Rangaswami Iyengar: Let us have both. We are not inconsistent.

Diwan Bahadur M. Ramachandra Rao: My friend appears to think he can do both. Reduction of the postal rates and an increase in the pay of all post office officials are not compatible with one another. If my friend does not see any inconsistency in it, I do. If the rates are reduced beyond their present level, we cannot maintain even the existing scales of pay to the large body of subordinates who are affected by this Resolution. Some Honourable Member—I believe it was my friend Mr. Pal—said there may be some re-arrangement of expenditure of telegraphists and the post office section of the Department.

Mr. Bipin Chandra Pal: And other departments.

Diwan Bahadur M. Ramachandra Rao: That is a comprehensive question very much beyond the limits of the present Resolution. It is quite a different subject altogether. I feel that the first matter for the consideration of this House is to see whether they could persuade Government to reduce the postal rates. If consistently with that you can meet the demands, the legitimate demands, the just grievances of the postal subordinates throughout the country, I shall be only too happy to support such a proposal.

Mr. M. A. Jinnah: Otherwise, just grievances are not to be redressed?

Diwan Bahadur M. Ramachandra Rao: That is an inquiry that ought to be addressed to Honourable Members on the opposite Benches. So far as I am concerned, my first consideration is the interest of the tax-payer. The tax-payer wants a reduction of the postal rates, and if Honourable Members bring forward proposals for the reduction of these rates they will be certainly met with the argument that having proposed an increase of the pay of the post office staff we cannot ask for the reduction of the rates.

Mr. M. A. Jinnah: No. Just grievances.

Diwan Bahadur M. Ramachandra Rao: My Honourable friend, Mr. Jinnah, says just grievances should be looked into. I entirely agree. I am certainly willing to support the proposal which he has made at the end of his speech that this debate should be adjourned and that the Government should themselves go into the just, legitimate grievances of the postal staff which have been placed before them in the numerous memorials and resolutions of the conferences that have taken place throughout the country. That is entirely a different proposition. I fully agree with my Honourable friend that you cannot have a large body of public servants—70,000 of them—discontented, and that the time has come when all that has been said on their behalf should be looked into and that the Honourable Member in charge of this Department and the Director General should consider and redress these grievances. During the last two years many schemes for the increase of pay of subordinate services have come up before the Standing Finance Committee and afterwards before this House. Each department puts forward scales of pay for its own men and there is a kind of competition between the departments to bring up their scales as near each other as possible. We had schemes this year, last year, from the various departments of the Central Government to increase the pay of the subordinate services and the menials. These scales differ very widely. The pay of a clerk in Calcutta is Rs. 50. The pay of a clerk in Madras is Rs. 40. The pay of a clerk in Bombay is Rs. 50. The scales differ with reference to the local conditions and each of these departments come forward and ask that their scales of pay should be revised. We have also the Local Governments who have made their own scales and they have been protesting that the Central Government should

[Diwan Bahadur M. Ramachandra Rao.]

not increase the pay of their subordinate officials as it would affect their scales of pay. Honourable Members will realise that the question of raising the pay of subordinate servants in any one particular department bristles with difficulties. If this is done in one department it raises expectations in other departments and, as my Honourable friend on my right says, it is very contagious. Therefore the whole question is bristling with difficulties, and I believe that the only solution of this problem is a proper wages board to be constituted to examine the pay of all the subordinate services and to fix them not in relation to one department but generally to give them a living wage and to fix them for all the departments under the Central Government and to revise the scales from time to time. Unless some such step is taken you will

5 P.M. be faced with an agitation from the other departments of the Central Government. The officials of the Postal Department have the finest and the most organised trade unions in this country. They have sent us a lot of literature; they have flooded us with telegrams. We have information supplied to us such as we are accustomed to in the profession of law. I think, Sir, that, unless you take care to see that we have a contented body of public servants, this contagion would spread to other departments. I therefore think it is due to this House that the Honourable Member in charge of the Department and the Director General should make a further statement as to whether the suggestion of my Honourable friend Mr. Jinnah is acceptable to them, namely, that the just grievances of these postal subordinates should immediately be looked into.

Pandit Shamlal Nehru: May I know if the Honourable Member is speaking for the Resolution or against it?

Diwan Bahadur M. Ramachandra Rao: You can judge it for yourself. I think, that this debate should be adjourned, as suggested by my friend Mr. Jinnah; and that the Government should go into this matter as early as possible. Unless you do that I am afraid that matters would be certainly much more difficult hereafter than they are now.

The Honourable Sir Bhupendra Nath Mitra: I rise to reply to the specific questions put to me by my friend Mr. Jinnah and my friend Diwan Bahadur Ramachandra Rao; but before doing so I think it is necessary to elucidate a certain matter to which reference was made by Mr. Jinnah, and that is the unequal treatment of certain employees in the Telegraph Department and the signaller-clerks in combined postal and telegraph offices. I do not want to waste the time of the House by a long dissertation on the relative duties of what is known as the departmental telegraph office and what is known as the combined office. Briefly speaking the position is as follows: The departmental offices are what may be called zone or sub-zone centres. Their chief function is the collection of traffic from the combined offices and the circulation of the same by high-speed apparatus over the longest lines of the country. They are fed by the combined offices whose function simply is to transmit and receive the local traffic to and from the nearest departmental office. A combined office does not transmit a telegraph message which it accepts to its destination, but it passes the message to one of these departmental offices which collects the traffic and distributes it over the various long lines which are at its disposal; and in making this distribution it has to pay particular attention to the state of any one of these lines,—its congestion or otherwise. The postal signaller in the combined office is required for a comparatively simple class of work. He is trained, after he is recruited at the age of

about 25, in signalling on the simplex Morse system at a speed not exceeding 20 words a minute and that is about all he can do. He is also trained to make the simplest adjustment of the keys and sounders of his machine. The departmental telegraphist is a much more skilled man. He is generally taken on at ages varying from 16 to 20, when he is more adaptable to acquire the higher speed at which he is required to work. He is thereafter given a more intensive and technical training than the postal signaller, before he is employed in the departmental offices. He has to learn to use the duplex or quadruplex Morse circuits which not only work at a much higher speed than combined office circuits, but require for their maintenance a considerable amount of technical knowledge.

