

15th January, 1923

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THIRD SESSION

OF THE

LEGISLATIVE ASSEMBLY, 1923.

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LEGISLATIVE ASSEMBLY.

Monday, 15th January, 1923.

The Assembly met in the Assembly Chamber at Eleven of the Clock.

Secretary of the Assembly: I have to acquaint this House of the unavoidable absence of Mr. President on this day's sitting.

Mr. Deputy President (Sir JAMSETJEE JEJEBHOY, Bart., K.C.S.I.) then took the Chair.

MEMBERS SWORN:

The Honourable Sir Basil Phillott Blackett, K.C.B. (Finance Member); Sir Henry Moncreff Smith, Kt., C.I.E., M.L.A. (Secretary, Legislative Department); Mr. Arthur Herbert Ley, C.I.E., M.L.A. (Industries Secretary); Mr. Clement Daniel Maggs Hindley, M.L.A. (Chief Commissioner, Railways); Mr. Harry Tonkinson, C.I.E., M.L.A. (Home Department: Nominated Official); Mr. Ayandur Vedachala Venkataramana Aiyar, C.I.E., M.L.A. (Finance Department: Nominated Official); Mr. Walter Stuart James Willson, M.L.A. (Bengal: Europeans); Colonel Sir Henry John Ludlam Stanyon, Kt., V.D., C.I.E., M.L.A. (United Provinces: Europeans); Mr. J. N. Basu, M.L.A. (Burma: Non-European); Mr. Rustomji Faridoonji, M.L.A. (Central Provinces: Nominated Official); Mr. William Henry Lawson Cabell, M.L.A. (Burma: Nominated Official); Mr. Percy Barnes Haigh, M.L.A. (Bombay: Nominated Official); Mr. Henry Edward Holme, M.L.A. (United Provinces: Nominated Official).

The Honourable Sir Malcolm Hailey: Before the House proceeds to business, Sir, I hope you will allow me, with the permission of the House, to express on behalf of the House—as I am sure I may do—our deep sympathy with the Honourable the President in his illness and to express also the hope of the House that he may speedily return to those labours in the performance of which he has earned, if I may say so, with all respect, both the admiration and the affection of this House.

Mr. Deputy President: Honourable Members of the Assembly, in the regrettable absence of the Honourable the President, through ill-health, it has fallen to me to preside over the Assembly and to welcome the Honourable Members of this House. The Honourable Sir Frederick Whyte, you will be glad to learn, is making steady progress towards recovery, and I am sure every one of us will wish him completely to recover before long and to be able to take the Chair in the course of the next few days. I trust I am voicing the feelings of this House in welcoming amongst us the Honourable Sir Basil Blackett as our colleague. He comes to us as Finance Member of the Government of India, the portfolio of which high office was until quite recently in the capable hands of the Honourable Sir Malcolm Hailey, whose indefatigable energy and high talents are now transferred to the Home Department. Sir Basil comes to us with a great reputation in finance, both on its theoretical and on its practical side. I am confident that this House will extend to him the assistance and co-operation which

his wide experience and knowledge entitle him to claim for himself in the discharge of his new duties.

In conclusion I may be permitted to refer to a personal matter. Honourable Members are well aware that we have long and arduous work before us in this Session. I feel assured, however, that, in view of the traditions which the Assembly has to its credit established in the past two years, we shall be able to go through it in a spirit of harmony and useful good-will. I am certain that I can with confidence rely on Honourable Members for help and support in the discharge of the duties of the Chair in the same measure in which they have vouchsafed them to me ungrudgingly and unstintedly in the past.

Sir Deva Prasad Sarvadhikary: On behalf of my friends I desire to associate myself, and I am sure every non-official Member of the Assen- does so, with the expression of regret which has fallen from the Leader of the House and you (Mr. Deputy President) in connection with the illness of the President. His has been very strenuous work, not confined to Delhi and Simla by any means, but all over the country, and I am afraid he is paying the penalty. We all hope that he may soon recover and come back to us. In welcoming you to the Chair in the President's absence, we promise you all the support and assistance that you require in the difficult work before you. And, Sir, I desire to convey to you the congratulations of my friends and I am sure of the whole House, on the high honour that was conferred upon you while you were away from us. You have been away for some time and I am sure you have brought back knowledge and tr- tions that will be helpful in carrying on the work of this House. There has been a re-arrangement in the Front Bench and we hope it will be all for the good and for advancement of work. In Sir Malcolm Hailey we have a leader, not new by any means. He led the House when it was first started and has come back to the leadership. Sir Muhammad Shafi is now Vice-President of the Executive Council and has taken over the Law portfolio. I am sure that from Sir Malcolm Hailey and from Sir Muhammad Shafi we shall have all the consideration we had before and a little more.

Sir Basil Blackett we all welcome. I hope he will put our finances right and that there will be no reason for us to quarrel with him in the same way as we have sometimes quarrelled with his predecessors.

I am sure, Sir, that the House would like also to express its appreciation of the honour which has been conferred upon its Secretary, upon Sir D. Waghorn, Sir Campbell Rhodes and others. They have all well earned them, and not the least by their work in this Assembly.

Mr. Deputy President: I thank the Honourable Member—Sir Deva Prasad Sarvadhikary especially—for his kind reference to me.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Malcolm Hailey: Sir, I have to lay on the table a statement showing the number of Muslims, Hindus, etc., employed in the Government of India Secretariat, promised in reply* to questions by Sardar Bahadur Gajjan Singh, Mr. K. Ahmed and Maulvi Miyan Asjad-ul-lah, asked on the 11th and 15th September, 1922.

*Vide Legislative Assembly Debates, Volume III, pages 347, 356 and 577.

Statement showing the number of Europeans, Anglo-Indians, Hindu-Indians, Sikh-Indians, Mohammedans, and others holding posts above the grade of Superintendent, as on the 1st September, 1922.

(c) (i) (1) Officers holding posts above the grade of Superintendent.

Department.	EUROPEANS.		ANGLO-INDIANS.		HINDUS.		MUHAMMADANS.		SIKHS.		INDIAN CHRISTIANS.		OTHERS.		TOTAL.		REMARKS.
	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	
Home	6	3	..	..	..	1	..	..	..	..	..	..	..	..	6	4	
Foreign and Political Department.	7	..	..	..	..	..	1	..	..	..	..	..	..	..	8	..	
Finance	4	2	..	..	2	..	..	..	..	..	..	..	..	..	6	2	
Legislative	4	3	1	..	2	1	..	..	..	..	..	..	..	..	7	4	
Army	4	2	1	1	..	..	..	..	..	..	..	..	..	..	5	3	
Public Works	3	..	1	1	..	..	..	..	..	..	..	..	..	..	4	1	
Revenue and Agriculture	4	1	1	..	..	..	..	..	..	..	1	..	..	..	6	1	
Education and Health	1	..	..	..	1	..	2	..	..	..	1	..	..	..	5	..	
Commerce	5	1	..	..	..	..	..	..	..	..	..	..	..	..	6	1	
Industries	4	..	..	..	2	..	..	..	..	..	1	..	..	..	7	..	
Railway Board	11	..	..	..	..	..	..	..	..	..	..	..	..	..	11	..	
Office of Financial Adviser (Military Finance).	10	3	..	..	1	..	..	..	..	..	..	..	..	..	11	3	

*Excluding officiating officers.

(3) Superintendents.

Department.	EUROPEANS.		ANGLO-INDIANS.		HINDUS.		MUHAMMADANS.		SIKHS.		INDIAN-CHRISTIANS.		OTHER.		TOTAL.		REMARKS.
	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	
Home . . . . .	...	...	3	1	3	...	...	...	...	...	...	...	...	...	6	1	
Foreign and Political	6	...	3	...	...	...	...	...	1	...	...	...	...	...	9	...	
Finance	1	...	...	...	3	...	...	1	...	...	...	...	...	...	6	...	
Legislative	2	...	...	1	1	1	...	...	...	...	...	...	...	...	3	2	
Army	1	...	2	1	2	1	...	...	...	...	...	...	...	...	5	2	
Public Works	1	...	3	...	1	...	...	...	...	...	...	...	...	...	5	...	
Revenue and Agriculture	4	...	...	...	...	...	...	...	...	...	...	...	...	...	4	...	
Education and Health . . . . .	...	...	...	...	...	2	...	...	...	...	...	...	...	...	3	...	
Commerce	1	...	1	...	1	...	...	3	...	...	...	...	...	...	4	1	
Industries	2	...	1	...	3	1	...	...	...	...	...	...	...	...	6	...	
Railway Board . . . . .	...	...	4	...	1	...	...	1	...	...	...	...	...	...	7	...	
Office of Financial Adviser (Military Finance).	1	...	...	...	4	...	...	...	...	...	...	1	...	...	5	...	

* Excluding officiating officers.

(3) Assistants.

Department.	EUROPEANS.		ANGLO-INDIANS.		HINDUS.		MUHAMMADANS.		SIKHS.		INDIAN CHRISTIANS.		OTHERS.		TOTAL.		PERCENTAGE OF MUHAMMADANS TO NON-MUHAMMADANS.		REMARKS.
	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	Permanent.	Temporary.	
Home.	4	...	5	1	7	1	2	...	1	...	1	...	...	...	2	11	NW		
Foreign and Political.	16	5	13	1	6	4	1	1	1	...	...	...	...	...	13	3	NW		
Finance.	3	1	4	...	12	...	2	...	1	...	...	...	...	...	23	9.5	NW		
Legislative.	3	...	6	2	9	6	...	...	...	...	...	...	...	...	23	9.5	NW		
Army.	2	3	6	4	10	15	...	...	...	...	...	...	...	...	18	25	NW		
Public Works.	...	...	8	1	10	1	...	...	...	...	...	...	...	...	18	100	NW		
Revenue and Agriculture.	8	...	2	...	8	...	2	...	1	...	...	...	...	...	21	10.5	NW		
Education and Health.	...	...	5	...	6	...	3	...	...	...	...	...	...	...	14	27	NW		
Commerce.	1	...	5	1	4	6	...	...	...	...	...	...	...	...	13	NW			
Industries.	2	...	3	...	11	2	...	...	...	...	...	...	...	...	18	13.5	NW		
Railways Board.	1	...	12	...	13	1	1	...	1	...	...	...	...	...	(b) 20	3	100		(a) American. (b) Including 1 Sikh, Head draftsman.
Office of Financial Adviser (Military Finance).	4	...	2	...	18	6	...	...	...	...	...	...	...	...	24	6	NW		

* Excluding officiating officers.

(4) Clerks.

Department.	EGRO-PEANS.		ANGLO-INDIANS		HINDUS.		MULAN- MADANS.		SIKHS.		INDIAN CHRISTIANS.		OTHERS.		TOTAL.		REMARKS.
	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	Permanent	Temporary	
Home	...	...	5	6	19	47	8	...	2	1	...	...	...	...	34	14	† Excludes Hindu photographer in the office of the Director, Central Bureau of Information.
Foreign and Political	3	...	5	3	28	9	6	5	2	1	2	...	...	...	46	17	
Finance	...	...	...	...	28	8	4	...	...	...	2	1	...	...	24	4	
Legislative	1	...	...	4	18	6	9	3	1	...	1	...	...	...	30	9	
Army	...	...	...	11	23	53	2	7	3	...	...	1	...	...	29	71	
Public Works	1	...	...	...	18	4	6	...	...	1	...	...	...	...	27	5	
Revenue and Agriculture	...	...	...	...	15	2	10	...	4	...	...	...	...	...	31	2	
Education and Health	...	...	1	...	11	11	6	...	1	...	...	...	...	...	19	1	† In Calcutta office.
Commerce	...	...	...	...	24	7	3	2	...	3	...	...	...	...	29	11	
Industries	...	...	1	...	19	2	8	...	...	2	3	...	...	...	31	4	
Railway Board	...	...	5	2	36	8	10	3	5	...	1	...	...	...	(a) 37	(a) 13	(a) Including 13 draftsmen, i.e., 3 Hindus, 7 Mohammedans and 3 Sikhs.
Office of Financial Adviser (Military Finance).	1	1	...	...	20	4	5	1	1	...	...	...	...	...	37	6	

* Excluding officiating officers.

(5) Stenographers.

Department.	EUROPEANS.		ANGLO-INDIANS.		HINDUS.		MUHAMMADANS.		SIKHS.		INDIAN-CHRISTIANS.		OTHERS.		TOTAL.		REMARKS.
	Permanent.	Temporary.*	Permanent.	Temporary.*	Permanent.	Temporary.*	Permanent.	Temporary.*	Permanent.	Temporary.*	Permanent.	Temporary.*	Permanent.	Temporary.*	Permanent.	Temporary.*	
Home	3	..	2	5	3	
Foreign and Political Finance	1	..	3	4	..	
Legislative	(c)4	..	2	..	5	1	..	..	..	..	..	..	..	15	1	(a) Council porters. (b) Jews.
Army	1	..	1	..	..	..	..	..	..	..	..	2	1		
Public Works	1	..	..	..	2	..	..	..	..	..	..	..	..	3	..	
Revenue and Agriculture Education and Health	3	..	1	..	..	..	..	..	..	3	..		
Commerce	3	..		
Industries	4	1	..	..	..	..	..	..	..	4	1	(c) One Parsee and one Jew.	
Railway Board	6	..	..	..	..	..	..	..	..	6	..		
Office of Financial *Adviser, Military Finance.	5	1	..	..	..	..	..	..	..	5	1		
	6	..		

* Excluding officiating officers.

(ii) Proportion of Muslims to non-Muslims in each Department (including temporary appointments).

Home	13 per cent.	21 per cent.
Foreign and Political	12 "	36 "
Finance	11 "	18 "
Legislative	15 "	15 "
Army	7 "	15 "
Public Works	14 "	7 "

(iii) Total proportion of Muslims to non-Muslims in all the Departments of the Government of India.

About 13 per cent.

(b) Total number of permanent assistants in the Railway Department (Railway Board) is 30 and not "above 40."

QUESTIONS AND ANSWERS.

ALLEGED ABUSE OF LALLA GULZARI LALL BY COLONEL CROFTON, NEEMUCH.

1. ***Mr. Pyari Lal:** (a) Has the attention of the Government been drawn to an article published in the *Cantonment Advocate* of 30th June, 1922, under the heading "Alleged abusing of a member of Cantonment Committee at Neemuch"?

(b) Is it a fact that Lieut.-Colonel Crofton, the President, Neemuch Cantonment Committee, insulted and abused Lalla Gulzari Lall, a member of the Cantonment Committee, Neemuch, in a meeting of that Committee for his having signed a public Memorial for the postponement of the transfer of a local Doctor?

(c) Is the Government aware that as a protest against this "abusing" Lalla Gulzari Lall tendered his resignation of the membership of the Cantonment Committee and this resignation was accepted by the Secretary, Cantonment Committee?

(d) If the reply to the above be in the affirmative, will the Government be pleased to quote the "law" under which a Secretary of the Cantonment Committee is authorised to accept the resignation of a member?

(e) Is the Government aware that the Central Provinces District Headquarters, Mhow, in their letter No. 978-S-Q.-8, dated 3rd May, 1922, wrote to Lalla Gulzari Lall that Colonel Crofton will see him and come to an understanding?

(f) Will the Government be pleased to state if Colonel Crofton has since come to an understanding with Mr. Gulzari Lall?

(g) If not, will the Government state what action it has taken or it proposes to take in the matter?

Mr. E. Burdon: (a) Yes.

(b) The Government of India have received conflicting versions of the affair, but it is clear that on a certain occasion Lieutenant-Colonel Crofton made use of forcible language to Lala Gulzari Lal, and that the latter resented it.

(c) Yes.

(d) The action of the Cantonment Committee in accepting the resignation tendered by Lala Gulzari Lal was *ultra vires*, and orders have been issued directing that the acceptance of the resignation should be regularised.

(e) Yes.

(f) and (g). While not admitting that he insulted Lala Gulzari Lal, Lieutenant-Colonel Crofton has expressed his willingness to apologise, and he has been directed by Government to do so.

SALE OF LAND IN AMBALA TO PANDIT S. RAMLALL.

2. ***Mr. Pyari Lal:** (a) Is the Government aware that a large open piece of land used by the milk-sellers (Ghosis) of Ambala, ever since the establishment of the Cantonment, was recently given to one Bipat Ram on lease, for construction of quarters for the cantonment syees?

(b) Is it a fact that on the day the lease was registered, the transfer of this land, for a consideration of Rs. 7,000 was effected under a separate Deed, registered by the then Cantonment Magistrate, to one Pandit Soddatt Ramlall, a relative of the Head Clerk of the Cantonment?

(c) Is the Government aware that Mr. Ramlall Somdatt has made a formal agreement with Bipat Ram in case of Government making any claim for recovery of Rs. 7,000?

(d) Is it a fact that on the land thus secured by Ram Lall, a large number of residential houses are being constructed and that the land and buildings really represent the interests of the Head Clerk of the Cantonment Committee, Ambala?

(e) Is the Government aware that by leasing this plot of land the Cantonment fund has lost a substantial amount in rent?

(f) Is the Government aware that there is considerable discontent among the milk-sellers on account of their being deprived of this piece of land? If so, how does the Government propose to satisfy the grievance of the milk-sellers?

(g) Is the Government aware that Mr. Bipat Ram in his written statement, a copy of which has been sent to the Cantonment Magistrate, denies having received the sum of Rs. 7,000?

(h) Will the Government enquire into the truth or otherwise of this statement?

(i) Will the Government be pleased to state if the quarters now built are used as a syce line?

Mr. E. Burdon: (a) Government have ascertained that a piece of land in the Ambala Cantonment was recently granted on lease to Mr. Bipat Ram. The land in question had been used for many years by the milk-sellers of the place. Mr. Bipat Ram is said to have intended to use the site for the construction of houses for syces but this was not actually stated in his application for the lease.

(b) The answer is in the affirmative except that Government do not know whether Pandit Somdat Ram Lall is related or not to the Head Clerk of the Cantonment Office.

(c) Government have received a document which purports to be a copy of the agreement mentioned. They cannot say whether such an agreement was actually made or not.

(d) It is reported that houses are being constructed on the site in question. The allegation that the land and buildings represent the interest of the Head Clerk has been made but so far as Government are aware has not been substantiated.

(e) The loss in rent is said to be Rs. 80 per annum.

(f) The milk-sellers have submitted petitions on the subject to the local authorities and they have been offered an adjoining piece of land for their use. Government do not propose to take any further action in the matter. The terms on which the milk-sellers previously occupied the site transferred to Mr. Bipat Ram required them to vacate it immediately on receipt of notice.

(g) Government have been informed that Mr. Bipat Ram has made such a statement.

(h) Enquiries have already been made by the Cantonment Magistrate who reports that the money was paid to Mr. Bipat Ram in the presence of the Sub-Registrar.

(i) No.

STANDING ARMY IN INDIA—AUTHORITY FOR.

8. ***Mr. P. P. Ginwala:** Will the Government be pleased to state under what statutory or other authority the Governor General in Council maintains a Standing Army in India, especially in peace times?

Mr. E. Burdon: The right of the East India Company to maintain permanent forces was recognised in the Charter of 1608 and again in the East India Mutiny Act, 1754, and the Government of India Act, 1858. By section 56 of the Government of India Act, 1858, the forces of the Company and the right to maintain them were transferred to the Crown.

Mr. K. Ahmed: Are the Government of India aware that His Highness the Agha Khan said the other day, before he had started from England to India and landed at Bombay, that the major portions of the revenue of India are spent for the upkeep of the Army in India, and for the utilization of the Army outside India, just as it was a few years ago in France and other places, and also in South Africa some time ago, and its object is to keep India under the control of Britain rightly or wrongly?

Mr. E. Burdon: I should like notice of that question.

Mr. K. Ahmed: Is not that a matter in issue, to elicit further facts?

Mr. Deputy President: The Member in charge wants notice from the Honourable Member.

Mr. K. Ahmed: According to the rules, is that not a matter in issue to elicit further facts on the subject?

Mr. Deputy President: No.

STANDING ARMY IN INDIA—PURPOSE OF.

4. ***Mr. P. P. Ginwala:** (i) Will the Government be pleased to state whether the Standing Army in India is maintained (a) for the purpose of preserving internal peace and order, (b) for the defence of India against external aggression?

(ii) If the answer to part (i) is in the affirmative, will the Government be pleased to state the strength, and cost of the field and covering troops maintained under heads (a) and (b)?

Mr. E. Burdon: (i) The Standing Army in India is maintained both for the purpose of preserving internal peace and order and also for the defence of India against external aggression.

(ii) The proportion of the army detailed as field and covering troops and for the maintenance of internal peace and security is constantly changing. Any part of the Standing Army in India may be employed either for one purpose or the other.

As regards the cost of the Army in India, I would refer the Honourable Member to the Budget estimates for 1922-23.

Mr. K. Ahmed: 60 per cent. of the revenue is spent on the upkeep of the Army and you neglect sanitation, health and education?

EAST INDIAN RAILWAY—APPOINTMENT OF ANGLO-INDIANS AND DOMICILED EUROPEANS TO.

5. ***Sir D. P. Sarvadhikary:** (a) Would the Government please state whether its attention has been called to statements in the correspondence

column of some of the newspapers to the effect that the authorities of the East Indian Railway have received instructions that the Anglo-Indians and Domiciled Europeans who came to the rescue during the strike on the East Indian Railway while His Royal Highness the Prince of Wales was in India, but who were sent adrift as soon as the strike was over, are to have special consideration as vacancies occur and that a list of them is in the office of the Headquarters of the East Indian Railway?

(b) Would the Government please state whether there is any and, if so, what truth in the above statements?

(c) Would the Government please state whether the Government has sanctioned or countenanced such instructions?

Mr. C. D. M. Hindley: (a) The reply is in the affirmative.

(b) The facts of the case are that the Agent, East Indian Railway, has decided that, other considerations being equal, when vacancies occur in posts occupied by Europeans, Anglo-Indians or Indians preference should be given to those who worked during the strike whatever their nationality.

(c) The matter is not one with which Government has any concern. The employes are the Company's servants.

REDUCTIONS IN GARRISON IN INDIA AND HEADQUARTERS COMMAND.

6. ***Sir D. P. Sarvadhikary:** (a) Would the Government please state whether its attention has been called to statements appearing in a London telegram published in some of the newspapers to the effect that the Sub-Committee of the Imperial Defence Committee does not favour substantial reduction of the garrison in India beyond those now being carried out, while the Military Requirements Committee recommends the elimination of certain British units, and that the Whitehall Committee points out methods of reducing expenditure by substantial reductions in the Headquarters Command and staffs which are now reducible to the normal level?

(b) Would the Government please state whether it has received any information to the above effect?

(c) Would the Government please state the amount of the total expenditure of the staffs mentioned in the above statement and what the total expenditure would be when reduced to the normal level?

Mr. E. Burdon: (a) Yes.

(b) The Government are at present unable to make any announcement as regards the findings of the Military Requirements Committee or the decisions to be taken thereon.

(c) The cost of the staff employed at Army Headquarters, as fixed for the current financial year, will be found in the Budget estimates under head IV— "Army Headquarters staff of Commands, etc." The strength of the Headquarters staff, as so provided for, is that which was originally accepted as necessary in the scheme for the post-war reorganization of the army in India. Recently, however, owing to the need for retrenchment, the possibility of reducing the Headquarters establishments has been carefully investigated by a Committee presided over by the Honourable Commerce Member, and the same subject has engaged the attention of the Retrenchment Committee. In the result, certain curtailments have already been decided upon and others are contemplated. The amount of savings to be affected by reductions cannot yet be exactly stated.

Mr. K. C. Neogy: Is it a fact that the reduction of British units, stated to have been already carried out, has been made up by a recent accession of strength of troops from England and Ireland?

Mr. E. Burdon: I am afraid I do not understand the Honourable Member's question. What reduction of British units is referred to?

Mr. K. C. Neogy: The Honourable Member will see that it is stated in this question that the Defence Committee did not favour a substantial reduction of the garrison in India beyond that which was then being carried out. My question relates to this portion of the question, and it is this. Has the portion of the British garrison, stated to have been reduced while the Committee was considering the matter, been made up by a recent accession of strength from England and Ireland?

The Honourable Sir Malcolm Hailey: The Honourable Member will see that he is first of all asking us to disclose the recommendations of the Military Requirements Committee. He is then asking us to state how far those recommendations have been carried out or other measures taken in place of them. My Honourable friend behind me informed him that he was not prepared at present to state what were the recommendations of the Military Requirements Committee nor the attitude of the Home Government in respect of them and we must maintain that reply. But I can inform my Honourable friend, in regard to the suggestion in the latter part of his question, that such replacements as have taken place have been purely in the ordinary course of sending out drafts to fill shortage in existing units.

PURCHASE OF SLEEPERS BY NORTH-WESTERN RAILWAY.

7. ***Dr. Mand Lal:** Is Government aware:

- (a) that the North Western Railway has advertised, inviting tenders for the supply of a large number of sleepers, to be supplied in five years, and purporting to say that the tender should be for the whole supply;
- (b) that there are many Indian timber and sleeper contractors, who individually cannot afford to undertake to make the entire supply;
- (c) that this advertisement and the conditions laid down therein have given rise to feelings of a great grievance amongst the Indian timber merchants against the character and terms of the advertisement and the contract;
- (d) is Government prepared to see that the terms and condition in regard to the character of tenders and contract be altered?

Mr. C. D. M. Hindley: (a) In their original call, the North Western Railway invited tenders for 10 lakhs of sleepers in whole and not in part, but subsequently modified this so as to permit of the submission of part tenders.

(b) The answer is in the affirmative.

(c) The modification in the call for tenders was made to meet the circumstances of the smaller timber merchants.

(d) Under the circumstances, Government have no grounds for taking the action suggested.

STAFF SELECTION BOARD CANDIDATES—APPOINTMENT TO VACANCIES.

8. *Mr. B. N. Misra: (a) Is it a fact that the passed candidates of the Staff Selection Board are appointed in various departments of the Government of India in leave and other vacancies for long or short periods and are spared on the expiry of their term, if there is no other vacancy available in that department?

(b) Is it also a fact that even when they get a vacancy in some other Department of the Government of India without any break of service, their previous service is not taken into account in determining their position among similar temporary men already working in that department?

(c) Is it also a fact that temporary men have got no service book of any kind in which to keep a record of their services as long as they are temporary?

(d) Do the Government propose to prescribe a brief service book or open sheet which should remain in the possession of every passed candidate of the Staff Selection Board, moving as a temporary hand from one department to another?

The Honourable Sir Malcolm Hailey: (a) The answer is in the affirmative.

(b) This is the ordinary practice but there is no actual bar to the placing of a particular person above the temporary hands already working in a department if such person has superior qualifications

(c) The answer is in the affirmative.

(d) The Government of India will adopt the suggestion made by the Honourable Member.

Sir Deva Prasad Sarvadhikary: Having regard to the large retrenchments that are going on and must go on, is it advisable to make these temporary appointments now; and if they have to be made, should they not be made from amongst those whose services are being dispensed with?

The Honourable Sir Malcolm Hailey: We are endeavouring to make as few temporary appointments as possible, and I think that the consideration which has been put forward by the Honourable Member is the only means of effecting any temporary replacements of those hands.

Sir Deva Prasad Sarvadhikary: Having regard to the answer of the Honourable the Leader of the House, is it necessary or desirable to keep up the Staff Selection Board and hold examinations which bring so much disappointment to those who sit for these examinations and do not have any chance of obtaining employment.

The Honourable Sir Malcolm Hailey: We have under consideration the question of holding further examinations. I shall subsequently be able to make an explanation to the Honourable Member in that respect.

INDIAN SUPERVISORS OF MILITARY DAIRY FARMS.

9. *Mr. B. N. Misra: (a) Will the Government be pleased to state what is the total number of candidates approved by the Controller of Farms for probation as Indian Supervisors of Military Dairy Farms and how many of them have passed the Matriculation Examination?

(b) Will the Government also say how many of the Matriculation passed candidates have been tried and with what results?

(c) What is the pay and future prospects of the posts?

(d) What minimum educational qualification was fixed for selection of candidates for the posts?

(e) Do the Government propose to instruct the officer in charge of the Department that as far as possible only those should be appointed who have passed at least the Matriculation Examination?

Mr. E. Burdon: (a) 810. Of these, 225 have passed the Matriculation examination.

(b) 53 of the candidates who had passed the Matriculation examination were tried, and out of this number 11 candidates either resigned, or did not join, or left the department without giving notice; 5 were considered unsuitable and were discharged. The remainder have only been employed for a few months and up to date their service has been satisfactory.

(c) A statement giving details of the scheme is laid on the table.

(d) and (e) The minimum standard of education generally insisted upon has been that the candidate should have passed the matriculation examination. For special reasons, exceptions have, in the public interest, been made. It has now been definitely laid down for the future that, so far as possible only those should be appointed who have passed at least the matriculation examination or its equivalent.

Details of Scheme.

(a) Candidates within the age limits prescribed in the Civil Service Regulations will be entertained as probationers on a salary of Rs. 60 a month and will be placed under instructions for a period not exceeding one year. They will then undergo a departmental examination, and those who pass it and are otherwise satisfactory will be appointed overseers on probation on a salary of Rs. 100 a month, rising by biennial increments of Rs. 10 to Rs. 160 a month, the first increment being given after 3 years' total service, inclusive of the period of training.

(b) After two years' service on the maximum pay of this grade, that is Rs. 160 a month, they will be granted a further increment of Rs. 15 a month, and this increment will be continued biennially until a maximum of Rs. 250 is reached. There will be an efficiency bar at Rs. 150 and another at Rs. 190. Men employed as stock-yard overseers will receive an allowance of Rs. 30 a month. These men will have the charge of extremely valuable cattle and will have to attend not only to the general work of the cattle-yard but also to the breeding management and rearing of stock. The duties of a stock-overseer require special aptitude, which only a small proportion of the men are likely to possess.

(c) On completion of four years' service from the date of their first engagement, men who have proved satisfactory will be confirmed in their appointments and those found not to be satisfactory will be discharged without delay.

(d) Men who after completing four years' service, have been confirmed in their appointment and, in addition, have been specially selected, will undergo a further course of higher training for one year, and at the close of that year will be examined to see whether they are fit for admission to the higher appointments of managers. Appointments to this grade will be made as vacancies occur.

(e) The pay of the managers will be fixed according to their length of service. They will start on Rs. 200 (not sooner than their 6th year of service) and will receive biennial increments of Rs. 30, rising to a maximum of Rs. 500. There will be efficiency bars at Rs. 290 and Rs. 410.

(f) For the purposes of pension, leave and allowances, the whole establishment will be subject to the Civil Service Regulations and will be allowed to subscribe to the General Provident Fund.

DOUBLE JOURNEYS BY REGISTRARS AND CASHIERS.

10. ***Mr. B. N. Misra:** (a) Is it a fact that the Registrars and Cashiers of the Secretariat accompanied by a clerk or menial go from Simla to Delhi or *vice versa* a few days before the move of their Department and come back after a couple of days' stay to go again with the Department?

(b) Are the Government aware that it costs a large amount twice every year on account of the travelling, daily and other allowances of these officers in addition to the loss suffered by the Departments owing to their absence from duty?

(c) Do the Government propose to consider this question with a view to economy and see whether only one junior man going in advance of the Department would be quite sufficient for the purpose?

The Honourable Sir Malcolm Hailey: (a) The practice referred to by the Honourable Member is followed in only a few of the Departments of the Government of India.

(b) The cost in travelling and other allowances is not very appreciable.

(c) This is already the practice in most departments, and those Departments which follow the practice referred to in part (a) of the question will now consider whether it is possible to adopt this suggestion in lieu of their existing practice.

STAFF SELECTION BOARD—EXTENSION OF SCOPE.

11. ***Mr. B. N. Misra:** (a) Do the Government propose to consider the advisability of extending the scope of the Staff Selection Board to the Accounts and other offices under the Government of India?

(b) Will the Government be pleased to lay on the table a list of offices subordinate to the various Departments of the Government of India?

The Honourable Sir Malcolm Hailey: (a) No.

(b) A statement is being sent to the Honourable Member.

STAFF SELECTION BOARD—STATISTICS OF EXAMINATIONS.

12. ***Mr. B. N. Misra:** (a) Will the Government please lay on the table information on the following points regarding the last examination of the Staff Selection Board for outside candidates?

- (1) Total number of candidates who applied with necessary fees.
- (2) Total number of candidates who were allowed to appear.
- (3) Number of candidates for the upper division of the attached offices.
- (4) How many out of (3) are to be called for interview.
- (5) How many out of (3) are to be declared successful.

(b) Will the Government please state if Army Headquarters is regarded by the Staff Selection Board as an attached or Secretariat office?

(c) Is it a fact that Army Headquarters is not in receipt of Secretariat pay and allowances?

The Honourable Sir Malcolm Hailey: (a) 1. The total number of candidates who submitted applications accompanied by the necessary fees was 1,012.

2. The total number of candidates who were allowed to appear for the examination was 883.

3. The number of candidates for the Upper Division of Attached Offices was 440.

A very large number of these candidates applied also to be registered for other posts, *e.g.*, in the Lower Division of the Secretariat and as clerks in Attached offices, etc.

4. Of the 440 who applied for posts as Assistants in Attached offices 55 qualified at the written examination and were called up for interview in order to qualify in that capacity. Many others were called up for interview in connection with other appointments for which they had qualified at the written examination.

5. Of the 55 interviewed for Assistantships 48 were declared successful.

(b) The Army Headquarters are treated as a Secretariat office for this purpose.

(c) Yes.

STAFF SELECTION BOARD—METHOD OF MARKING.

18. ***Mr. B. N. Misra:** (a) Will the Government please state how the marks were allotted under each head by the Staff Selection Board for each of the following at their last examination held in July, 1922, for outside candidates?

(1) Written examination, (2) War services, (3) Special qualifications and experience, (4) Interview.

(b) Will the Government please state if any limit has been fixed by the Board for the number to be passed? If so, is the examination intended to be more a competitive than a qualifying test?

The Honourable Sir Malcolm Hailey: (a) A maximum of 300 marks were allotted for the written examination and 50 marks at the interview. The marks allotted at the interview were divided under three heads, *viz.*, up to 10 for "Appearance," up to 10 for "Service" and up to 30 for "Intelligence." For active war service the maximum number of marks under "Service" was granted, *viz.*, 10 marks. For other classes of war service marks were granted according to the length of such service. No marks were allotted for special qualifications as such, since no special qualifications were called for, but those who had special qualifications or experience secured marks either under Intelligence or Service.

(b) The examination is a qualifying one, and no limit as to the number of candidates to be passed was fixed.

• STAFF SELECTION BOARD—EMPLOYMENT OF PASSED AND UNPASSED MEN.

14. *Mr. B. N. Misra: (a) Will the Government please refer to the reply given to unstarred question No. 350 on the 28th March, 1922, regarding the unpassed men in the Secretariat and attached offices being replaced by passed candidates of the Staff Selection Board and state how far the promise made therein has been carried out?

• (b) Will the Government please lay on the table a statement showing the number of unpassed candidates (including those who have appeared at the recent examination) employed in the Upper and Lower divisions of all the Departments of the Secretariat and the attached offices?

(c) What was the total number of outside candidates passed by the Staff Selection Board in 1921, and how many of them were employed on 1st September, 1922?

(d) How many of the passed candidates were not in service on 1st September, 1922, and how many unpassed candidates were in service on the same date?

(e) What steps do the Government propose to take with a view to replace unpassed men by passed men?

(f) Will the Government please call for a list of all unpassed men in service in the various Departments of the Secretariat and the attached offices and state the definite dates by which they will be replaced by passed candidates?

— **The Honourable Sir Malcolm Halley:** The information is being collected and will be laid on the table when ready.

PROBATIONARY SERVICE IN SECRETARIAT.

15. *Mr. P. L. Misra: Will Government be pleased to state the ordinary probationary period for clerks and assistants in the Government of India Secretariats?

The Honourable Sir Malcolm Halley: The ordinary probationary period is one year.

CLERKS IN SECRETARIAT.

16. *Mr. P. L. Misra: Will Government be pleased to lay on the table a statement showing the number of clerks and assistants—officiating and temporary—serving in the Government of India Secretariats together with their length of service?

The Honourable Sir Malcolm Halley: A statement giving the information required has been prepared and I will send it to the Honourable Member.

PROBATIONARY CLERKS IN SECRETARIAT.

• 17. *Mr. P. L. Misra: (a) Is it a fact that some clerks have been serving for the last several years, but have only been drawing probationary pay?

(b) Why have the Government not given them annual increments?

• (c) Do Government propose to confirm the clerks and assistants mentioned in (a) and give them annual increments according to time-scale?

The Honourable Sir Malcolm Hailey: (a) The answer is in the affirmative.

(b) Under paragraph 2 (i) of the Home Department Resolution No. 1062, dated the 27th May 1920, a copy of which will be supplied to the Honourable Member, the regular minima and increments are given only on confirmation.

(c) The temporary clerks and assistants cannot be made permanent unless and until there is an increase in the permanent sanctioned strength.

COMPENSATION TO VILLAGERS IN BANNU.

18. ***Mr. P. L. Misra:** (a) Is it a fact that the Government had promised to compensate the villagers in the Bannu District, who were raided during the past 2 years, out of the allowances paid to the Wazirs?

(b) If so, have the villagers been paid?

(c) If not, why not?

Mr. Denys Bray: (a) No.

(b) and (c) therefore do not arise.

RAIDS IN NORTH-WEST FRONTIER PROVINCE.

19. ***Mr. P. L. Misra:** Has the attention of Government been drawn to a letter dated 26th July, 1922, printed at page 8 of the *Tribune* news paper headed "Raids in the North-West Frontier Province"? If so, will Government be pleased to state:—

(a) The composition of the gang that committed the dacoity;

(b) The particular section it belonged to;

(c) If the Political Agent or the Resident took any active steps to obtain release of Mussamat Maksudi, wife of Baksha Koja, who has been kidnapped by the gang; or

(d) The restoration of about 80 cattle, including agricultural stock;

(e) If the redress or reparation has not been made, have any reprisals been resorted to, to punish the offenders;

(f) Does this gang also trade in British India;

(g) If so, why has a blockade not been enforced against it?

Mr. Denys Bray: Yes.

(a) and (b) The gang responsible for the Kot Walidad raid on the 80th June last was 24 strong and composed partly of outlaws from British territory under the leadership of Baksha of Kulachi, and partly of Abdur Rahman Khel Mahsuds under the leadership of Tarmacha, a Jalal Khel living with the Abdur-Rahman Khels.

(c) The Political Agent and the Resident made all possible enquiries regarding the whereabouts of Mussamat Maksudi, and her relations effected her release by a payment of Rs. 100 to the outlaw Baksha.

(d) The cattle were not restored.

(e) Reprisals against the Abdur Rahman Khels were resorted to in the following August, and consisted of continuous and intensive bombing until that section came to terms and effected a settlement with Government.

(f) As the Abdur Rahman Khels were in open hostility at the time, they did not trade with British India.

(g) The Abdur Rahman Khels were under blockade from 1919 up to the date of their making a settlement with Government.

KOT-WALIDAD KHAN.

20. *Mr. P. L. Misra: (a) Is it a fact that the village Kot-Walidat Khan is an exposed one on the border?

(b) Is it also a fact that the villagers submitted petitions to the Deputy Commissioner for grant of Government rifles on their furnishing proper security for safe custody, and that these petitions were supported by Police and Constabulary officials?

(c) If so, will Government be pleased to state reasons for not granting their prayers?

Mr. Denys Bray: (a) Yes.

(b) No such petitions were received till after the raid of the 30th June last, when the villagers were allotted fifteen Government rifles.

(c) Does not arise.

ARTICLE IN "TRIBUNE" ON N.-W. F. PROVINCE.

21. *Mr. P. L. Misra: (a) Has the attention of Government been drawn to a letter printed in the *Tribune* of the 28th July, 1922, headed "Raids in the North-West Frontier Province"?

(b) If so, what action have the Government taken to remove the grievances stated therein?

Mr. Denys Bray: (a) Yes. The letter in question deals with four cases of kidnapping of Hindus and is inaccurate in many details. All kidnapped persons concerned, except one who was shot dead while attempting to escape, were returned by their captors to British territory without payment of ransom.

(b) It is for the protection of British subjects in the settled districts against such dastardly outrages that the Mahsud Operations were undertaken. The trans-frontier tribesmen responsible for these particular raids were Jalalkhel Mahsuds working in collusion with bad characters from within the Dera Ismail Khan border. This section have been under blockade since 1919. Owing to the inaccessibility of their country effective action against them is difficult but they have been severely punished from the air. In addition to operations within Waziristan the Police and Constabulary in the Dera Ismail Khan District were increased in last July by 410 rifles and 800 Government rifles have been issued for village defence. By these measures a series of successful encounters with trans-frontier raids has been brought off in which captives have been rescued, stolen property recovered, and several raiders killed and wounded.

RANSOMS PAID IN N.-W. F. PROVINCE.

22. *Mr. P. L. Misra: (a) Is it a fact that the following "Force Routine Order", dated Dera Ismail Khan, the 19th April, 1922, was issued

by Major-General T. G. Matheson, C.B., C.M.G., Commanding Waziristan Force:

"The Field Cashier, Dera Ismail Khan, is authorised to pay to the Resident in Waziristan the sum of Rs. 10,000, being the amount of ransom paid to tribesmen for rescuing two aviators who had a forced landing at Wana on 7th April, 1922?"

(b) Will Government be pleased to state the names of the two aviators and the tribesmen who rescued them?

(c) Will Government be also pleased to state the total amount of ransom paid to tribesmen during the last 2 years, in case of Indians who were kidnapped during these 2 years?

Mr. Denys Bray: (a) Yes.

(b) The names of the two aviators are:

Flying Officer Brown.

Flying Officer Jackson.

The names of the principal rescuers are:

Asmat

Sher Ghanni

Bat

Wataikai

(c) Nothing has been paid by Government. Amounts paid by private persons are not known.