I know that it is one of the grievances of the postal clerk that he should be given the higher training which is given to the departmental telegraphist, and the object is obvious, because once he gets the training he can certainly claim the higher pay. But, Sir, for these departmental offices we want a limited number of departmental telegraphists. On the other hand, it is a waste of money to give the postal signaller in the combined office the same training and then to give him the same rate of pay. I make this observation simply because Mr. Jinnah raised the point.

Now, Sir, coming next to the specific question put to me by Mr. Jinnah and Mr. Ramachandra Rao, the Member in charge of Industries and the Director General are always willing to consider any reasonable grievances placed before them by their subordinate employees. As a matter of fact it is done from day to day. If this House wants me and Sir Geoffrey Clarke to go personally into these complaints again, we are quite willing to do so. At the same time, I may remind the House of this pertinent fact, namely, that the grievances which Mr. Jinnah read out and to which I did refer in my previous speech are the precise grievances to examine which the Postal Committee of 1920 was appointed. The Postal Committee of 1920 after examining those very grievances made certain recommendations. As the result of those recommendations, increases were allowed in the then existing rates of pay. Improvements have also been made in certain other conditions of service. Now, what is the point at issue? We are told that we must have another committee because a large body of subordinate employees are discontented. Very well, Sir. Let us assume that we appoint another committee to go over the same ground which was explored by the committee of 1920. Two years hence when most of the present Members of this House may have ceased to sit here—I hope they will not, but that contingency may arise—these subordinate employees will again get hold of your successors and say that the committee which was appointed in 1925 at the demand of this House did not look into their grievances properly and they, therefore, want another committee. Is this process of committee after committee going to continue? (*Diwan Bahadur T. Rangachariar*: "Have a general wages board.") Well, Sir, I have said in my previous speech that if such an inquiry is to be made it must be a bigger affair altogether, an examination into the conditions of service of all the subordinate employees of Government. But that is not the proposal made by my friend, Mr. Bipin Chandra Pal. If this House expresses a desire in the direction of a wider inquiry I dare say the Government of India will deal with it, and the Honourable the Finance Member will probably be able to place before the House some interesting observations on the general question of the standard of living and so forth.

As to the precise question put to me by Mr. Jinnah and Mr. Ramachandra Rao I have already said that I, as Member in charge of the

[Sir Bhupendra Nath Mitra.]

Department of Industries and Labour, and Sir Geoffrey Clarke are quite willing to examine, in consultation with a representative of the subordinate employees, all their grievances. But beyond that I am not prepared to commit myself to anything.

As Diwan Bahadur Ramachandra Rao pointed out, the question is one which bristles with difficulties. As it is, I have read the document which Mr. Jinnah was marshalling. It is absolutely silent on the question of a possible reduction in postal rates. It says that any surplus which is available must go towards increasing the pay and conditions of service of the subordinate staff and it adds probably to placate this House—that additional funds may be devoted to the extension of rural facilities. That is all that the men are willing to concede. We do not yet know, Sir, whether in the budget for next year there will be any surplus at all available in the estimates of the Posts and Telegraph Department to be utilised for any purpose. I know that this year the Department is going to close with a deficit of something over 10 lakhs; but I do not yet know what the position next year will be.

Khan Bahadur W. M. Hussanally: Is it on the combined Post and Telegraph Department?

The Honourable Sir Bhupendra Nath Mitra: That is so.

Khan Bahadur W. M. Hussanally: The Department as a whole? If so, from which part does the main deficit come?

The Honourable Sir Bhupendra Nath Mitra: I do not know. I have already said that full details will be given in presenting the Budget for 1925-26.

Khan Bahadur W. M. Hussanally: Then I would say, separate the Telegraph Department from the Post Office.

Diwan Bahadur M. Ramachandra Rao: May I ask whether the Honourable Member would be willing to receive a deputation of these men?

The Honourable Sir Bhupendra Nath Mitra: I am quite willing to receive deputation of these men.

Mr. C. Duraiswami Aiyangar: May I ask the Honourable Member whether Government would be prepared to ask the Ryan Committee to go into this question?

Mr. M. A. Jinnah: Sir, the Honourable Member has made so many statements that the important portion is not quite clear. The question with which I am concerned immediately is this. I understand that the Honourable Member in charge as well as Sir Geoffrey Clarke, the Director General, are willing to discuss and consider the grievances of postal men and that they will give them an opportunity of sending their representation or a deputation to wait upon them, and to consider their grievances sympathetically, not in the spirit that everything has been done already and that nothing can be done. On that assurance, Sir, from the Government, I formally move that this debate be adjourned till the September session.

Mr. President: Motion moved:

“That this debate be adjourned till the September Session in Simla.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 16th February, 1925.