DEPARTMENTAL EXAMINATIONS IN POLITICAL DEPARTMENT.

28. ***Mr. P. L. Mirra:** (a) Will Government be pleased to state if the following officers of the Political Department have passed any Departmental Examination:

- (1) Captain P. Gaisford,
- (2) Major R. G. Hind,
- (8) Captain C. G. N. Edwards,
- (4) Captain G. L. Mallam,
- (5) Captain C. S. I. Berkeley,
- (6) Captain G. Kirkbride, and
- (7) Captain I. Brookman?

(b) If so, when and what examinations have they passed?

(c) Is it a fact that all these officers have been exercising first class and summary powers?

(d) If the answer to (b) be in the negative and to (c) in the affirmative, will Government be pleased to state why these officers have been invested with such high powers?

Mr. Denys Bray: (a) No.

(b) Does not arise.

(c) Two of the officers have exercised first class and summary powers. Three have exercised first class powers, but not summary powers. The other two have exercised neither.

- (d) Owing to the shortage of officers due to the War, arrangements are now being made to withdraw junior officers for the usual training in a major province.

RAILWAY SALOON CARRIAGES.

24. *Mr. P. L. Misra: Will Government be pleased to give a statement showing:

- (a) The number of Saloon Carriages especially built during the last 3 years for the use of Railway Officials;
- (b) The total cost of Saloons so built;
- (c) The rank and position of Railway Officials who use these Saloons; and
- (d) To what head has this expenditure been charged?

Mr. O. D. M. Hindley: (a) The number of saloon carriages built during the last three years for the use, or part use, of railway officials is 40.

(b) The total cost of these saloons is Rs. 7,42,529.

(c) Six are for officers of the rank of Agent, Head of a department or Government Inspector, 21 are for the use of District officers or Assistant officers, 8 are for Inspecting subordinate officers and 5 are of the type used by District officers but are not exclusively reserved for railway officials.

- (d) Rs. 4,03,587 have been charged to Capital, and Rs. 3,38,942 to Revenue. Seventeen of these saloon carriages have been built on renewal account, i.e., in replacement of a similar number removed from service.

Mr. B. S. Kamat: Were there any special saloon carriages built during this period for officials other than railway officials?

Mr. O. D. M. Hindley: I should like to have notice of that question.

RAILWAY QUARTERS.

25. *Mr. P. L. Misra: Will Government be pleased to lay on the table a statement showing:

- (a) The number and cost of quarters under construction for the use of Railway Officials, both European and Anglo-Indian?
- (b) The designation of Railway Officials for whom these quarters are being built or have already been built?
- (c) How were these officials housed before the construction of these new buildings?
- (d) How will the old buildings be utilised?
- (e) Are any new quarters under construction for the use of Indian officials? If so, will Government be pleased to state their cost and number?

Mr. O. D. M. Hindley: Government are not prepared to ask railway administrations for the information required for the statement as they consider that the labour involved in the preparation of the statement will be out of all proportion to its value.

SWIMMING BATH IN AJMER.

26. ***Mr. P. L. Misra:** (a) Is it a fact that the Loco Department at Ajmer has provided or is about to provide a swimming bath for the use of European employees?

(b) If so, will Government be pleased to state the cost of the swimming bath?

(c) To what head has this expenditure been charged?

Mr. C. D. M. Hindley: (a) The reply is in the negative,

(b) and (c) Do not arise.

B. N. RAILWAY—CONSTRUCTION OF TALCHER RAILWAY.

27. ***Mr. P. L. Misra:** (a) Has the attention of Government been drawn to the telegram in the *Pioneer*, dated 15th September, 1922, from its Calcutta Correspondent, stating that the Bengal Nagpur Railway Company have already commenced the construction of the Talcher Railway?

(b) If so, what sum is the Bengal Nagpur Railway Company going to devote to the work during the current year, and from what source is it to be derived?

(c) Was the Central Advisory Council invited to express their opinion on the construction of the Talcher Railway by the Bengal Nagpur Railway? If so, when and what opinion did they express?

(d) Have the Central Railway Advisory Council approved of any proposal to devote any portion of the Thirty Crore Railway allotment of the present year, to purposes other than rehabilitation and betterment of the existing railways? If so, in what cases and for what reasons?

Mr. C. D. M. Hindley: (a) Yes.

(b) Rs. 6 lakhs from Railway Programme funds.

(c) and (d) The reply is in the negative, but the Honourable Member's attention is invited to paragraph 18 of the report of the Railway Finance Committee.

Sir Deva Prasad Sarvadhikary: May I ask a Supplementary question, Sir? When an allocation has been made to a particular Company, is it necessary or obligatory for it to come up for sanction regarding detailed expenditure either to the Advisory Board or the Assembly or is it free to appropriate or re-appropriate as it chooses?

Mr. C. D. M. Hindley: Do I understand this is in connection with this particular question or is it a general question?

Sir Deva Prasad Sarvadhikary: Generally.

Mr. C. D. M. Hindley: I should like to have notice.

REPORT OF PRESS ACT COMMITTEE.

28. ***Mr. K. C. Neogy:** (a) Was the report of the Press Act Committee of 1921 forwarded to the Secretary of State with a covering despatch from the Government of India? If so, when?

(b) Was any reply received from the Secretary of State to the said despatch? If so, when?

(c) Will Government be pleased to lay on the table the despatches, if any, that passed between the Secretary of State and the Government of India in this connexion?

The Honourable Sir Malcolm Hailey: (a) The report was forwarded to the Secretary of State under cover of a letter dated the 30th June 1922.

(b) and (c) It would be contrary to Standing Orders of the Secretary of State to publish the correspondence referred to.

PRESS LAW REPEAL AND AMENDMENT ACT.

29. ***Mr. K. O. Neogy:** (a) Will Government be pleased to state whether the Press Law Repeal and Amendment Act of 1922 was forwarded to the Secretary of State under section 69 of the Government of India Act? If so, when?

(b) Is it a fact that the Secretary of State viewed with disfavour certain aspects of the Press Law Repeal and Amendment Act of 1922? If so, on what grounds?

(c) Is it a fact that the Secretary of State made a definite suggestion for the enactment of a legislative measure giving protection to the Indian Princes and Chiefs against seditious attacks in the Press in British India?

(d) Is it also a fact that the Secretary of State intimated the possibility of His Majesty in Council signifying his disallowance of the Press Law Repeal and Amendment Act of 1922, under section 69 of the Government of India Act, if a legislative measure giving protection to the Indian Princes and Chiefs against seditious attacks in the Press were not enacted?

Mr. Denys Bray: (a) Yes, on the 22nd September, 1921. As regards (b), (c) and (d), the Honourable Member is referred to the correspondence published in the Gazette of India Extraordinary of the 25th November, 1922, which gives an account of the genesis of the Bill. The Government of India do not propose to ask permission to publish any further correspondence between the Secretary of State and themselves on the subject.

INDIAN STATES (PROTECTION AGAINST DISAFFECTION) ACT.

80. ***Mr. K. O. Neogy:** Will Government be pleased to lay on the table the correspondence that may have passed between the Secretary of State and the Government of India, regarding the legislative enactment giving protection to the Indian Princes and Chiefs against seditious attacks in the Press in British India?

Mr. Denys Bray: The Honourable Member is referred to the answer to his question No. 29.

RESPONSIBILITY TO PASSENGERS BY THE BRITISH INDIA STEAM NAVIGATION COMPANY.

81. ***Mr. Jamnadas Dwarkadas:** (a) Will Government be pleased to state whether attention of the Government has been drawn to the fact that in the Notice to Passengers issued by the British India Steam Navigation Company there is a clause as follows:

"The Company will not be responsible for and shall be exempt from all liability in respect of any detention, loss, damage or injury, whether fatal or otherwise, if or to the holders of tickets issued by this Company or their Agents, his property or effects

belonging to or carried by or with him, whether the same shall arise from, or be occasioned by the act of God, the King's enemies, dangers of the seas, rivers or navigation, collision, fire, thefts or robberies, whether by a person in the employment of the Company or by others, accidents to or by machinery, boilers or steam, accidents by sea or by land, unskilful, improper or careless navigation, or any other acts, defaults or negligences of the Company's Agents, servants or employers of any kind whatsoever, etc.?"

(b) If so, is the Government aware that great harm is done to Indian commercial interests from the operation of such clause and what action do the Government intend to take about this?

The Honourable Mr. C. A. Innes: (a) Yes.

(b) It is understood that the clause referred to, or an adaptation thereof, appears in all notices to passengers issued by Steam Navigation Companies in India and as there is nothing to show that harm is caused to commercial interests thereby the Government of India do not intend to take any action in the matter.

Mr. K. Ahmed: May I ask a Supplementary question, Sir? Is it not derogatory to the principle of legislation in this country?

The Honourable Mr. C. A. Innes: That is a matter of opinion.

EMPLOYEES IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

32. ***Mr. Manmohandas Ramji:** Will the Government be pleased to inform:

- (1) how many persons are employed under the High Commissioner for India in London; and
- (2) their pay, allowance, nationality and educational qualifications?

The Honourable Mr. C. A. Innes: (1) The staff under the High Commissioner in London, including therein all messengers, labourers, etc., and all departments numbered 567 on September 21st, 1922.

(2) The Government has no detailed information about the educational qualifications of the each individual, but the clerical staff is required to be of the same educational standard in each grade as that fixed for employment in the corresponding grade in the Home Civil Service. The Government would be pleased to show to the Honourable Member the High Commissioner's establishment list, in which the other particulars asked for are given, but do not consider the expense of printing it to be necessary.

RESOLUTIONS IN THE ASSEMBLY.

33. ***Mr. B. N. Misra:** Will the Government be pleased to state the number of:

- (a) Resolutions sent by (i) Official, (ii) Non-official Members of the Assembly during 1921 and 1922, respectively?
- (b) The number of the Resolutions admitted by the Hon'ble the President?
- (c) The number of (i) Official, (ii) Non-official Resolutions that came up for discussion before the Assembly during each year?

Sir Henry Moncrieff Smith: A statement is laid on the table which gives the information asked for by the Honourable Member.

Statement showing the number of resolutions (official and non-official) received, admitted and actually moved, in the Legislative Assembly since its inauguration in 1921.

Session.	TOTAL NUMBER OF RESOLUTIONS OF WHICH NOTICE RECEIVED.		Total number of resolutions admitted. (Official and non-official).	TOTAL NUMBER OF RESOLUTIONS ACTUALLY MOVED.	
	Official.	Non-official.		Official.	Non-official.
Delhi session, 1921	9	138	129	8	25
Simla session, 1921	9	229	204	8	20
Delhi session, 1922	3	264	224	3	35
Simla session, 1922	7	255	236	6	9

N.B.—In cases where several Members gave notice of the same Resolution the notice by each Member has been counted as a separate Resolution.

RESOLUTIONS NOT DISCUSSED IN THE ASSEMBLY.

34. ***Mr. B. N. Misra:** (a) Will the Government be pleased to state how many of the admitted Resolutions could not come up for discussion before the House and the reason why they could not be reached?

(b) If for want of time the Resolutions could not come up before the House for discussion, will the Government be pleased to allow sufficient time this Session so that all the Resolutions may come up and be discussed before the House?

Sir Henry Moncrieff Smith: (a) The number of admitted Resolutions which did not come up for discussion can be ascertained from the Statement which I have just laid on the table in answer to the preceding question. The figures are as follows:—

1921	{ Delhi term	93 Resolutions.
	{ Simla term	176 "
1922	{ Delhi term	186 "
	{ Simla term	221 "

It is obvious that the reason why these Resolutions did not come up for discussion is that there was not possible to allot sufficient time for the discussion of so many Resolutions.

(b) Under rule 6 of the Indian Legislative Rules the power to allot time for the discussion of non-official Resolutions is vested in His Excellency the Governor General and not in the Government of India, and I would invite the Honourable Member's attention to the instructions contained in rule 6 for the exercise of that power. I may also state for the Honourable Member's information that there are now more than 250 admitted Resolutions undisposed of.

Mr. W. M. Hussanally: May I ask a supplementary question, Sir? Is it contemplated by the Government to extend the time for non-official business?

Sir Henry Moncrieff Smith: The Governor General—the power is not in the Government, but in the Governor General—has to have regard to the public interests in allotting time. I have just told the House that there are 250 Resolutions waiting to be disposed of. If three days a week were allotted for the disposal of Resolutions, those 250 Resolutions would take the House 80 weeks of continuous sittings to dispose of. I think the Honourable Member will therefore see that it is impossible to provide that all Resolutions of which notice is received should come up for discussion.

Mr. K. Ahmed: Is not this House specially meant for the benefit of this country and its representatives to bring forward Resolutions, and is it not the duty of the Government to allot more days for non-official Resolutions in preference to Government business for the benefit of the Government?

Sir Henry Moncrieff Smith: I was not aware that this House was created as solely a Debating Society.

Mr. K. Ahmed: Did I say, Sir, that it was a Debating Society? My question is whether in a week's time or taking all the working days of the Assembly together, the major portion of it is meant for official business only or for non-official business affecting the country and its representatives?

Rao Bahadur T. Rangachariar: Is the President of this Assembly consulted in allotting days for non-official business?

Sir Henry Moncrieff Smith: The President is invariably consulted in regard to the allotment of days for non-official business before the Governor General's orders are taken.

INDIANS IN THE INDIAN MEDICAL SERVICE.

95. ***Rai Bahadur Bakshi Sohan Lal:** (a) Is the Government aware that a large number of qualified Indian Medical men are still in temporary Indian Medical Service waiting for appointment by nomination to the permanent cadre of Indian Medical Service?

(b) Will the Government be pleased to state if there are any more Indians to be taken into the permanent cadre of Indian Medical Service and, if so, the dates about which the selection is to be made?

Mr. E. Burdon: (a) There are still many Indian officers temporarily employed in the Indian Medical Service but the Government are unable to say how many of these desire to obtain permanent commissions.

(b) More Indians will be taken into the Indian Medical Service but no precise date can be given. During the last four years 91 Indians have received permanent appointments.

Sir Deva Prasad Sarvadhikary: May I ask a Supplementary Question, Sir? In making these thirty appointments recently by the Secretary of State, were the claims of those who had already served as Temporary Officers taken into consideration in the way that the Honourable Sir Malcolm Hailey has been good enough to tell us to-day that temporary services are taken into consideration in making permanent appointments in the departments of which he spoke?

Mr. E. Burdon: The number of permanent officers at present in the Service, when the thirty officers to whom the Honourable Member just referred have been appointed, would be less than the authorised cadre in the Indian Medical Service.

Sir Deva Prasad Sarvadhikary: I am afraid, Sir, that is not my question. I shall repeat it. In making these 80 appointments, did the Secretary of State take into consideration the claims of those who had served as temporary officers and whose services had the first claim on the Secretary of State according to the proposition to which the Honourable Sir Malcolm Hailey has agreed in answering another Supplementary Question this morning?

Mr. E. Burdon: The claims of the temporary officers were taken into consideration.

Mr. T. V. Seshagiri Ayyar: Of these 80 people who will soon be coming in, would any of them replace the existing temporary officers who have been promoted from the Provincial Service; would any of these 80 men replace the men already in the Provincial Service?

Mr. E. Burdon: I cannot say definitely off hand. I should like to have notice of the question.

Mr. K. Ahmed: It would be a burden on the revenue, would it not, Sir?

MEMORIALS FROM MEMBERS OF THE INDIAN CIVIL SERVICE.

36. ***Rai Bahadur Bakshi Sohan Lal:** (a) Has the attention of Government been drawn to the references that have been made in the Indian newspapers as to the memorials submitted by the members of Indian Civil Service from different Provinces to the Secretary of State for India in Council?

(b) If so, will Government be pleased to place copies of the memorials on the table together with the remarks, if any, of His Excellency the Governor General thereon?

The Honourable Sir Malcolm Hailey: (a) The Government are not sure what references in the newspapers the Honourable Member has in view. Memorials have been submitted by members of the Indian Civil Service in the various provinces to the Secretary of State in Council and there have been numerous references in the Press to questions relating to the all-India services including the Indian Civil Service.

(b) The answer is in the negative.

Sir Deva Prasad Sarvadhikary: A Supplementary Question, Sir? Has there been any reference to the Secretary of State without any reference to the Government of India from any province? If so, what action has the Secretary of State or the Government of India taken on that?

The Honourable Sir Malcolm Hailey: I shall be able to answer that question if the Honourable Member will inform me as to what he means by a representation to the Secretary of State and on what matter?

Sir Deva Prasad Sarvadhikary: Representation regarding grievances of the services from any particular province or jointly?

The Honourable Sir Malcolm Hailey: The Honourable Member asks me whether there has been any representation from the services to the

Secretary of State. As far as I am aware, memorials sent direct to the Secretary of State are invariably returned by him for submission through the proper channel. If any such memorials had reached the Secretary of State and had not been so returned to the memorialists for submission through the proper channel, I should naturally have been unaware of the fact.

PASSED CANDIDATES OF THE STAFF SELECTION BOARD.

37. *Rai Bahadur Bakshi Sohan Lal: (a) Is it a fact that the passed candidates of the Staff Selection Board are appointed in leave and other temporary vacancies in some Department of the Secretariat and are spared when there is no vacancy available in that Department?

(b) Is it also a fact that even when they get a vacancy in some other Department of the Secretariat without any break of service, their previous service is not taken into account in determining their position among similar temporary men?

(c) Is it a fact that temporary men have got no service book in which to keep a record of their services as long as they are temporary?

(d) Do the Government propose to prescribe a brief service book (or open sheet) which should remain in the possession of every passed candidate moving as a temporary clerk from one Department to another?

The Honourable Sir Malcolm Halley: The Honourable Member is referred to the reply given to-day to Mr. B. N. Misra's question on subject No. 8.

UNPASSED CANDIDATES OF THE STAFF SELECTION BOARD.

38. *Rai Bahadur Bakshi Sohan Lal: (a) Will the Government please lay on the table a statement showing the number of unpassed candidates employed in the Lower and Upper divisions of the Foreign and Political, Legislative and Commerce Departments of the Secretariat?

(b) What was the total number of outside candidates passed by the Staff Selection Board in 1921 and how many of them were in Secretariat service on 1st September, 1922?

(c) How many of the passed candidates were not in service on 1st September, 1922, and how many unpassed men were in service on the same day?

(d) What steps do the Government propose to take with a view to replace unpassed men by passed men?

(e) Will the Government be pleased to call for a list of all unpassed men in the various Departments showing also definite dates by which they will be replaced by passed candidates?

The Honourable Sir Malcolm Halley: The information is being collected and will be laid on the table when ready.

STAFF SELECTION BOARD EXAMINATION.

39. *Rai Bahadur Bakshi Sohan Lal: (a) Will the Government please state the following facts about the last examination of the Staff Selection Board for outside candidates:

- (1) Total number of candidates who applied for all the examinations.
- (2) number of those who applied for the upper division of the attached offices (Assistants), (3) number of those allowed to appear and of those who actually appeared for it. (4) how many of them are likely to be called for interview at Simla?

(b) Are the Government aware that some of the Departments of the Secretariat and Army Headquarters are dismissing more men, on account of reduction or otherwise, than can be taken in by other Departments and that it is causing great hardship on those who have to remain unprovided at Simla?

(c) How do the Government propose to provide the additional number of 110 outside candidates who are to be declared successful by the Board on the result of the examination which was held in July last and when is the result likely to be published in the *Gazette of India*?

(d) Is the Army Headquarters establishment in receipt of pay and allowances of the Secretariat and is it considered to be a Secretariat or attached office for the purposes of recruitment by the Staff Selection Board?

(e) Is it a fact that the Board has re-examined the Departmental men in view of the rumour that the questions had leaked out?

(f) Does the Board intend to hold a second or short additional test in drafting and office routine for such of the outside candidates as pass the first examination?

The Honourable Sir Malcolm Halley: (a) (1) The total number of outside candidates who applied for permission to sit for the examination was 1,012.

(2) The number who applied for the Upper Division of Attached Offices was 440.

(3) The number of those allowed to appear was 420 and of those who actually appeared was 388.

Most of these men also appeared for other categories of appointments.

(4) The number of those shown in answer (3) above who were called for the interview in Simla was 30.

(b) and (c) The position does not appear to be as stated, and it is assumed that the men whose services are being dispensed with are men without permanent appointments.

(Altogether 105 outside candidates passed the Board's examination but there are still a few left who, owing to absence, have not completed the test). The Board have already been able to offer employment to several of the candidates who had passed the recent examination, e.g., of the 10 candidates who qualified as Typist in the Secretariat, every one has either secured or been offered employment. The results have been published in the *Gazette of India*, dated the 30th December, 1922.

(d) The Army Headquarters establishment is not in receipt of the pay and allowances of the Secretariat proper but for purposes of recruitment by the Staff Selection Board, it is treated in the same way as the establishment of the Secretariat.

(e) Yes.

(f) No.

DISTURBANCES IN THE WAZIR FORCE.

40. ***Rai Bahadur Bakshi Sohan Lal:** (a) Will the Government be pleased to state briefly the present condition of disturbances in the Wazir Force as compared with that 6 months back?

(b) Do the Government propose to keep all the additional troops and establishments in the Wazir Force? If so, how long?

(c) Will the Government be pleased to lay on the table a statement showing expenditure on Military establishments and troops in the Wazir Force for 1914-15 and 1919-20?

(d) Do the Government propose to reduce this increase of expenditure? If so, in what way and when?

Mr. E. Burdon: (a) There was a decided improvement in the situation in Waziristan during the six months June to November, 1922, as compared with the period December, 1921 to May 1922, as the following statistics will show:—

During December 1921 to May 1922, the number of military casualties was 183, whereas during the period June to November 1922, our casualties only numbered 70, while the number of hostile actions decreased by 26. As regards outrages against the civil population in the Administered Territory (Derajat and Bannu Districts) these number 110 during the period December 1921 to May 1922, as compared with 57 during June to November 1922. During the month of November 1922, however, a more definitely hostile attitude was adopted in South Waziristan by some sections of Mahsuds and Wazirs in consequence of which punitive measures, in the shape of bombing by aeroplanes, were undertaken commencing from the 17th December 1922.

(b) and (d) The Government cannot, at the present time, make any statement in regard to this. It would be contrary to the public interest to do so.

(c) The attention of the Honourable Member is invited to the reply given in the Council of State on the 7th September last to question No. 64.

SERGEANTS IN ARMY HEADQUARTERS.

41. ***Rai Bahadur Bakshi Sohan Lal:** (a) Will the Government lay on the table a statement showing the number of Sergeants and Staff-Sergeants employed in the various Branches and Directorates of the Army Headquarters on clerical and assistant's work?

(b) What is the minimum pay of an Indian Lower Division clerk and what is that of the women clerks employed in the Army Headquarters?

(c) What are the total pay and allowances (including regimental) of a Staff-Sergeant employed in the Army Headquarters on clerical work?

(d) Do the Government propose to consider the necessity of replacing the Military and women clerks by Indian clerks and assistants as early as possible?

(e) If so, when?

Mr. E. Burdon: (a) A statement is laid on the table.

(b) The minimum pay of second (or lower) division clerks whether European (civilian) or Indian, is Rs. 75 for new entrants and Rs. 90 on confirmation, and that of women clerks Rs. 100 during probation and Rs. 120 on confirmation.

(c) A British soldier who enters the Upper Division starts on the same rate of pay, namely, Rs. 175 as civilian members of that division. A British soldier entering the Lower Division starts on Rs. 140 since it is

necessary to give an initial rate which shall be higher than the pay and allowances admissible to the soldier if employed regimentally. On confirmation such soldiers formerly became staff-sergeants; now they become civilians. After confirmation they are promoted on the prescribed incremental scales, namely, Rs. 90—8—250 (special grade Rs. 250—25—300) for second division clerks, and Rs. 200—12—440 (lower time scale) and Rs. 200—12—844—350—20—450 (Upper time scale) for first division assistants. Soldier and ex-soldier clerks do not draw regimental rates of pay.

(d) and (e) The question of restricting the number of soldier and ex-soldier clerks employed at Army Headquarters is under consideration and has not yet been finally decided. It is necessary to retain a certain proportion of clerks of this class on account of the knowledge and experience of military matters gained by service in the ranks of British units.

The employment of women clerks on the present scale is in the main a result of the war. Their numbers will diminish with time but there are certain kinds of clerical work which it has been held can most suitably be entrusted to women clerks.

Total number of Sergeants and Staff Sergeants employed at Army Headquarters.*

Branch.	On clerical work.	On technical work.
General Staff Branch	8	9
Adjutant General's Branch	14	...
Quartermaster General's Branch	2	21
Ordnance Branch	1	...
Military Secretary's Branch . . . . .	...	...
Medical Directorate	1	...
Military Works Directorate	1	...
Assistant Military Secretary (Personnel)	1	...
Total	28	24

INTER CLASS ACCOMMODATION IN MAIL TRAINS.

42. ***Rai Bahadur Bakshi Sohan Lal:** (a) Do the Government propose to connect Delhi, the capital of India with Calcutta, Bombay and Peshawar by through Mail trains providing Inter Class accommodation for the benefit of Secretariat and other people and their families?

(b) Is it a fact that both the Bombay Mail trains carry Inter Class up to Lahore only?

* Including temporary and officiating.

(c) Will the Government consider the desirability of having Inter Class accommodation provided in Bombay Mails up to Peshawar for the convenience of middle class people on long journeys?

(d) Is it a fact that both the Bombay Mail trains *via* Bhatinda and *via* Saharanpur leave Delhi for Lahore at practically the same time in the evening thus diminishing their utility?

(e) Will the Government consider the desirability of instructing the authorities concerned to so arrange that there should be a difference of at least 3 hours in their timings?

Mr. C. D. M. Hindley: (a) (b) and (c). Inter class accommodation is provided on the Punjab Mail between Delhi and Howrah (Calcutta).

Government does not propose to press the Great Indian Peninsula Railway to make such provision on their mail trains between Bombay and Delhi as the brakes and postal mail vans with other classes of accommodation make up the full load of these trains.

A fast express with inter accommodation runs between Delhi and Bombay leaving Victoria Terminus at 22 hours and arriving at Delhi at 8 hours on the third day. The train is practically run at mail speed and does the journey in 84 hours from Bombay to Delhi and in 80 hours and 40 minutes from Delhi to Bombay.

In view of the number of passengers using Nos. 3 Up and 4 Down which are the only mail trains running between Lahore and Peshawar it does not appear to be feasible to make such provision on these trains also. It is true that at present intermediate class accommodation is provided on the Bombay, Baroda and Central India and Great Indian Peninsula Bombay Mails over the North-Western Railway to the extent of one and two intermediate class bogie carriages respectively as far as Lahore, but beyond Lahore owing to the graded section the loads of the mail trains with single engines are now at their maxima. The provision of inter class accommodation between Lahore and Peshawar would entail the use of an extra engine on each of these trains.

(d) It is true that the two Up Bombay Mail trains leave Delhi for Lahore within an hour and a half of each other but as, apart from Lahore Station, these two trains serve two distinct sections of the North-Western Railway, this fact does not in any way diminish their utility for the passengers for whom they are intended.

(e) It is not possible to allow a larger margin between the arrival of both the Punjab Mails at Delhi because these two trains are amalgamated at Lahore and they must arrive at Delhi at about the same time.

Mr. Deva Prasad Sarvadhikary: Having regard to the difficulties just mentioned, would the Railway Administration consider the desirability of providing greater and better facilities for reserved accommodation in the Intermediate and Third class on the Express trains for the members of the public and of the Secretariat? I ask this question, particularly in view of the recent decision that clerks getting Rs. 100 will get third class allowance and therefore will have to travel with menials.

Mr. C. D. M. Hindley: I think all I can say in reply to that is that the suggestion, I believe, is under consideration by some of the Railway Administrations.

Mr. N. M. Joshi: May I ask, Sir, what will pay the Government more, whether to carry First and Second class carriages or third class carriages with the mail?

Mr. C. D. M. Hindley: I am quite unable to give an answer to that, Sir. It is a matter of statistics which I have not got with me.

Mr. Jamnadas Dwarkadas: Sir, before the House proceeds with the business on the agenda, I should like to ask your permission 12 Noon. to ask a question, an important question, of which I have given private notice to the Honourable Member for Revenue and Agriculture. I may inform you, Sir, that the Government have kindly consented to answer this question at short notice. Have I your permission to ask it. (Here the Deputy President nodded assent). The question runs thus:— Has the attention of the Government of India been drawn to a report in the Press that the elections to the Legislative Council in Kenya will be held in February? In view of the fact that no decision has yet been announced on the general question of franchise in that Colony, and the grave concern which is felt by the Indian community both in Kenya and in this country over the matter, will the Government be pleased to press for an early decision so as to enable the Indian community to participate in the elections?

Mr. J. Hullah: Yes. The Government of India have telegraphed to the Secretary of State asking him, if necessary, to obtain the postponement of the next general election until Indians are able to participate.

Mr. Jamnadas Dwarkadas: Can the Government throw any further light on this question? Is it likely that the elections will be postponed?

Mr. J. Hullah: I have no official intimation to that effect, but I see in this morning's Reuter's telegram a statement that "it is thought that it will be in the interests of all parties to delay the elections for the Kenya Council in order to give ample time for the consideration of the proposals and for holding the next election on any new electoral basis which may be adopted."

UNSTARRED QUESTIONS AND ANSWERS.

VACANCIES ON ASSAM BENGAL RAILWAY.

1. **Rai Bahadur G. O. Nag:** Will Government kindly state how many vacancies or new appointments in the superior service occurred on the Assam-Bengal Railway during the last 10 years and how many of them were filled by public advertisement and how many pure Indians were appointed in the different departments?

Mr. C. D. M. Hindley: Forty seven new appointments to the superior service of the Assam Bengal Railway were made during the last ten years. Of these nine were Indians who were appointed as follows:

5 to the Engineering Department.

1 each to the Traffic and Audit Departments and 2 to the Medical Department.

Most of the appointments were made by the Home Board in London, and the Agent of the railway is unable to say whether the appointments were filled by public advertisement or not.

PROBATIONERS ON ASSAM BENGAL RAILWAY.

2. **Rai Bahadur G. C. Nag:** Will Government kindly state the number of pure Indian probationers in the Loco. and Traffic departments of the Assam-Bengal Railway and how many of them are under probation for the Senior Subordinate Grades and when the first probationer was admitted?

Mr. C. D. M. Hindley: One Indian Traffic Probationer for the superior service was appointed on 1st August 1918 and he is now acting as an Assistant Traffic Superintendent. No Indian Locomotive probationer of the same class has been appointed. During the last ten years there have been 500 Indian probationers in the subordinate grades of various departments.

A probationer of this class, with abilities, if confirmed, is able to rise to the top grade of the subordinate cadre.

ASSAM BENGAL RAILWAY: ENGINEERING DEPARTMENT.

3. **Rai Bahadur G. C. Nag:** Will Government kindly state how many European officers were recruited for the Engineering department of the Assam-Bengal Railway during the last three years and how many of them have left the service and how many were sent back to England at railway expense?

Mr. C. D. M. Hindley: Five European officers were appointed in the last three years. One resigned and received a return passage back in terms of his agreement.

ADMINISTRATIVE POSTS IN RAILWAY BOARD.

4. **Rai Bahadur G. C. Nag:** Will Government kindly state (a) whether any of the administrative posts at the headquarters of the Railway Board requiring engineering qualifications have ever been filled by officers of the Company-worked State railways and whether any were held by Indians, (b) if the reply is in the negative, why not?

Mr. C. D. M. Hindley: (a) It is not clear what precise information the Honourable Member wants but if, as is assumed, he refers to the selection for appointment as Chief Engineer with the Railway Board the reply to both parts of this question is in the negative.

(b) The reason is that the appointment is borne on the State Railway Engineer cadre and that senior and fully qualified European State Railway Engineers were available and selected for the appointment.

VACANCIES ON RAILWAYS.

5. **Rai Bahadur G. C. Nag:** Is it the normal practice on railways to reserve vacancies in substantive appointments as they occur to be filled by probationers on the satisfactory completion of their stipulated probationary period?

Mr. C. D. M. Hindley: Probationers are taken on in accordance with an estimate of the vacancies which will admit of their permanent appointment on the termination of their probationary period.

WATERWAYS ON BENGAL RAILWAYS.

6. **Mr. J. N. Mukherjee:** (a) Has the Government any information as to the insufficiency of the waterways in the line of the Eastern Bengal Railway and the Railways connected with it, in northern and north-eastern Bengal, to afford a rapid and free outflow of water in times of extraordinary floods, such for example, as came about towards the end of September, 1922? Has the attention of the Government been drawn to the opinion of Dr. Bentley published in the daily papers of Calcutta in October last, in this connection?

(b) Do the Government propose to take any steps with a view to collect accurate information as to the impediments caused by the said Railways to a free and rapid outflow of flood-water at times of excessive flood, and to remove them by providing larger escapes in the said railway alignments?

Mr. C. D. M. Hindley: Immediately after the floods of September last an investigation into the adequacy, or otherwise, of the waterways in the railway embankments chiefly concerned was undertaken by the Senior Government Inspector of Railways in consultation with the Bengal Government and the Eastern Bengal Railway Administration. Subsequently the Railway Board decided to obtain the services of a fully qualified and independent authority to report on the question, and with the permission of His Highness the Maharaja of Patiala, the Chief Engineer of that State, Rai Rala Ram Bahadur, C.I.E., I.S.O., was deputed for this purpose. His report was received in December, and arrangements were made immediately to give effect to his recommendations. A copy of the report will be placed in the Library as soon as possible.

The attention of Government has not been specifically drawn to the opinion expressed by Dr. Bentley, but they are aware of it from the Press reports.

ADDITIONAL DISTRICT MAGISTRATE, DELHI.

7. **Mr. Mohammad Fayaz Khan:** Will the Government be pleased to state if it is true (a) that the present post of an additional District Magistrate of Delhi is being held by an Englishman or an Anglo-Indian?

(b) That he is not a member of the Indian Civil Service but belongs to the Provincial Civil Service?

(c) That he is also drawing Rs. 100 a month as a local allowance?

(d) That two of his subordinate officers—the City Magistrate of Delhi and the Revenue Officer of Delhi—also belong to the same Provincial Civil Service and both these officers are also senior to him in their services?

(e) That no local allowances are being given to both these officers?

(f) That last year a City Magistrate of Delhi was posted as his subordinate, but he soon got himself retransferred from Delhi on account of the same?

(g) If the above statements are true, will the Government be pleased to state the reasons which led the Government to overlook the seniorities and services of other officers before the appointment of the Additional District Magistrate of Delhi, and what special qualification does the present Additional District Magistrate hold?

The Honourable Sir Malcolm Halley: (a), (b) and (c) The answer is in the affirmative.

(d) The two officers named are not subordinate to the Additional District Magistrate. The Additional District Magistrate is merely one of the staff of 1st class Magistrates who is gazetted under section 10 (2), Criminal Procedure Code, to exercise the powers of the District Magistrate to relieve the latter of a certain amount of work. All three officers are equally subordinate to the District Magistrate and Collector.

(e) No allowance is attached to the post of Revenue Assistant, but the City Magistrate draws a duty allowance of Rs. 50 per mensem for discharging the additional duties of Secretary to the Notified Area Committee.

(f) The facts are not as stated. The officer named held the post of City Magistrate during the absence on leave of the permanent incumbent and was transferred on the latter's return to duty.

(g) In view of the facts as stated above this part of the question does not arise.

RESOLUTIONS PASSED BY LEGISLATURES.

8. **Lala Girdhari Lal Agarwala:** Will the Government be pleased to lay on the table a statement showing the Resolutions hitherto passed by the Legislative Assembly and the Council of State and the effect given to them by the Government in each case?

Sir Henry Moncrieff Smith: The Honourable Member has already received most of the information asked for by him in the reply given to a question asked by him in this Assembly on the 6th September, 1922. I would refer him to pages 107-109 of the Legislative Assembly Debates, Volume III. Statements in regard to the Resolutions adopted by the two Houses during the September Session, 1922, are laid on the table.

Statement showing the Resolutions adopted by the Legislative Assembly during the September Session, 1922, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of resolution.	Department concerned.	Action taken by Government.
1	7th September, 1922.	Baba Ujagar Singh Bedi	Amendment of clause (4) of rule 12 of the rules for the election and nomination of Members of the Provincial Legislative Councils as well as of the Legislative Assembly.	Home	The Secretary of State has been addressed in the matter.
2	Ditto	Mr. N. M. Joshi	Improvement in travelling facilities for third class passengers.	Railway	Agents of railways have been asked to make a careful examination of the main grievances on their lines and to submit a report as to what is being done to remedy them.
3	Ditto	Sardar Baladur Gajjan Singh.	Removal of restrictions imposed on the export of wheat, pulses and oil-seeds from India.	Revenue and Agriculture.	All restrictions on the export of food-grains were removed with effect from the 23rd September, 1922. There is no embargo on the export of oil-seeds from India.
4	Ditto	Mr. K. B. L. Agnihotri	Premier's speech of the 4th August, 1922, on the Reforms.	Home	The resolution adopted by the Assembly was communicated to the Secretary of State.
5	11th September, 1922.	Mr. J. Hullah	Recruitment for the Indian Forest Service.	Revenue and Agriculture.	The resolution has been communicated to His Majesty's Secretary of State for India for information. No final decision has yet been arrived at on the recommendations made therein.
6	Ditto	Honourable Mr. C. A. Innes.	Weekly rest day in commercial establishments as recommended by the General Conference of the International Labour Organisation of the League of Nations convened at Geneva on the 25th October, 1921.	Commerce	The recommendation of the Assembly has been accepted by the Government of India and action taken accordingly. A copy of the resolution has also been communicated to the Secretary General of the League of Nations.

Statement showing the Resolutions adopted by the Legislative Assembly during the September Session, 1922, and action taken by Government thereon.

Serial No.	Date on which moved.	By whom	Subject of resolution.	Department concerned.	Action taken by Government.
7	11th September, 1922.	Honourable Mr. C. A. Innes.	Recommendations of the Genoa Seamen's Conference concerning the limitation of hours of work in inland navigation.	Commerce	The recommendation of the Assembly that no action should be taken in the matter has been accepted by the Government of India. A copy of the resolution has also been communicated to the Secretary General of the League of Nations.
8	Ditto	Honourable Mr. C. A. Innes.	Draft Conventions adopted by the Geneva Labour Conference of 1921.	Commerce	The recommendation made by the Assembly to ratify these draft Conventions has been accepted by the Government of India; and the question of amending the Merchant Shipping Acts in order to give effect to this decision is under consideration. The Indian Office has been asked to communicate this decision to the League of Nations.
9	13th September, 1922.	Honourable Sir W. Vincent.	Revision of the Electoral Rules	Home	A Committee was appointed in pursuance of the resolution. The Committee have submitted their report and the report has been forwarded to the Secretary of State.
10	23rd September, 1922.	Mr. M. S. D. Butler	Indian Research Fund Association.	Education and Health.	The Government of India have approved the proposals of the Governing Body referred to in Parts I and II of the resolution. As regards Part III necessary action is being taken in consultation with the Government Solicitor with a view definitely to accept the offer made by the donors towards the Imperial Medical Research Institute.

Statement showing the Resolutions adopted by the Council of State during the Simla term, 1922, and the action taken by Government thereon.

Serial No.	Date on which moved.	By whom.	Subject of Resolution.	Action taken by Government.
1	15th September, 1922.	The Honourable Mr. S. P. O'Donnell.	Appointment of a Committee to examine and report on the desirability of amending the Electoral Rules of the Indian Legislature and the Provincial Legislative Councils.	A Committee was appointed in pursuance of the Resolution. The Committee have submitted their report and the report has been forwarded to the Secretary of State.
2	19th September, 1922.	The Honourable Mr. Phiroze C. Sethna.	Recruitment and training of probationers for the Indian Forest Service.	The resolution has been forwarded to the India Office for the information of His Majesty's Secretary of State for India. No final decision has been arrived at on the recommendations contained therein.
3	Ditto	The Honourable Mr. H. A. F. Lindsey.	Limitation of hours of work on inland navigation.	The recommendation of the Council of State that no action should be taken in the matter has been accepted by the Government of India. A copy of the Resolution has also been communicated to the Secretary General of the League of Nations.
4	Ditto	The Honourable Mr. H. A. F. Lindsey.	Trimmers, stokers and children employed at sea.	The recommendation made by the Council of State to ratify the Draft Conventions of the Geneva Labour Conference on this subject has been accepted by the Government of India, and the question of amending the Merchant Shipping Acts to give effect to this decision is under consideration. The India Office has been asked to communicate this decision to the League of Nations.
5	Ditto	The Honourable Mr. H. A. F. Lindsey.	Weekly rest day in commercial establishments.	The recommendation of the Council has been accepted by the Government of India and action taken accordingly. A copy of the Resolution has also been communicated to the Secretary General of the League of Nations.
6	25th September, 1922.	The Honourable Sardar Jogendra Singh.	Recommendations of the Railway Committee and the reconstitution of the Railway Board so as to provide for a strong Indian representation.	The question of the reorganisation of the Railway Board is at present under consideration. As the scope of the changes which are to be made may be affected by the Report of the Re-entrustment Committee no decision can be arrived at until that Report is received.
7	Ditto	The Honourable Mr. Vaman Govind Kale.	Collection, compilation and publication of statistics relating to the economic, social and constitutional progress of India.	The Director-General of Commercial Intelligence has been asked to examine all the publications of the Department of Statistics with a view to see that so far as possible the statistics in their new and simpler form will meet all practical requirements.

COMMITTEES.

9. **Lala Girdhari Lal Agarwala:** (a) Will the Government be pleased to lay on the table a statement showing the Committees appointed (1) by a Resolution of the Council of State, or (2) the Legislative Assembly, or (3) appointed by order of the Government, with their dates of appointment, their personnel in each case, the money spent on each of these Committees and its result in each case?

(b) Are the findings of the Committees in any case kept confidential and not laid on the table of the House or otherwise made known to the members of the Indian Legislatures? Are the Government prepared to publish such reports?

(c) In how many and what cases were the reports of any such Committees laid before the Government and orders passed finally without the consultation of the Indian Legislature?

The Honourable Sir Malcolm Hailey: The attention of the Honourable Member is invited to the statement laid on the table on the 6th September, 1922, by my predecessor in reply to a question asked by Lieutenant-Colonel Gidney regarding the cost of Committees appointed by the Government of India. The Government of India do not consider that any sufficiently useful purpose would be served by undertaking the labour involved in amplifying that statement to give the further information asked by the Honourable Member. If he will refer to the list of Committees included in those statements he will probably be able himself to decide in the cases of such Committees as he was interested in whether the Report has been published and as to whether action has been taken upon it.

HIGH COMMISSIONER FOR INDIA.

10. **Lala Girdhari Lal Agarwala:** (a) For what period was the present High Commissioner for India in London appointed? (b) Is an Indian debarred from being appointed to that post? (c) In whose hands does the appointment rest? (d) Have the Government of India decided to appoint a suitable Indian for the post in future?

The Honourable Mr. C. A. Innes: Under the terms of His Majesty's Order in Council dated the 13th August, 1920, which was published in the notification of the Government, No. 6684, dated the 2nd October, 1920, the person appointed as High Commissioner for India in the United Kingdom is to hold office for a period not exceeding five years, but is at the same time eligible for re-appointment. The Order in Council also prescribes that the appointment of High Commissioner shall be made by the Governor General in Council with the approval of His Majesty's Secretary of State for India in Council. An Indian is not debarred from holding the appointment. No decision has yet been arrived at on the question of a permanent successor to the late Sir William Meyer.

RETRENCHMENT PROPOSALS.

11. **Lala Girdhari Lal Agarwala:** Will the Government be pleased to lay on the table a summary of the proposals for retrenchment as prepared

by the Government to be laid before the Retrenchment Committee and also the proposals of the said Committee so far as possible?

The Honourable Sir Basil Blackett: The House will be fully informed on this subject at the earliest opportunity.

SECTS, CREEDS AND APPOINTMENTS IN MADRAS.

12. **M. K. Reddi Garu:** Will the Government be pleased to collect the following information regarding the Presidency of Madras and place it on the table:

- (a) How many Brahmins, Non-Brahmins, Hindus, Muhammadans, Christians and Anglo-Indians are employed in the grades of the Gazetted officers in the Madras Postal Circle, including the Telegraph Department?
- (b) How many Postal Inspectors, Post Masters are Brahmins, non-Brahmins, Muhammadans and Christians?
- (c) In the offices of the Post Master General, Presidency Post Master and the Superintendents of Post Offices, how many clerks of the higher grade are Brahmins, non-Brahmins, Muhammadans and Christians?

Colonel Sir Sydney Crookshank: It is regretted that the information cannot be obtained without undue labour and expense.

INDIANS AND NON-INDIANS AS GOVERNORS, CHIEF JUSTICES, ETC.

18. **Lala Girdhari Lal Agarwala:** (a) Will the Government be pleased to lay on the table a statement showing on 1st January, 1923 or about that time the number of Indians and non-Indians in the following posts, viz., Governors of Provinces, Chief Justices, Chief Judges and other heads of highest Judicial Courts in India as well as Judges of High Courts or of other highest Judicial Courts in India?

(b) What new posts, if any, are going to be created on the High Court Benches or in other highest Judicial Courts in India in the year 1923?

(c) Which of the posts referred to in part (a) of this question are likely to fall vacant either permanently or temporarily in the year 1923?

(d) Of the posts referred to in parts (b) and (c) of this question, how many are proposed to be given to Indians?

(e) Has the Indian element in any of the above posts been reduced within the last one year, if so, what?

The Honourable Sir Malcolm Hailey: (a) A statement is laid on the table.

(b) (c) and (d) The Government has no precise information as to the post likely to be created or the vacancies likely to occur and is not in a position to say how many, if any, Indians will be appointed. With the

exception of posts of Additional Judges of High Courts, to none of these posts are appointments made by or on the recommendation of the Government of India.

(c) One post, namely, the Governorship of Bihar, which was held by an Indian until 29th November 1921, and is now held by a European.

Statement showing the number of Indians and non-Indians employed in certain high posts in India on the 1st January, 1928.

	Number of Indians.	Number of non-Indians.
Governors of Provinces . . . . .	...	9
Chief Justices	1	6
Heads of highest Judicial Courts	1	4
Judges of High Courts or of other highest Judicial Courts in India.	27	50

INDIANS AND NON-INDIANS IN IMPERIAL SECRETARIAT.

14. **Lala Girdhari Lal Agarwala:** (1) Will the Government be pleased to lay on the table a statement showing on 1st January, 1928 or about that time:

- (a) The total number of Secretaries, Deputy Secretaries and Assistant Secretaries in the Imperial Government Secretariat?
- (b) Registrars and other heads of Departments in Imperial offices?
- (c) The number of Indians and non-Indians in each case?

(2) What temporary or permanent appointments are going to be made in any of the posts referred to above in the year 1928 on account of vacancies or creation of new posts and which of those posts are proposed to be given to Indians?

(3) Are any of the posts referred to above going to be retrenched? If so, is any Indian to be reduced thereby? Has the Indian element in any of the above posts been reduced within the last one year? If so, what?

The Honourable Sir Malcolm Halley: (1) A statement giving the information required is laid on the table.

(2) It is not possible to say how vacancies which may occur during 1928 will be filled, or whether any new posts will be created.

(3) Government are not in a position to answer the first part of the question. The answer to the second part of the question is in the negative.

Statement showing the number of Secretaries, Deputy Secretaries, etc., employed in the Government of India Secretariat, on the 1st January 1923.

DEPARTMENTS.	NUMBER OF JOINT SECRETARIES.		NUMBER OF DEPUTY SECRETARIES.		NUMBER OF UNDER SECRETARIES.		NUMBER OF ASSISTANT SECRETARIES.		NUMBER OF REGISTRARS.		NUMBER OF OTHER OFFICERS NOT BELOW THE RANK OF REGISTRAR.		TOTAL NUMBER OF OFFICERS.		REMARKS.	
	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.	Indians.	Non-Indians.		
Home	...	1	...	1	...	1	...	3	...	1 (b)	2 (a)	1	8			
Foreign and Political	...	2	...	2	...	1	...	1	...	1 (c)	1 (g)	1	7			
Finance	...	1	...	1	...	1	...	...	...	...	1 (f)	4	4	
Army	...	1	...	1	...	1	...	...	...	...	...	...	7	
Public Works	...	1	...	1	...	1	...	...	...	...	...	...	5	
Legislative	...	1	...	1	...	1	...	...	...	...	...	...	8	
Revenue and Agriculture	...	1	...	1	...	1	...	...	...	...	...	...	5	
Commerce	...	1	...	1	...	1	...	...	...	...	...	...	6	
Railway Board	...	1	...	1	...	1	...	...	...	...	...	...	5	
Education and Health	...	1	...	1	...	1	...	...	...	...	...	...	3	
Industries	1	...	...	...	...	...	...	...	...	...	...	...	3	
Office of Financial Adviser.	1 (e)	...	...	4 (p)	...	2	...	...	...	...	...	...	3	
Office, Military Finance.	...	...	1 (q)	5 (g)	...	1	...	...	...	...	...	...	3	
TOTAL	2	11	1	3	3	15	2	8	6	14	1	7	6	18	21	76

* (a) Inspector of Office Procedure and Director of Central Bureau of Information.

(b) Assistant Director of Central Bureau of Information.

(c) Attaché

(d) The appointment will be abolished from 1st April 1923.

(e) Officer on special duty in connection with the Retrenchment Committee.

(f) Establishment Officer.

(g) 2nd Assistant Solicitor.

(h) Solicitor, Assistant Solicitor and Officer on Special duty.

(i) Inspector General of Forests and Assistant Inspector General of Forests.

(j) Actuary to the Government of India.

(k) Attached—

1 Accountant General.

1 Deputy Accountant General.

1 Assistant Accountant General.

(l) 1 Chief Commissioner of Railways, 2 Members, Railway Board, 1 Chief Engineer, 1 Chief Mechanical Engineer.

(m) Educational Commissioner and Curator, Bureau of Education (the latter post will be abolished on the expiry of leave of the present incumbent).

(n) Controller (Labour Bureau).

(o) Financial Adviser.

(p) Deputy Financial Adviser.

(q) Assistant Financial Adviser.

GOVERNMENT OF INDIA SUPERIOR POSTS.

15. **Lala Girdhari Lal Agarwala:** How many persons belonging to the United Provinces have been employed under the Government of India, in any superior post within the last one year and how many have been taken from Bengal and the Punjab during that period?

The Honourable Sir Malcolm Halley: The information asked for is given in a statement which is being sent to the Honourable Member.

TOLLS ON MUTHRA RAILWAY BRIDGE.

16. **Lala Girdhari Lal Agarwala:** What steps have the Government taken or propose to take to free the Muthra Railway Bridge from tolls on wheel and passenger traffic? Will the Government be pleased to lay on the table all correspondence on the subject?

Mr. C. D. M. Hindley: The Government of the United Provinces have announced that as soon as their financial position improves they propose to make the bridge free of tolls. There the matter rests for the present. Until the Government of the United Provinces agree to the payment of compensation to the Bombay, Baroda and Central India Railway for the loss occasioned by the abolition of tolls, no further action can be taken. The Government regret that the correspondence cannot be placed on the table.

TELEPHONE CONNECTIONS WITH DELHI AND SIMLA.

17. **Lala Girdhari Lal Agarwala:** (a) Will the Government be pleased to state which of the official permanent capitals of the Provinces are connected by telephone directly with Delhi and Simla?

(b) Is Allahabad the official permanent capital of the United Provinces and is it directly connected by telephone with Delhi and Simla. If not, is it proposed to be so connected?

Colonel Sir Sydney Crookshank: (a) Lahore is the only official capital of a Province in direct telephonic communication with Delhi and Simla.

(b) Allahabad is the official capital of the United Provinces and when the Automatic Exchange now being set up there is completed, telephonic communication between Allahabad and Delhi will be open to the public. Owing to the distance, commercial speech will not be possible between Allahabad and Simla until repeaters are fitted in Delhi, and it cannot be stated at present when this will be done.

POLITICAL PRISONERS.

18. **Lala Girdhari Lal Agarwala:** Have the Government taken or do they propose to take any steps (a) to set at liberty persons imprisoned for political offences; and

(b) to withdraw the Criminal Law Amendment Act from the localities to which it had been made applicable about the time of the Royal visit and thereafter?

The Honourable Sir Malcolm Halley: The Government of India do not propose to interfere with the discretion of local Governments in either matter.

STATE-OWNED RAILWAYS WORKED BY COMPANIES.

19. **Lala Girdhari Lal Agarwala:** Will the Government be pleased to lay on the table a list of the State-owned Railways worked by Companies, with the respective dates of the expiry of their contracts and to state which of these Companies have mostly Indian capital?

• **Mr. C. D. M. Hindley:** The information asked for by the Honourable Member in the first part of his question will be found in the "History of Indian Railways" a copy of which is in the library of the House.

The capital of the railway companies under consideration is in sterling and the Government of India are not in a position to state whether and to what extent Indian capital has contributed to it

PAY OF HIGH COURT STAFF, UNITED PROVINCES.

20. **Lala Girdhari Lal Agarwala:** 1. Have the Government seen a paragraph in the *Pioneer* of Allahabad, dated 29th November, 1922, at page 9, column 4, headed "High Court staff's pay"?

2. Will the Government be pleased to state what action, if any, have they taken within the last 5 years in the exercise of their powers of control over the High Court at Allahabad under section 6 of the Letters Patent as amended with regard to the remuneration of the clerks and ministerial officers of the aforesaid High Court?

The Honourable Sir Malcolm Hailey: 1. The Government of India have seen the paragraph in question.

2. Under clause 6 of the Letters Patent establishing the High Court of Judicature at Allahabad the salaries of officers and clerks of the Court are such as the Honourable the Chief Justice may appoint and the Government of the United Provinces, subject to the control of the Government of India may approve of. The control referred to is exercisable in accordance with the provisions of the general orders governing expenditure from provincial revenues. In fact under the present orders the control is control by the Secretary of State in Council, and, so far as individual salaries are concerned it only comes into operation when it is proposed to increase the salary of an appointment which is fixed or is proposed to be fixed at above the rate of Rs. 1,200 a month. The Governor General in Council is therefore not primarily concerned with the remuneration of these persons, and under the orders referred to no reference in the matter has recently come before him. The local Government has full power to decide questions connected with the remuneration of these persons subject to such limitations as I have indicated and presumably no question which could not be decided by the local Government has arisen.

PAY AND PROSPECTS OF CLERKS AND MINISTERIAL OFFICERS.

21. **Lala Girdhari Lal Agarwala:** Will the Government be pleased to lay on the table a comparative statement showing the scales of pay, rates of promotion and prospects of the Clerks and Ministerial Officers attached to Allahabad High Court and the Calcutta High Court and Imperial Secretariats?

CLERKS AND MINISTERIAL OFFICERS, UNITED PROVINCES.

• 22. **Lala Girdhari Lal Agarwala:** Has the following principle laid down by the Right Hon'ble the Secretary of State for India for regulating the

salary of the establishment been applied to the Clerks and Ministerial Officers of the Allahabad High Court:

" It is highly desirable that the remuneration of all ministerial establishment employed at any particular station whether their salaries fall on the Military, the Imperial, Civil or Provincial budget, should be pitched, either directly or indirectly by means of allowance, as to give such equality of remuneration for similar labour as will prevent just cause of discontent " ?

REPRESENTATION FROM CLERKS, ETC., UNITED PROVINCES HIGH COURT.

23. **Lala Girdhari Lal Agarwala:** Did the Hon'ble the Chief Justice of the Allahabad High Court receive any representation from the Clerks and Ministerial Officers of the said High Court regarding the increase in their pay and forward it to the United Provinces Government with a letter of recommendation to His Excellency the Governor of the United Provinces in or about July, 1922? If so, will the Government be pleased to lay on the table a copy of all the correspondence on the subject?

Have the Government of India been approached in the matter referred to above, if so, when and with what result?

DISCONTENT AMONG CLERKS, ETC., UNITED PROVINCES HIGH COURT.

24. **Lala Girdhari Lal Agarwala:** What action have the Government taken or do they propose to take to " prevent just cause of discontent," among the Clerks and Ministerial Officers of the High Court at Allahabad in the exercise of their powers of control under Section 6 of the Letters Patent as amended?

INCREASE TO PAY OF UNITED PROVINCES HIGH COURT CLERKS, ETC.

25. **Lala Girdhari Lal Agarwala:** Is it a fact that the Allahabad High Court yields a profit of nearly 2½ lacs a year and that the increase claimed by the Clerks and Ministerial Officers of that Court or proposed by the Hon'ble the Chief Justice of that Court would create no additional burden on the general Provincial Revenues?

The Honourable Sir Malcolm Halley: The Government of India have no information as to the scales of pay, rates of promotion and prospects of the clerks and ministerial officers of the Allahabad High Court. They are not primarily concerned with these matters. They have therefore not called for the information from the local Government and they are accordingly unable to supply the statement or information asked for in this and the following questions 95 to 98.

FOREIGN ENLISTMENT ACT, 1870.

26. **Mr. Mohammad Falyaz Khan:** (a) Will the Government be pleased to state if the Foreign Enlistment Act of 1870 is operative or enforced in British India?

(b) If the answer is in the affirmative, will the Government be pleased to state what statute in India or England makes this Act operative in the whole or a part of India, many parts of which were not then even under the British Crown?

(c) Is there any distinction in the 1870 Act in respect of Asiatic Nations and European Nations?

(d) Is this Act operative in the British Colonies?

(e) At what moment does this Act begin to operate?

(f) At what stage does the "consent or license"—as given in this Act—from His Majesty become necessary?

The Honourable Sir Malcolm Hailey: (a), (b) and (d). The Honourable Member is referred to Section 2 of the Act.

(c) No.

(e) The Honourable Member is referred to Section 3 of the Act.

(f) The Honourable Member is referred to the relevant provisions of the Act.

POLITICAL PRISONERS AND SERVICE IN LEGISLATURE.

27. **Mr. Mohammad Faiyaz Khan:** Will the Government be pleased to remove the restriction which debars persons, who have undergone imprisonment, from election to serve in a Legislative Council or in the Indian Legislature and permit all such persons to stand in the Reformed Council Election who have undergone simple or rigorous imprisonment on account of their political views or deeds? If the Government is not prepared to remove such restrictions will it be pleased to state the reason why?

The Honourable Sir Malcolm Hailey: Under sub-rule (2) of rule 5 of the Electoral Rules a person against whom a conviction by a criminal court involving a sentence of transportation or imprisonment for a period of more than six months is subsisting is not eligible for election for five years from the date of the expiration of the sentence unless the offence of which he was convicted has been pardoned. I would remind the Honourable Member that a pardon, which would have the effect of removing the bar where it exists, is granted by the Governor General and not by the Governor General in Council. I am not aware whether the Honourable Member has the authority of the persons affected in suggesting that the Governor General should exercise his powers on their behalf.

POLITICAL PRISONERS IN DELHI JAIL.

28. **Mr. Mohammad Faiyaz Khan:** (a) How many political prisoners are in Delhi jail at present?

(b) How many of them are treated as special class prisoners?

The Honourable Sir Malcolm Hailey: The information has been called for and will be supplied when available.

MOULANA QUTBUDDIN, EDITOR OF THE "CONGRESS."

29. **Mr. Mohammad Faiyaz Khan:** Are the Government aware that Moulana Qutbuddin, Editor of the "Congress" and a prominent Musalman of Delhi who is undergoing 3 years' rigorous imprisonment in Delhi jail, is not given the preferential treatment to which he is entitled by reason of his good social status, education, etc.? If he is not treated as a special class prisoner will the Government be pleased to state the reason and do the Government propose to issue immediate instructions to the effect mentioned above?

The Honourable Sir Malcolm Hailey: The information has been called for, and will be supplied to the Honourable Member when available.

DUTY ON MOTOR SPIRITS.

80. Mr. Mohammad Faiyaz Khan: (1) Will the Government be pleased to state if it is true:

- (a) that an Act in 1917 was passed to impose a duty of six annas per gallon on all motor spirits produced in India and Burma,
- (b) that this Act still applies to petrol consumed in India and Burma,
- (c) that there is no tax at all on petrol exported to foreign countries—the Governor General in Council having exempted exported petrol from such tax.

(2) What is the amount of petrol exported to foreign countries from Burma since this Act was passed?

(3) What is the reason for not taxing the petrol exported from Burma to foreign countries?

(4) Is it true that the Oil Companies at Burma themselves value petrol at one anna and six pies per gallon while the petrol charges at Bombay are charged two rupees per gallon for exactly the same petrol?

The Honourable Mr. C. A. Innes: 1. (a) and (b) Yes.

(c) The position is as stated by the Honourable Member. Excise duties being duties on consumption, a refund of excise duty is granted in the case of all commodities subject to such duties in order to enable these goods, when exported, to compete on equal terms with similar goods of foreign origin in foreign markets. In exempting exported petrol from this excise duty, the Government of India followed this general principle.

2. The export of benzine and petrol from Burma since 1917 was as follows:

	Gallons.
1917-18	18,934,711
1918-19	22,600,932
1919-20	36,222,584
1920-21	18,856,688
1921-22	20,154,923
1922-23 (up to October 1922)	12,672,247
Total	129,643,485

3. Attention is invited to the answer to (c) above.

4. No. The Honourable Member has probably been misled by the figures of total value published in the returns of Sea Borne Trade of last and previous years, calculations from which do give his figure. Those were not, however, the figures reported by the Oil Companies. It is not known how this old conventional rate became established but it was of long standing. The Collector of Customs, Rangoon, noticed the discrepancy and ~~the~~ ^{it} in March 1922 and if the Honourable Member will refer to

the volumes of Sea-borne trade published every month from April last, he will see correct figures of value have been given. The same applies to the last published volume of Annual Returns.

AGRICULTURAL RESEARCH INSTITUTE, PUSA.

31. **Rai Bahadur Lachmi Prasad Sinha:** Adverting to the *ad interim* reply and subsequent informations given to Question No. 70 asked on the 6th September, 1922, regarding the Agricultural Research Institute and College at Pusa, will the Government be pleased to give the following additional informations:

- (a) What quantity of different kinds of seeds and manures were supplied each year from 1908 to 1922 to the different local Agricultural Departments and Agriculturists?
- (b) What general or particular steps, if any, have been taken to improve the milching of Indian cattle?
- (c) What is the meaning of short course training, which is said to have been imparted to 223 students? Are these regular students of the College?
- (d) Are the students, who were imparted special study in Laboratories included in the Post-Graduate training class or are they separate students?
- (e) Is it a fact that a sum of Rs. 76,46,000 has been spent from the year 1908-04 up to 1921-22 over the education of students, numbering 123, in Post-Graduate training class, 223 in short course training class and 23 in the class of special study in Laboratories?

Mr. J. Hullah: The information asked for is being collected and will be supplied to the Honourable Member as soon as possible.

WAITING ROOM AT MOHESHKUNT.

32. **Rai Bahadur Lachmi Prasad Sinha:** (a) Will the Government be pleased to state what steps have been taken in regard to the providing of a Waiting Room at Moheshkhunt Station on the Bengal and North-Western Railway?

(b) Will the Government be further pleased to state if any new Waiting Room has been constructed on the Bengal and North-Western Railway line ever since September, 1922, and if so, where and what is the number of first and second class passengers booked to and from those stations?

Mr. C. D. M. Hindley: (a) A reference in this matter has been made to the Bengal and North-Western Railway who now state that a first and second class waiting room at Moheshkhunt Station will be provided as soon as possible.

(b) No waiting room on the Bengal and North-Western Railway has been constructed since September 1922.

DR. GOUR'S CIVIL MARRIAGE BILL.

33. **†Lala Girdhari Lal Agarwala:** Will Dr. Gour, M.L.A., be pleased to state whether he has received a copy of the resolution adopted at a meeting of the Paras held on the 26th November, 1922 protesting

†The reply to this question will be printed in a later issue of these Debates.

against the Honourable Member's Civil Marriage Bill and if so, will he be pleased to place a copy of the same on the table?

REPRESENTATION AGAINST CIVIL MARRIAGE BILL.

34. **Lala Girdhari Lal Agarwala:** Have the Government received any representation from the Council of Parsee Central Association praying that the Bill to amend Act III of 1872 (Civil Marriage Bill) be not enacted into law, at least so as to affect the Parsee community in any way?

Sir Henry Moncrieff Smith: The answer is in the affirmative.

SIR MONTAGU WEBB AND A BARONETCY.

35. **Mr. Mohammad Faiyaz Khan:** (a) Has the attention of the Government been drawn to the rumour published in many papers that Sir Montagu Webb, Kt., of Karachi had written a letter to an English paper in England to the effect that some time ago the Home Department had suggested to him to contribute some 20 thousand pounds towards a particular fund and on payment of this sum the Home Department would get him the title of "Baronet"?

(b) If the above statement is true, what action do Government propose to take in the matter?

Mr. Denys Bray: (a) The Honourable Member is no doubt referring to a letter written by Sir Montagu Webb to the London "Morning Post" and reproduced in various Indian papers. This letter contains a reference to the Home Government, i.e., His Majesty's Government, but none, of course, to the Home Department of the Government of India.

(b) Does not arise.

LECTURES BY MR. RUSTOMJI IN UNITED STATES OF AMERICA.

36. **Mr. Mohammad Faiyaz Khan:** (a) Will the Government be pleased to state if the Government of Bombay or the Government of India is paying any remuneration to Mr. Rustomji in the United States of America for his lectures, etc., about India in the United States of America?

(b) Was the said Mr. Rustomji connected with any paper at Bombay some time ago?

(c) What was the reason for his leaving the paper?

The Honourable Sir Malcolm Halley: (a) Mr. Rustomji is in receipt of certain allowances towards which the Government of India contribute.

(b) and (c) Government are not prepared to give any information.

MEDICAL RESEARCH CHAIRS IN CENTRAL RESEARCH INSTITUTE, DELHI.

37. **Rai Sahib Lakshmi Narayan Lal:** (a) Have the Government taken any step for the inauguration of Chairs in the Central Research Institute, Delhi for research in the medicines of the indigenous systems by experts of those systems?

(b) If not, do the Government propose to take any such step in near future?

(c) Will the Government be pleased to lay on the table a detailed account of what has been done and of what is going to be done in the said Institute?

Mr. A. O. Chatterjee: (a), (b) and (c) The scheme for the establishment of an Imperial Medical Research Institute has not yet been finally settled. For information on the subject the Honourable Member is referred to my speech in the Assembly on the 23rd September 1922.

SPECIAL RECRUITMENT FOR INDIAN MEDICAL SERVICE.

38. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

- (a) Whether it is a fact that the Government propose to recruit 30 Europeans to the Indian Medical Service every year and on special terms?
- (b) What would be the cost of each recruit for serving in India for 5 years?
- (c) Why was this unusual step taken and the necessity therefor?

Mr. E. Burdon: (a) No. The present proposal is to obtain 30 European officers during this year only.

(b) The officers will serve under the ordinary Indian Medical Service regulations as regards pay and allowances, etc., except that a special gratuity will be granted in lieu of pension.

(c) I invite the Honourable Member's attention to the reply given to the question asked by Rai Bahadur Bakshi Sohan Lal, No. 81.

EXODUS TO SIMLA.

39. **Mr. B. Venkatapatiraju:** (a) Has the attention of the Government been drawn to the statement of Sir Edwin Lutyens that "the Government could if it liked stay down in Delhi most if not the whole of the hot weather and that he was sure the personnel would keep better health than they did at Simla"?

(b) Will the Government be pleased to reconsider the possibility of materially reducing the expenditure of Simla Exodus?

(c) What would be the savings to the Indian Exchequer if Exodus to Simla is wholly stopped?

The Honourable Sir Malcolm Hailey: (a) Yes. It is assumed that the statement refers to the period after the new capital has been completed.

(b) The matter is now receiving the attention of the Retrenchment Committee and their recommendations will be duly considered.

(c) The attention of the Honourable Member is invited to the reply given by Sir William Vincent to the question asked by Mr. W. M. Hussanally on the 10th January 1922.

VIZAGAPATAM HARBOUR SCHEME.

40. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

(a) At what stage is the financial progress of the Vizagapatam Harbour scheme?

(b) Whether the Bengal Nagpur Railway company made any proposal towards the solution of the financial difficulty?

- (c) And if so, whether they were accepted by or acceptable to the Government of India?
- (d) Whether the Government of India has any alternative proposal to effectuate the said purpose?
- (e) What was the amount already spent towards acquisition of land for Harbour purposes?
- (f) Whether any steps are being taken to proceed with the Railway construction for the completion of Vizagapatam Raipur line and Kottavals Baster Durg line along with Harbour construction?

Mr. C. D. M. Hindley: (a), (b), (c) and (d) The question of the method of financing the Vizagapatam Harbour Scheme is under consideration and no decision has yet been reached. The Bengal Nagpur Railway Company has not made any definite proposal on the subject.

(e) The amount spent towards acquisition of land for Harbour purposes to the end of 1921-22 is Rs. 11,80,175.

(f) The harbour project is still under investigation and no special steps are therefore being taken for the completion of the railway projects referred to.

SETTLEMENT OF INDIAN ARMY OFFICERS IN VICTORIA.

41. **Mr. B. Venkatapatiraju:** (a) Will the Government be pleased to state whether any guarantees have been given by the Government to the "Australians Farms Limited" Melbourne in connection with the Settlement of Indian Army Officers on land in Victoria?

(b) And if so, will the Government be pleased to place on the table papers relating to it and to state the eventual cost that will be involved thereby?

Mr. E. Burdon: (a) and (b) The facts which have apparently given rise to the Honourable Member's question are as follows:

Last year, a Director of the Australian Farms Company, Limited, visited India with a view to making known to surplus officers of the Indian Army who were at that time about to be released from service a scheme of land settlement in Victoria. An important feature of this scheme was that any officer who wished to take advantage of it should, before entering into possession of the land, deposit a certain sum of money for the purchase of stock, implements and so on. As those surplus officers who had accepted the option of deferring for 3 years the receipt of their gratuities were not likely to be in a position to pay at once the sum required, the company expressed their willingness to accept in lieu of immediate payment, where necessary, an assignment, up to the amount required, of the gratuity of any officer who wished to enter the scheme. At the same time, the company requested that, in order to safeguard the ultimate payment to the company of the amount assigned to it by the officer, the Government of India should undertake to hold the assigned portion of the gratuity and arrange for its being paid to the Company when the payment fell due. As the arrangement described cost Government nothing and ensured important facilities to officers who had unfortunately for themselves been deprived of a career in Government service, it was agreed to by the Government of India with the approval of the Secretary of State.

The facts being as stated the Government do not consider it necessary to lay the papers on the table.

HIGH AND TRADE COMMISSIONERS.

42. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

- (a) Whether the power of appointing the High Commissioner for India in England vests in the Government of India?
- (b) Whether any Commissioner of Trade for India is appointed in Australia and if so, what are his duties?
- (c) Whether there is any near chance of enlarging his duties to include the safeguarding of Indian interests in Australia, Newzealand, Fiji and other Islands in the Pacific Ocean?

The Honourable Mr. C. A. Innes: (a) Under the terms of His Majesty's Order in Council dated the 13th August 1920, which was published in the Notification of the Government of India, No. 6634, dated the 2nd October 1920, the appointment of High Commissioner for India is made by the Governor General in Council with the approval of His Majesty's Secretary of State for India in Council.

(b) No. Question (c) consequently does not arise.

EMIGRANTS FOR FIJI.

43. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state the circumstances under which emigrants are recently permitted to leave Bengal to Fiji?

Mr. J. Hullah: No emigrants, as defined in the Indian Emigration Act, 1922, have been permitted to leave Bengal recently. I may, however, add, for the Honourable Member's information, that 781 Indians, travelling as ordinary passengers outside the Indian Emigration Act, left Calcutta for Fiji during 1922. This number included 152 return emigrants, who proceeded to Fiji defraying the cost of passages themselves.

INCHCAPE COMMITTEE'S REPORT.

44. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the report of the Inchcape Committee is to be placed for discussion in the Legislative Assembly before any final orders are passed by the Government?

The Honourable Sir Basil Blackett: The Government regret that this course is not practicable.

INDIANS IN HIGHER ARMY POSTS.

45. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

- (a) Whether any and if so, how many Indians are being trained in the Supply and Transport and the Artillery branches of the Army and Air Service?
- (b) What was the total number of Indians trained for the higher posts in the Army, and what proportion does it bear to the total Army Officers paid for by the Indian exchequer?

Mr. E. Burdon: (a) There are at present 19,279 Indian officers and other ranks employed with the Supply and Transport Corps, 12,800 with the Royal Artillery, and 104 Indian other ranks with the Air Force in India.

(b) All officers holding the King's commission, whether British or Indian, are trained with a view to their being rendered fit to hold the highest posts in the Army. Of the total number of King's commissioned officers in the Indian Army, 3,925 are British officers and 108 are Indian officers. This latter figure includes 44 Indians who hold temporary or honorary commissions.

REVENUE AND EXPENDITURE.

46. **Mr. B. Venkatapatiraju:** (a) Has the attention of the Government been drawn to the fact that 70 Million £. were reduced in Civil Departments in England?

(b) What was the reduction contemplated in Civil Departments in India?

(c) What was the total Military expenditure in India both ordinary and extra-ordinary from 1914 up to day, or as far as figures are available and what was the total Imperial Revenue raised during that period?

The Honourable Sir Basil Blackett: (a) I cannot identify the figure of £70,000,000 mentioned in the question. According to the statement of Sir Robert Horne when introducing his Budget for 1922-23 on the 1st May 1922, the total estimate for supply services for 1922-23 showed a reduction of £218,500,000 below the adjusted Budget estimate for 1921-22. It must however be remembered that a considerable part of this reduction was the almost automatic outcome of reduced prices and the winding up of certain special War Accounts.

(b) The amount cannot be stated until the report of the Inchcape Committee has been received and considered.

(c) The required statement is laid on the table.

Statement showing the total net Military Expenditure in India from 1914-15 to 1921-22 and the Revenue of the Central Government in the same years.

Year.	Net Military Expenditure.	Central Revenue (excluding Military Receipts).
	Rs.	Rs.
1914-15	28,54,00,765	73,58,91,455
1915-16	26,19,31,979	77,59,90,514
1916-17	29,15,89,169	95,34,71,880
1917-18	34,32,01,959	1,13,47,21,939
1918-19	58,79,50,252	1,22,43,80,023
1919-20	76,08,87,878	1,27,90,42,422
1920-21	70,49,84,716	1,26,75,51,423
1921-22	59,91,59,803	1,01,33,75,000
		(Revised Estimate, 1921-22)

EXPENDITURE ON DEFENCE.

47. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state what proportion of the total revenues of India has been spent on defence during the last two years?

Mr. E. Burdon: The information is being collected and will be supplied to the Honourable Member as soon as possible.

DEBT AND TAXATION.

48. **Mr. B. Venkatapatiraju:** (a) What was the total national debt of India before 1914, and what was it by the end of 1922?

(b) What was the amount of additional taxation levied during the said period?

(c) Whether any and what amount is spent on productive purposes by the Imperial Government during the same period?

The Honourable Sir Basil Blckett: (a) The national debt of India amounted to 447 crores on the 31st March 1914 and to 781 crores on the 31st March 1922.

(b) During the above period additional taxation estimated to yield 29½ crores a year was imposed. This is exclusive of the excess profits duty which actually yielded 11½ crores during the short time it was in force.

(c) The total amount spent on productive purposes during the same period was 105 crores.

FOREST RESEARCH INSTITUTE, DEHRA DUN.

49. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether they have organised in the Forest Research Institute, at Dehra Dun, a course of instruction to qualify the students for Imperial Posts?

Mr. J. Hullah: No such course has yet been organised. The question as to the future place of training of the Imperial Forest Service probationers is under consideration at present and no final decision thereon has been arrived at.

FORESTRY SCHOLARSHIPS.

50. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state the number of Scholarships given by the India-Office for the study of Forestry during the last three years and to whom they were awarded and how many Indians were the recipients thereof.

Mr. J. Hullah: There is only one scholarship for Indian Forest probationers, namely, the Currie scholarship, which is awarded annually by the India Office on the results of the final examination held after the period of training. During the last three years it has once been awarded to an Indian.

RESEARCH AT DEHRA DUN AND PUSA INSTITUTES.

51. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether any and what facilities are given to students to undertake research at the institutes at Dehra Dun and Pusa, and whether they are merely confined to teachers and lecturers?

Mr. J. Hullah: *Forest Research Institute, Dehra Dun.*—It is not possible for students to spare any time for independent research during the period of two years covered by the course at the Forest Research

Institute. Even now the syllabus is with great difficulty carried out. The research officers take part in the instruction and students are made familiar with the main problems under or awaiting investigation.

The time for research work is in reality after students have obtained their certificates. It then rests with local Governments to depute selected men for special courses or research work. As yet this has not been done but as soon as the new buildings are fully equipped facilities will be available for post-certificate courses or research.

Agricultural Research Institute, Pusa.—The conduct of research at the Pusa Institute is not merely confined to teachers and lecturers but qualified students are accepted for training in specialised branches of agricultural science and are encouraged to undertake research. They are given free all available facilities, e.g., the use of the Library, the laboratories (apparatus, chemicals, etc.), the benefit of expert advice, accommodation, etc.

BACTERIOLOGICAL DEPARTMENT.

52. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether any and if so, how many qualified Indians were appointed in the Bacteriological department during the last three years and the total number of persons appointed during the said period?

Mr. A. C. Chatterjee: During the last three years five officers have been appointed permanently to the Bacteriological Department. Two of these officers are Indians.

VETERINARY SCHOLARSHIPS.

53. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether any veterinary Scholarships were given by the Government during the last three years and how many out of the total were allotted to Indians?

Mr. J. Hullah: Five scholarships were granted all to Indians.

DISABILITY ON INDIAN OFFICERS ENTERING TRAINING CORPS, ETC.

54. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state whether the War Office objected to the admission of Indians to the 'Officers training corps,' and whether the admiralty objected to the entry of Indians in naval Schools in England while admitting foreigners (other than British subjects) and whether the Government of India propose to take any steps for the removal of the disability?

Mr. E. Burdon: (i) The Army Council have held that the Officers Training Corps exists for the training of potential officers for the British Army and Territorial Force, and that consequently it is not open to Indian students, who cannot, under present regulations, become officers in either of these two forces.

(ii) The Government have no knowledge that the Admiralty have objected to the entry of Indians to Naval Schools in England, nor do they know that the Admiralty have admitted foreigners, other than British subjects, to such schools.

(iii) The Government of India have at present under their consideration certain proposals which aim at securing the admission in future of

Indian students to the Officers Training Corps and they are also considering proposals which relate to the training of Indian boys at certain nautical institutions in the United Kingdom.

MILITARY COLLEGE FOR INDIANS.

55. **Mr. B. Venkatapatiraju:** Is it a fact that at present 10 Indians were being nominated each year for Sandhurst out of a total of about 60 appointments to the Indian Army? Whether there is any prospect of starting at an early date a well equipped military college in India?

Mr. E. Burdon: The answer to the first part of the question is in the affirmative, and to the second part that there is no prospect of the establishment in the near future of a Military College in India on the lines of the Royal Military College, Sandhurst.

INDIANS IN COMMISSIONED RANKS.

56. **Mr. B. Venkatapatiraju:** What is the number of the Commissioned Officers in the army in India—would it be between four or five thousand? How many Indians were appointed out of them; whether it would be more than fifty?

Mr. E. Burdon: The total number of commissioned officers in the Indian Army is as follows:

British officers with the King's commission	3,925
Indian officers with the King's commission	108*
Indian officers with the Viceroy's commission	3,529
Total	<u>7,562</u>

* Includes 44 who hold temporary or honorary commissions.

INDIANS FOR WOOLWICH.

57. **Mr. B. Venkatapatiraju:** Is it a fact that no Indian cadet had been nominated for admission to the Royal Military academy, Woolwich, which trained cadets for the Artillery and Engineers? Whether the Indian exchequer is contributing any amount to that institution either directly or indirectly?

Mr. E. Burdon: The answer to the first part of the question is in the affirmative. As to the second part, India pays, through the capitation payment for British troops, a share of the cost of the Royal Academy, Woolwich, based on the number of recruits she takes from the institution annually to maintain the sanctioned establishment of Royal Engineers.

COST OF MILITARY COLLEGES:

58. **Mr. B. Venkatapatiraju:** (a) What was the capitation rate paid to the War Office in respect of each soldier sent to India?

(b) Whether it is a fact that before 1890 the share of the cost of the Military Colleges which was allotted to India was £1,122 for Sandhurst, £7,582 for Woolwich and £15,000 for the upkeep of the Army Medical School, School of Gunnery and School of Military Engineering?

(c) In lieu of contribution of lump sums was the capitation rate fixed at £7½ per man?

- (d) Whether it was increased to £11½ in 1908?
 (e) Whether since 1920 it was increased nearly 2½ times the latter sum?
 (f) What was the total cost on that head in 1920 and 1921?

Mr. E. Burdon: (a) The capitation rate paid at present to the War Office in respect of each British soldier on the Indian establishment is £25-18-0.

(b) The figures quoted in this part of the question are not quite correct. The contribution paid by India towards the cost of the Military Colleges was as follows:

	£
(i) Royal Military College, Sandhurst	11,223
(ii) Royal Military Academy, Woolwich	7,532
(iii) Army Medical School, School of Gunnery and School of Military Engineering.	12,256
(iv) Artillery College	3,178

(c) The answer is in the affirmative. The rate of £7-10-0 had effect from 1890-91.

(d) The rate was increased from 1st May 1908 to £11-8-0 (not £11½).

(e) During 1920-21 and 1921-22 the payments made to the War Office in respect of British Troops were made on the basis of 2½ times the rate of £11-8-0, so as to allow for the general rise of pay and prices. From the year 1922-23, however, the capitation rate has been reduced tentatively to 225 per cent. of £11-8-0 or £25-18-0.

(f) The total expenditure in each of the years 1920-21 and 1921-22 amounted to £1,896,000, which allowed for a reduction in the pre-war establishment of British Forces in India by one-eighth. Provisional payments of £100,000 in 1920-21 and of £92,000 in 1921-22 were also made to the Air Ministry in respect of the charges in connection with the raising, training, etc., of the Royal Air Force serving in India.

NAVY AND AIR FORCE.

59. **Mr. B. Venkatapatiraju:** Is it a fact that admission to the Navy and Air force is confined to those of European descent?

Mr. E. Burdon: The answer is in the affirmative.

INDIANS IN SUPERIOR RAILWAY POSTS.

60. **Mr. B. Venkatapatiraju:** How many Engineers are appointed in the State Railways, and how many of them are Indians and whether there was any obligation to employ Indians by company managed Railways? Whether Indians were appointed to any superior posts of the Wagon and Locomotive Departments and if so, in which proportion?

Mr. C. D. M. Hindley: There are at present 197 officers in the Indian Service of Engineers and the Provincial Engineering Service, State Railways. Of these 50 are Indians and the proportion of Indians is yearly increasing. The Company-worked Railways are under no contractual obligations to employ any fixed proportion of Indians in their establishments but they have been informed of the policy of the Government of India and are increasing the recruitment of Indians as vacancies occur. In the latest

agreement—one between the Secretary of State and the East Indian Railway Company—the following clause finds a place:—

* * * * *

5. The Company so long as this contract remains in force will continue its present policy of extending the employment of Indians in the Superior Establishment as suitable candidates offer themselves and can be trained.

* * * * *

There are at present 84 superior officers employed in the Locomotive and Carriage and Wagon Departments of State Railways. Of these, two are Indians. Both were appointed by the Secretary of State after qualifying in England. Two more Indians, now in training in England, are likely to be appointed this year.

INDIAN RECRUITMENT TO HIGHER RAILWAY SERVICE.

61. **Mr. B. Venkatapatiraju:** Have the Railway Board made any recommendation for any definite proportion of Indian recruitment in the higher posts of Railway Service?

Mr. C. D. M. Hindley: It has been decided by the Government to recruit Indians, as qualified men become available up to 50 per cent. of the total Superior appointments in all departments of State Railways, as recommended by the Public Services Commission.

The Company-worked railways have been informed of the policy adopted by the Government in the matter and have been asked to increase their Indian recruitment.

INDIANS IN PUBLIC WORKS DEPARTMENT.

62. **Mr. B. Venkatapatiraju:** How many Europeans were recruited since 1919 for the Public Works Department and whether any and what proportion of the total number recruited were Indians—whether the Industrial commission report recommended 50 per cent. of the recruits to be Indians?

Colonel Sir Sydney Crookshank: 84 Europeans and 51 Indians (including statutory natives of India) have been recruited since 1919 for the Indian Service of Engineers in the Public Works Department. The excess in the number of Europeans is due to the greater recruitment in Europe beyond the normal figure during these years in order to make up for short recruitment during the period of the war. The total number of officers recruited to the service since 1914 inclusive comprises 105 Europeans and 118 Indians.

The Public Services Commission, and not the Industrial Commission, recommended that 50 per cent. of recruitment for the service should be effected in India.

SHIPBUILDING, AERONAUTICS, ETC.

63. **Mr. B. Venkatapatiraju:** Do the Government of India contemplate providing facilities for training in Ship-building, aeronautics and marine Engineering?

The Honourable Mr. C. A. Innes: A committee will shortly be appointed to consider, among other things, the question of providing facilities for the training of Indian apprentices as officers and engineers of ships, the

encouragement of ship-building and the construction of dockyards and engineering workshops in this country. The question of training of Indian youths in the United Kingdom for admission into the engineering branch of the Royal Indian Marine is also under consideration. The Government of India have had under consideration a proposal for training Indians in aeronautical engineering but it has been found impossible to pursue the matter further owing to the present financial stringency.

INDIANS IN SUPERIOR RAILWAY POSTS.

64. Mr. B. Venkatapatiraju: How far is the Railway Board trying to help Indians qualified to enter the superior posts in the Railway service? Is it a fact that 8 Indians and 15 Europeans are entertained every year on the average since 1915?

Mr. C. D. M. Hindley: The answer to the Honourable Member's question will be found in the comparative statistics given in a reply to Mr. N. M. Joshi on 6th September last in this House.

So far as State Railways are concerned, the average number appointed annually since 1915 to superior posts of all departments except Audit is 9 Indians and 17 non-Indians respectively.

INSTITUTES OF CHARTERED ACCOUNTANTS.

65. Mr. B. Venkatapatiraju: Is it a fact that there are Institutes of chartered accountants in Canada and Australia? Is there any similar institute of chartered accountants in India and if not why do not the Government start one in Delhi?

The Honourable Mr. C. A. Innes: Government have no definite information as to whether Institutes of Chartered Accountants exist in Canada or Australia. There is no such Institute in India but the services of the Sydenham College of Commerce and Economics, Bombay, are utilized by the Government of India as a central examining body for conducting examinations at various centres and for awarding a Diploma in Accountancy.

ALLOCATIONS TO RAILWAYS.

66. Mr. K. C. Neogy: (a) Will Government be pleased to make a statement showing the allocations made to the different Railways out of the provision for capital expenditure in the current year under the recommendation of the Railway Finance Committee?

(b) What is the probable total allotment to be made to each of these Railways during the period of five years for which the capital expenditure programme is to be prepared?

(c) With reference to the said allotment for capital expenditure in the current year, what amount is to be spent in the case of each Railway—

(i) in rehabilitating existing lines, and

(ii) in completion of lines under construction prior to the report of the Railway Finance Committee;

and how much of (ii) approximately represents expenditure on the improvement of the conditions of travel of third class passengers?

(d) Has any amount out of the said allotment for the current year, in the case of any Railway, been, or is proposed to be, spent in undertaking extensions of existing lines or in constructing new lines, contrary

to the recommendation of the Railway Finance Committee? If so, what is the amount in each case, and what is estimated to be the ultimate total cost of each such project?

Mr. C. D. M. Hindley: (a) and (c) The Honourable Member is referred to the Statement of Demands for capital expenditure on railways for 1922-23 being Appendix C to 'Detailed Estimates and Demands for grants' which were presented to the Assembly in March last.

It is not possible to separate expenditure intended to benefit 3rd class passengers alone. The Honourable Member will, however, find in Chapter VII of the Administration Report for 1921-22 just published a great deal of information in respect to the measures which are contemplated with this object on all lines.

(b) The probable annual allotment to be made to each of the railways for open line purposes during the remaining four years of the quinquennium will be approximately the same as in 1922-23 with possibly slight modifications in certain cases. The Demand Statement for each year will be duly presented to the Assembly in the usual course.

(d) The reply is in the negative.

BRITISH INDIA POLICE ASSOCIATION.

67. **Beohar Raghurib Sinha:** (a) Is it a fact that the Government of India have refused to accord recognition to the British India Police Association?

(b) If the reply is in the affirmative, will Government be pleased to state the reason of such refusal?

(c) Are the Government aware that a feeling of uneasiness has now been caused in the country and that it is apprehended that the Police Amendment Bill recently passed by this House was really directed against the legal activities of the Associations inasmuch as the Bill protected only the Associations recognised by Government?

(d) Are there any rules and regulations for recognising such Associations framed by the Government of India? If so, what are these?

The Honourable Sir Malcolm Halley: (a) Yes.

(b) The constitution of the Association was not in accordance with the rules, but the real reason for declining to accord recognition was that it was impossible for the Government of India to recognize an All-India association of purely provincial services.

(c) The Government of India are aware that feelings of uneasiness exist in certain quarters, but they are without foundation. The bill to which the Honourable Member refers is in no sense designed against associations lawfully constituted and recognized. It is open to provincial services to form provincial associations and to apply to the local Government for recognition.

(d) I will show the Honourable Member the rules on the subject.

DEPOSITS IN POST OFFICE SAVINGS BANKS.

68. **Mr. B. Venkatapatiraju:** (1) Will the Government be pleased to state:

(a) Whether it is a fact that deposits in Post Office Savings Banks in England are not liable to attachment for judgment debts of the depositor?

(b) Whether there is no such immunity in India as the deposits in the Savings Banks are attachable under section 60 of the Civil Procedure Code?

(2) Will the Government be pleased to consider the desirability of introducing this protection in India for the encouragement of thrift?

Colonel Sir Sydney Crookshank: (1) (a) Yes.

(b) No.

(2) The question will be considered.

AMNESTY TO POLITICAL PRISONERS:

69. **Mr. B. Venkatapatiraju:** Do the Government propose to consider the desirability of granting amnesty to all political offenders, convicted within three years who have not caused injury to the person or property of anybody?

The Honourable Sir Malcolm Hailey: Government are not prepared to consider the desirability of granting a general amnesty.

PETROL.

70. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

(a) the quantity of petrol annually produced in Burmah consumed in India and exported to other countries?

(b) the quantity imported into India from other countries?

(c) the average producing cost per gallon in Burmah, United States, and cost price per gallon for the consumer in India, United States and England?

The Honourable Mr. C. A. Innes: (a) The export of petrol from Burma to India in 1920-21 amounted to 15,998,291 gallons. Figures for subsequent years are not available. The quantities exported from Burma to other countries were 36,222,584 gallons in 1919-20; 18,856,640 gallons in 1920-21; and 20,156,323 gallons in 1921-22. The production of petrol in Burma is about 32 million gallons.

(b) The imports of petrol from other countries into India were 16,448 gallons in 1919-20; 2,052 gallons in 1920-21; and 1,348 gallons in 1921-22.

(c) The Government of India have no information as to the average producing cost per gallon of petrol in Burma and the United States, or as to the cost price per gallon for the consumer in the United States. The retail price of petrol in London is 2 shillings per gallon and in Calcutta Rs. 1-14 per gallon, i.e., the same as the rate obtaining in London plus six annas on account of excise duty. The price at Rangoon of the two brands sold there is Rs. 1-10 and Rs. 1-12 per gallon.

" SERVICE " POSTAGE STAMPS FOR LEGISLATURES.

71. **Mr. Mohammad Faiyaz Khan:** Do the Government propose to issue instructions to issue " Service " postage stamps to the members of the Legislative Assembly and Council of State on payment?

Colonel Sir Sydney Crookshank: Government do not consider it necessary to issue the instructions suggested.

REPORT OF ARMS RULES REVISING COMMITTEE.

72. **Mr. Mohammad Faiyaz Khan:** Will the Government be pleased to state when the Report of the Arms Rules Revising Committee (held at Simla in August last) will be published and when will the new Rules be enforced?

The Honourable Sir Malcolm Hailey: The Report of the Arms Rules Committee will be published on the 20th January next. The various recommendations contained therein are under the consideration of Government but it is not yet possible to say when effect will be given to such of them as are accepted.

DEMOLITION OF HINDU TEMPLES IN DELHI.

73. **Mr. Mohammad Faiyaz Khan:** (a) Will the Government be pleased to state if it is true that in connection with the proposal of building a Railway Station at Delhi, it is being proposed that three Hindu temples will be pulled down?

(b) If it is true, are the Government aware that no consideration of the Hindu sentiments and their religious susceptibilities has been given over this matter?

(c) That Sanatan Dharma Sabha of Muzaffarnagar has also protested, and a copy of the resolution has also been sent to His Excellency the Viceroy?

Mr. C. D. M. Hindley: (a) (b) For the comfort and convenience of the general public who will use the new station now under construction at Delhi it is desirable to move from their present site three Hindu temples which seriously interfere with the approaches to the station. Friendly negotiations are in progress and it is hoped that the desired object may be attained in such a way as to avoid all possibility of hurting the religious feelings of Hindus.

(c) The answer is in the affirmative.

PROFESSOR SKINNER.

74. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

(a) whether it is a fact that Professor Clarence Skinner of Tufts College, United States, wanted to go to India for a year and study Indian conditions;

(b) whether the British authorities refused to visé his passport;

(c) whether Dr. Sudhindra Bose, lecturer in Political Science at the University of Iowa, wanted to go to India after 16 years' absence to see his aged mother;

(d) whether his passport also was not viséd;

(e) whether there are any other cases of Americans being refused to visit India, whether Indian authorities are consulted in the matter and the reasons for refusal of admission into India?

The Honourable Sir Malcolm Hailey: (a) and (b) The Government of India have no information.

(c) and (d). The Government of India understand that Dr. Sudhindra Bose's application for a visa for India was refused by the Secretary of State. Attention is invited to the reply given by Sir William Vincent on the 10th January, 1922, to a similar question No. 112 put by Mr. Beohar Raghubir Sinha, in the Legislative Assembly.

(e) The Government of India are not aware of any cases at present in which Americans are being refused permission to visit India. Applications from foreigners other than ex-enemy foreigners and Russians are disposed of by the British Consuls abroad, and a previous reference is only made to the Government of India in cases in which domicile in India is alleged by the applicant and the Consul has reason to doubt the allegation.

MUNSHI IMAM ALI, CHITTAGONG P. O.

75. **Munshi Abdul Rahman:** (1) Are the Government aware that Munshi Imam Ali who was appointed as an unpaid probationer, Chittagong Head Post Office on 1st December 1915 after an examination test as required by Departmental rules and regulations and with the approval and sanction of the Post Master General, Bengal and Assam Circle and who after having served in that capacity for about 5 years to the entire satisfaction of his superiors was appointed a reserve clerk, Chittagong Head Post office with effect from the 1st February, 1920, has been summarily dismissed by the Deputy Post Master General on 4th January, 1921, without any sufficient ground and without any opportunity being given to him to show cause why he should not be dismissed?

(2) Will the Government be pleased to state if his summary dismissal was on the ground of his failure in examination in dictation in English taken in the midst of his official duty?

(3) Will the Government be pleased to state if the order of dismissal of a postal Department servant holding a permanent post without first requiring him to show cause why he should not be dismissed is according to Departmental Rules?

(4) Are the Government aware that all his petitions and memorials seeking for redress of his grievance in the matter sent to the Director General, Posts and Telegraphs, through proper official channel have been systematically withheld by the Post Master General, Bengal and Assam?

(5) Do the Government propose to issue instructions upon the Director General, Posts and Telegraphs to call for the record of the case and reconsider and revise the order of dismissal in question?

Colonel Sir Sidney Crookshank: The necessary information is being collected and will be supplied as soon as it is available.

EXPORT OF PETROL.

76. **Lala Girdhari Lal Agarwala:** (a) Have the Government noticed a leaflet issued by the Motor Trade Association (Western India) recently entitled "Petrol—four crores of rupees thrown away by the Government of India—an intolerable situation"?

(b) Is it a fact that the motor spirit exported to foreign countries is exempt from payment of the duty of six annas per gallon which is levied on such spirits produced and consumed in India?

(c) How much petrol has been exported from India and Burma free from such duty from the time of the passing of Act II of 1917 up to date?

The Honourable Mr. C. A. Innes: (a) and (b). Yes.

(c) The export of benzine and petrol from Burma and India since 1917 was as follows:

	From Burma.	From India.
1917-18	18,934,711	Nil.
1918-19	22,600,932	90
1919-20	36,222,564	Nil.
1920-21	18,856,633	2
1921-22	20,156,323	Nil.
1922-23 (up to October 1922)	12,872,247	Nil.
Total	129,643,435	92

ASSISTANT COLLECTOR, CUSTOMS, KARACHI.

77. **Mr. S. O. Shahani:** Will the Government be pleased to state if it is contemplated to appoint a third Assistant Collector, Customs, Karachi?

The Honourable Mr. C. A. Innes: The appointment of a third Assistant Collector of Customs at Karachi was sanctioned by the Secretary of State in 1921, but owing to the financial stringency effect has not yet been given to the sanction.

CLAIM OF INDIAN MEDICAL DEPARTMENT TO MARRIAGE ALLOWANCE.

78. **Lieut.-Colonel H. A. J. Gidney:** (1) (a) Will the Government be pleased to state if the marriage allowance sanctioned for British troops and other Departments in India is given to Assistant Surgeons of the Indian Medical Department in Military employ?

(b) If not, why not?

(2) If the answer is in the negative, will the Government be pleased to state why such distinction is made between the Indian Medical Department and other Departments of the Army in India who are also largely recruited in India?

(3) Is Government aware that great discontent and dissatisfaction exists in the Indian Medical Departments on this account and what steps does it propose to remedy this grievance?

Mr. E. Burdon: (1) (a) No.

(1) (b) and (2) The matter is under consideration.

(3) The answer to the first part of this question is in the negative. As regards the second part, matter is as I have said under consideration by Government.

INDIAN COAL ON RAILWAYS.

79. **Rai Bahadur G. C. Nag:** Will Government kindly lay on the table a statement showing, for each of the Budget Lines, the quantity of Indian coal consumed by Locomotives during 1921-22, the quantity purchased and the amount of foreign line freight on the latter?

Mr. C. D. M. Hindley: A statement showing the quantity of Indian coal consumed by locomotives on each of the budgetted lines during 1921-22, including in certain cases the figures relating to non-budget lines.

also, is being sent to the Honourable Member. As regards the quantity of such coal purchased by each of the budgetted lines and the amount of foreign line freight paid thereon, the information is being collected and will be furnished to the Honourable Member direct as soon as ready.

CARRIAGE OF COAL ON RAILWAYS.

80. **Rai Bahadur G. C. Nag:** With reference to the answer to starred question No. 25 printed at page 31 of the Legislative Assembly Debates, Volume III, will Government kindly state:

- (a) the date when the differential rates were introduced?
- (b) a few other items for which similar differential rates are allowed as between railway administrations?

Mr. C. D. M. Hindley: (a) 1st April 1920.

(b) Railway materials and stores.

RAILWAY AUDIT AND CONTROL.

81. **Rai Bahadur G. C. Nag:** With reference to the answer given on 6th September 1922 to my starred question No. 38, will Government kindly lay on the table a statement showing for each of the non-Budget lines, worked by the Bombay, Baroda and Central India and the Great Indian Peninsula Railway Companies; the rate charged for Government supervision, audit and control and amounts recovered during the year 1921-22?

Mr. C. D. M. Hindley: A statement containing the information asked for is placed on the table.

Statement showing the rate charged for Government supervision, audit and control and the amounts recovered during the year 1921-22 for the non-budget lines worked by the Bombay, Baroda and Central India and Great Indian Peninsula Railways.

Railway.	Name of Branch line.	GOVERNMENT SUPERVISION, ETC., CHARGES.		REMARKS.
		Rate.	Amount recovered during 1921-22.	
Bombay, Baroda and Central India Railway.	Tapti Valley Railway	Rs. 40 per mile per half year.	Rs. 12,458	
	Nagda Ujjain Railway	"	2,601	
	Gaekwar's Petlad Railway	"	1,717	
	Gaekwar Mehsana Railway	"	18,467	
	Tarapur Cambay Railway.	"	908	
	Ahmedabad Parantij Railway.	"	7,090	
	Ahmedabad Dolka Railway	"	2,683	
	Jaipur Railway	"	9,777	
	Dhrangudra Railway	"	3,212	
	Great Indian Peninsula Railway)	Bhopal State Railway	"	2,414
Bina Baran Railway		"	11,766	
	Bhopal Ujjain Railway	"	9,092	

N.B.—Other branch lines for which charges for Government Supervision, etc., are recoverable under the contracts are worked by the Great Indian Peninsula Railway for fixed percentage of earnings and the charge for Government Supervision is included in this percentage.

TENURE NATURE OF POSTS OF SECRETARY, ETC., IN SECRETARIAT.

82. **Rai Bahadur G. O. Nag:**† Is it a fact that the posts of Secretary, Joint Secretary, Deputy Secretary, Under Secretary and Assistant Secretary in the Government of India Secretariats are all tenure appointments and if so, what is the maximum period fixed for such tenure appointments?

COSTS AND RETURNS OF RAILWAYS.

83. **Rai Bahadur G. O. Nag:** With reference to the answer given on 6th September 1922 to my unstarred question No. 19, will Government kindly lay on the table a statement shewing:

- (i) the Budget lines at present under construction,
- (ii) their cost as per the latest estimate,
- (iii) the amount included in the estimate on account of leave allowances and pensions,
- (iv) the estimated annual return on (ii) during each year of the period fixed by the Secretary of State in Council, and
- (v) the return necessary to fulfil the conditions of a productive work?

Mr. C. D. M. Hindley: The statement is under preparation and will be sent to the Honourable Member as soon as possible.

PROBATIONARY SERVICE OF RAILWAY TRAFFIC OFFICERS.

84. **Rai Bahadur G. O. Nag:** Will Government kindly state whether the entire probationary service of Railway Traffic Officers counts for increments under the new time-scale, both on State-Worked and Company-Worked Railways?

Mr. C. D. M. Hindley: On State Railways, under existing orders only approved service from date of permanent appointment as Assistant District Traffic Superintendent or Assistant Traffic Superintendent counts for increment on the new time-scale.

Companies' railways have their own rules.

FREE ALLOWANCE ON LUGGAGE.

85. **Rai Bahadur Pandit J. L. Bhargava:** Are the Government prepared to consider the desirability of enhancing the weight of luggage allowed free of charge to the passengers travelling in the different classes of railway carriages?

Mr. C. D. M. Hindley: Government do not think that this is a suitable time to take up this question.

THE COTTON TRANSPORT BILL.

The Honourable Mr. C. A. Innes: Sir, I present the Report of the Joint Committee on the Bill to provide for the restriction and control of the transport of cotton in certain circumstances.

THE CANTONMENTS (HOUSE-ACCOMMODATION) BILL.

Mr. E. Burdon: Sir, I present the Report of the Joint Committee on the Bill further to amend the Cantonments (House-Accommodation) Act, 1902.

†The reply to this question will be printed in a later issue of these Debates.

THE INDIAN BOILERS BILL.

The Honourable Mr. C. A. Innes: I present the Report of the Joint Committee on the Bill to consolidate and amend the law relating to steam-boilers.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Deputy President: The motion for the consideration of the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, as passed by the Council of State, is now before the House.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Before this Assembly takes up the Bill for its consideration and before Sir Henry Moncrieff Smith successfully moves the Bill to amend the Code of Criminal Procedure, 1898, I have got some objections to make. First of all, as this House is aware, the report of the Racial Distinctions Committee is not just before the Assembly, and that involves Chapter XXXIII of the Bill further to amend the Code of Criminal Procedure, 1898, and it is, Sir, a part and parcel of the Bill which my Honourable friend, Sir Henry Moncrieff Smith, proposes to place before the Assembly for its consideration. Therefore, what he purports to place before us is not full, is not altogether a complete Bill. Therefore, Sir, there seems to be something lacking, something wanting and it is not accurate to say that it is a complete Bill. Under the circumstances, therefore, unless and until he gets the *whole* Bill further to amend the Code of Criminal Procedure, 1898, I do not think he will be in order to move for the amendment of the Bill.

Secondly, we are all aware that there are certain controversies going on in this country that, unless and until that Chapter of the Code of Criminal Procedure is given effect to and unless and until the racial distinctions questions are thrashed out in this Assembly, I do not think my Honourable friend will be in order in placing before the House the amendments further to amend the Code of Criminal Procedure of 1898. Then again, Sir, we understand that in the Provincial Councils Resolutions have been passed that there should be a separation of executive and judicial functions of the executive officers, and every one in the Committee formed for giving effect to it is thinking of how that can be done, that is to say, whether the powers of the Magistrates and the District Magistrates will be just the same as they are along with the Sessions Judges, or whether these Magistrates will be directly under the control of the Sessions Judges. If that is so, the whole amendment, that is, the amendment which my Honourable friend has taken so much trouble over, to bring before us in the Assembly will be of no use and his 'love's labour' I am afraid will be wasted. What is the use of putting up the same thing over again in another few days? Recently we were given to understand from the Government of India, with regard to this Racial Distinctions Committee's Report, that it is coming on before us sooner or later in the next few days. Therefore, unless and until we have got that before us complete, and, in view of the fact that there are so many difficulties which cannot be got over, you cannot begin from the other side when you have not got Chapter XXXIII completed. There are so many words to be changed, the whole thing will have to be recast again a few days hence, after a waste of paper, waste of energy and waste of thought, and again we shall have to begin it again. Everyone in this country was surprised the other day with regard to that case of Reid, Assistant Manager of the Khoreal Tea Plantation concern. It was an extraordinary judgment. There were nine jurors, one was Indian and the remaining eight were Europeans and the verdict was given by them in the High Court of Calcutta in its

Quarter Sessions—the eight European jurors held that the Assistant Manager, Reid, was not guilty and only one, that is, an Indian, found that he was guilty. There was great commotion in this country with regard to this question. We have had only the other day the decision of an European Magistrate in the Madras Presidency with regard to the trial of Sergeant Andrews and five others. What is this judgment? It says that it might be the case that before the transmission of the Moplah prisoners took place, these 70 poor Moplahs might have been poisoned before the train was in motion and that is how the benefit of the doubt was given to all the accused. Sergeant Andrews and five others were discharged under section 253 of the Code of Criminal Procedure.

The Honourable Sir Malcolm Hailey (Home Member): I hope I may be excused for interrupting the Honourable Member as I could not possibly allow that gross travesty of the judgment unchallenged. Whether he is in order or not in referring to these matters I leave it to your decision. In the meanwhile, my duty is to describe the Honourable Member's statement as a travesty of the judgment of the Magistrate.

Mr. Deputy President: When the Honourable Member rose to raise his objections, I thought they were of a technical character and I did not think at the time that he would go into such details. I shall have to stop him from going into details at this juncture.

Mr. K. Ahmed: I am not going into details. Nor am I of the same opinion as my Honourable friend, Sir Malcolm Hailey. Anyhow I want to make this quite clear that I am not criticising the judgment but that is the feeling in the country. There is a great commotion. Unless and until that Chapter is amended, I do not think there is much in the amendments to the Criminal Procedure Code. It will be better, quite worth while, and most desirable that the Honourable Sir Henry Moncrieff Smith should make his time more useful; and unless and until he has got that Chapter amended at once, I do not think he can be in order to move successfully in this Assembly that the whole Procedure Code should be amended. I raise these objections and now move that there should be postponement of this motion and I should like the Honourable Member to point out why he has not got Chapter XXXIII in the Bill which the Assembly is going to consider.

Mr. N. M. Samarth (Bombay: Nominated Non-Official): I rise, Sir, on a point of order. This Bill is a Bill which amends only certain sections of the Code of Criminal Procedure and we are now going to consider amendments only to some of the sections, the other sections remaining untouched. Now the question has been raised about the recommendations of the Racial Distinctions Committee. That is a question which is absolutely irrelevant to the discussion of the present Bill. I suppose the Honourable Member will not accuse me of not having predictions in favour of the view which he has put forward, because, as he knows, I was responsible for the Resolution which led to the appointment of the Racial Distinctions Committee. I am, therefore, as keen on that point as perhaps any Member here, but I do feel that no amendment outside the amendments proposed now in the Code can be rightly moved during the discussion of the present Bill.

Rao Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): I wish to join issue with the statement made by Mr. Samarth. This is a Bill to amend the Criminal Procedure Code. . . .

Mr. N. M. Samarth: Ohly some sections. . . .

Rao Bahadur T. Rangachariar: It is not convenient to amend certain sections of the Code only. If the Honourable Member will read the history of this Bill, he will find that several Committees sat to revise the Criminal Procedure Code and this Bill is specially brought to amend the Criminal Procedure Code. I do not wish, Sir, that by making a statement like this the House should be tied down at this stage to making amendments only to certain sections. I think, Sir, the whole Bill is before the House! I have taken the liberty to suggest amendments outside the amendments proposed by the Committee and I do trust, Sir, that you will not accept the suggestion made by Mr. Samarth that this is a Bill merely to amend certain sections of the Code.

The Honourable Sir Malcolm Hailey: May I suggest to you, Sir, that it is not necessary for you to give a ruling on this particular point at this particular moment. The motion before the House is whether the Bill as placed before the House should be taken into consideration and, Sir, if I may suggest it, the right moment for a ruling from the Chair as to the admissibility or otherwise of certain amendments is after the Bill has been taken into consideration and not at this stage.

Mr. Deputy President: I give my ruling that the further discussion on the motion that the Bill to amend the Criminal Procedure Code be taken into consideration be proceeded with.

Mr. K. B. L. Agnihotri (Central Provinces Hindi Divisions: Non-Muhammadan): The point made is about the postponement of the consideration.

Mr. K. Ahmed: Yes, until we get Chapter XXXIII completed.

Mr. Deputy President: That I would rule out of order.

Mr. J. Chandhuri (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): May I ask what is the motion before the House? We understood that Mr. K. Ahmed's motion was that the consideration of the Bill be postponed. Has that been ruled out of order or has the House to express its opinion on it?

Mr. K. Ahmed: Having allowed the discussion, how can that be ruled out of order?

Mr. J. Chandhuri: I am only putting the point to the House.

Mr. Deputy President: After hearing the Members I have ruled that the motion before the House is that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, as passed by the Council of State, be taken into consideration.

Mr. K. B. L. Agnihotri: There is a motion before the House by Mr. Kabir-ud-din Ahmed that the consideration of the Bill be postponed and I venture to submit, Sir, that the postponement of the discussion is in the hands of the House and it is very doubtful whether it could be ruled out of order, if I mistake not, then I think it cannot. I should like to be enlightened as to whether we could discuss the postponement of the Bill or not.

Mr. Jamnadas Dwarkadas (Bombay City: Non-Muhammadan Urban): Is there a motion before the House?

Mr. K. Ahmed: Yes.

Mr. Deputy President: I did not understand that the Honourable Member had actually moved any motion. Then the motion before the House is that the consideration of the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be postponed.

Mr. K. Ahmed: Yes, until we get Chapter XXXIII and the other Bills ready.

Sir Deva Prasad Sarvadhikary (Calcutta: Non-Muhammadian Urban): If that is the motion before the House I do not think it has been sufficiently discussed. Whether it is proposed to be ruled out or has been ruled out rightly or wrongly is another question. But if the amendment for postponement is before the House, it has not been sufficiently discussed.

Mr. Deputy President: The question for postponement of the consideration of the Bill is now before the House.

Mr. T. V. Seshagiri Ayyar (Madras: Nominated Non-Official): On this question of postponement there is one difficulty in the way and it is this. I remember when Sir William Vincent was leading the House, an amendment was sent in, if I remember aright, by Mr. Agnihotri asking for the inclusion of a number of sections along with the sections which have been reported upon; and if I remember aright the President who was then in the Chair and the Honourable the then Home Member had come to the conclusion that it is not desirable or possible to bring in amendments not relating to sections already before the House. There is that difficulty in the way. I do not know whether that would be regarded as barring this discussion but if it is not to be regarded in that light, I should like to say a few words in support of the amendment moved by the Honourable Mr. Kabir-ud-din Ahmed. It is this, Sir. This Bill contains a number of sections. At the same time, it omits cognate sections, sections which go into the sections which are before the House, which relate to the sections which would be discussed now, but which would become altogether useless, unless we have the other sections also before us. I will give you a few concrete instances. Take the Chapter relating to the Joinder of Charges. You deal first of all with section 235 and you go to section 239. Unless you have sections 233, 234, and 236 before the House, it will be impossible to move any amendment or come to any definite conclusion on the matter before the House. It is therefore in a very imperfect manner that the discussion of this Bill has been brought before the House, and it is undoubtedly desirable that the House should have before it a Bill which can be discussed properly and whose discussion would be of use to the Assembly. At present, Sir, by tinkering with some of the sections, we really are not advancing the cause which we have so much at heart. No doubt this Bill has been before the country for a long time, and it is desirable that this Bill should become law as early as possible. But the proper way of dealing with it is to bring in all the sections, at least, of the Chapter which we have to deal with. There is no use in bringing in one section of the Chapter and leaving aside the other sections of the Chapter, thereby rendering the whole discussion useless. Sir, there is a great deal to be said for the motion which has been brought forward by my friend, but there is also another matter, Sir. In Calcutta a report has been presented by a Committee which has been appointed that there should be a separation of judicial from executive functions. Now, if this is going to be given effect to, and if in other Provinces also we have similar results, the whole Bill will have to be recast: and what is the use of going on with a Bill which will be regarded as altogether useless when that question of

[Mr. T. V. Seshagiri Ayyar.]

separation of judicial from executive functions has been considered. For all these reasons, it seems to me, Sir, that we shall be right in delaying the business before the House; we all know that it will be a waste of time if the Member in charge presses for the consideration of this Bill. As I said, if there is a ruling, unless you rule that that ruling does not shut out this discussion, I would agree to the proposition which has been put forward to the House by my friend, Mr. Kabir-ud-Din Ahmed.

Dr. Nand Lal (West Punjab: Non-Muhammadan): Sir, I think that the amendments which are before the House can be dealt with independently and without making a reference to those sections which are not within the scope of being amended, and I, therefore, oppose the motion for postponement, which has been put forward before this House. The Honourable Mr. Seshagiri Ayyar has raised his objection to our now proceeding with the amendments, and the salient point, which has been referred to is that the separation of executive and judicial functions is being contemplated and that it would be better that this amendment may be taken in hand after that. I am afraid, Sir, there is no force in this argument. I myself am anxious to see those functions separated, but it will be seen when that question finally comes before the House. There is no guarantee that that question will, even within a year hence, be brought before this Assembly, in its final shape. Therefore there will be no good in delaying the present amendments for which the whole country has been waiting for the last three years. (*A Voice: 'More.'*) Three years so far as I know, it may be more. (*A Voice: 'Six years.'*) Then my argument becomes more forcible. Therefore, I very strongly oppose this motion for postponement. It would be better that we should take this important work in hand at once and do our level best to finish it, nothing will preclude us from suggesting fresh amendments, if necessary, hereafter.

Bhai Man Singh (East Punjab: Sikh): Sir, one of the questions before the House now is whether amendments referring to sections other than those referred to in the Bill can or cannot be taken into consideration. There is absolutely nothing on this point in our Rules of Business or Standing Orders. This question arose before this very House in the very first Session. That was with regard to some amending Act about the Land Acquisition Act. I would like to draw your attention, Sir, to that ruling, and it is with reference to that ruling that I would request you to decide the question. Therein, Sir, it was Rao Bahadur Rungachariar.

The Honourable Sir Malcolm Hailey: May I interrupt the Honourable Member, purely in the interest of the House? The point of order now discussed refers to the admissibility or otherwise of amendments relating to sections of the Code which are not placed in the Bill. Do we understand, Sir, that that is open to discussion now, or has it been ruled out of order by you until the major question that the Bill be taken into consideration has been disposed of?

Mr. Deputy President: That question has been ruled out of order by the ruling which the Honourable the President gave on that case.

Mr. Jamnadas Dwarkadas: Sir, may I point out that the situation seems to have a little changed after the speech made by my Honourable friend, Mr. Seshagiri Ayyar. Mr. Seshagiri Ayyar has pointed out that a ruling has already been given by the Honourable the President at the last Simla Session that this amendment would be out of order.

The Honourable Sir Malcolm Hailey: Where?

Mr. Jamnadas Dwarkadas: If the Honourable the Leader of the House could enlighten us, I think it would be much better.

The Honourable Sir Malcolm Hailey: I am very unwilling at this stage to enter into discussion regarding a point of order of this nature. I thought myself that the point of order had been ruled out of discussion by the Chair, until such time as the consideration of the major question had been disposed of. Since, however, Mr. Jamnadas Dwarkadas, considers that the situation has been altered by the considerations put forward by Mr. Seshagiri Ayyar, I will, with your permission, inform Mr. Seshagiri Ayyar that he is incorrect in the statement of that consideration. I have here the September debates, and there is no reference to this matter in regard to the discussion on the Criminal Procedure Code. As Mr. Bhai Man Singh was pointing out, the point came—I won't say under discussion, but under mention in regard to the proceedings regarding the Land Acquisition Bill; but there was no formal decision on the matter at all; and I would again appeal to you, Sir, let us know whether we are to continue discussing this point of procedure now, or are to wait until we have disposed of our major question, namely, whether the Bill as drafted should be taken into consideration or not, or, as the motion now stands before the House, whether that consideration should be postponed. Its consideration was already once postponed in the September Session. I have my own views on the subject of further postponement. I do not intend to put them before the House until we are clear whether we are discussing the point of procedure or the point of postponement.

(Sir Deva Prasad Sarvadhikary rose to speak.)

Bhai Man Singh: I was in possession of the House, Sir, and I had to stop because the Honourable Sir Malcolm Hailey rose to a point of order.

Sir Deva Prasad Sarvadhikary: Before that matter comes up, I have a matter and we wish that it should be perfectly cleared.

(Bhai Man Singh rose.)

Mr. Deputy President: Order, order. Sir Deva Prasad Sarvadhikary.

Sir Deva Prasad Sarvadhikary: If, Sir, as the Honourable Sir Malcolm Hailey told us, it be quite clear that it has not been previously ruled out of order that other amendments may be moved, that do not arise out of or appertain to the ground covered by the Government amendments, then many that are anxious to move these amendments would not support the motion for postponement. If, on the other hand, it be absolutely clear on the ruling then given or that you may now give that this cannot be done, the case for postponement will be strong. If it is given to Bhai Man Singh to differ from Mr. K. Ahmed, it may be given to me to differ from Mr. Samarth, and we do not all take the same view of the situation regarding the admissibility of other amendments. If it be absolutely clear that other amendments can be moved, then there is very little case for postponement. But that brings up another difficulty. Many, under the belief that under the previous ruling no amendments of the kind we are discussing are admissible, have refrained from sending in such amendments. What is their position? From all points of view it seems that the issues must be clearly defined before we proceed, even to vote on the motion for postponement.

Mr. J. Chaudhuri: I submit that my Honourable friend is not in order. The proposition now before the House is whether...

Mr. Deputy President: Order, order. I wish to give my ruling on each amendment as it comes up before the House. It is impossible to lay down in a general manner what amendment is in order and what is not. I think before an amendment is before the House, it is impossible for the Chair to decide whether it is in order or not. We will therefore now proceed with the question regarding the postponement of this motion.

Bhai Man Singh: Of course in deference to the Honourable Chair's ruling that we are not to discuss the point whether such amendment would be in order, I defer my arguments on that point for a future moment.

Now, I have only to submit one point before you, Sir, and that is whether the consideration of the Bill should or should not be postponed. So far as this question by itself is concerned, the Bill has been before the Legislature for the last six years; it had to be postponed during the last summer Session and therefore one naturally feels inclined to say that it should not be postponed any further. But I think the point raised by my friend on the left is really a very strong one; when we are revising practically the whole Code, why should most important matters be left out? These matters, I might say, have been the burning questions before the public for many years; they are questions, not of rules and procedure, but touching on the substantial injustice that is being done in many cases; they are vital questions and they should not be omitted from discussion when we are practically revising the whole code. And because these important questions are being shelved and kept out of the discussion, I should say that the consideration of this Bill should be postponed.

Rai Bahadur Bakshi Sohan Lal (Jullundur Division: Non-Muhammadan): Sir, from the copy of the Bill as passed by the Council of State and sent to us by post it appeared that the whole Code of Criminal Procedure was before the Council of State; and they noted in the very Preamble that the sections which were omitted were held by the Council of State to stand as they were and only those referred to in the clauses were amended. From this it appears that the object of the Bill before the Council of State was to revise the whole Code and not only particular sections, though they came to the conclusion that certain sections were to remain intact and others were to be altered. That was the position before the Council of State, and there is no reason why in the Assembly we should not consider whether the sections which were omitted from amendment or held by the Council of State to remain intact, should not be amended.

Another objection is that we have submitted certain amendments which have been ruled out, I do not know whether by the Secretary or by the President. I object to those amendments being ruled out before they were put before the House. I sent certain amendments and I received an answer that they related to other sections. I do not know under what rule those amendments have been omitted from this printed list; they had to be considered by the House; before they were ruled out of order, they could not be prejudged without being brought before this House. This is another reason why consideration of this Bill should be postponed until those amendments have been printed and are before the House for a ruling as to whether they are in order or not. I therefore respectfully support the proposition that the consideration of this Bill be postponed and all amendments brought before the House before this Bill is taken into consideration.

The Honourable Sir Malcolm Hailey: I should like to set the Honourable Member's mind at rest regarding his amendments. What happened was

that the Honourable Member sent in, a considerable time ago, a number of sections forming part of his own draft Bill in regard to racial distinctions, which he desired to enter as amendments to the Bill now before us; the Legislative Department returned them, asking the Honourable Member to draft them in a form more appropriate to this Bill. That, Sir, is all that happened to the Honourable Member's amendments; they were not excluded; and, as far as I know, no amendments which Members have put forward in regard to the Code of Criminal Procedure (Amendment) Bill have been excluded, either by the Legislative Department or anybody else.

Mr. W. M. Hussanally (Sind: Muhammadan Rural): I am, Sir, in great difficulty as to whether I should vote for the postponement of consideration of this Bill or for taking the Bill into consideration by reason of the view that you have been pleased to express a little while ago. You have declined, Sir, to give any ruling upon the point whether the whole Code of Criminal Procedure is before us or whether we are confined to the Bill as it is presented to us after emergence from the Select Committee. That is the point which makes it difficult for me to make up my mind as to which way I should vote. If the whole Code of Criminal Procedure is before us, I should certainly vote against the motion for postponement; and I believe that it will suit my friend, Mr. Kabir-ud-Din Ahmed, if you give a ruling that the whole Code is before us, because I believe that in that case he and his friends would be free to move any amendments in regard to the Chapters which he has mentioned, about racial distinctions and the separation of the executive and the judicial. If, on the other hand, you confine us to the Bill as it has emerged from the Select Committee, then, as my friend, Sir Deva Prasad Sarvadhikary, has said, the case for postponement becomes very strong and probably many non-official Members will vote for postponement. I therefore submit, Sir, that a ruling from you will facilitate matters and give us an opportunity of making up our minds as to which way we should vote, and I appeal to you, Sir, to make up your mind which way your decision is to go before calling upon us to vote one way or the other.

Rao Bahadur T. Rangachariar: There are two points, Sir, on which I should like to have information from the Honourable the Home Member before I decide how to vote on this motion for postponement. In the first place, are they going to take objection to amendments which are outside the scope of their Bill? In the second place, are they going to give us an assurance that they are bringing in the Racial Distinctions Bill before this Council comes to an end? If they are going to take objection and take a ruling from the Chair, then it is a vital matter to us to obtain a postponement. But if the Government are going to allow amendments to the Code generally, then I do not see why we should not proceed with the Bill, because Honourable Members who have amendments to bring forward will have plenty of time to give notice of those amendments because this Bill is sure to take some days. Then there is, not only this racial distinctions matter which is of vital importance, but another matter which I will mention and of which I have given notice of amendment, namely, the use of fire-arms on crowds, on unlawful assemblies or rioters. That is a matter in regard to which Honourable Members will remember the Council of State passed a Bill on the motion made by the Right Honourable Mr. Srinivasa Sastri. An amending Bill was brought forward in the Council of State and passed with certain amendments. That Bill was produced here for our consideration and notice of amendments was given; but the Government thereupon withdrew the Bill, and I say they withdrew it

[Rao Bahadur T. Rangachariar.]

deliberately, from the consideration of this House. They have not brought it forward. This Bill came up in Simla in September—not the last September but in September before the last—and the Government have not done anything with reference to that Bill. Six months have elapsed and under the rules that Bill ceases to exist, because the Council of State having passed it and this Assembly not having passed it within six months of that date, that Bill has lost its force. Therefore Government has deliberately abandoned a measure which was of vital importance to the country. These are two vital matters on which the country insists on amendments of the existing Code, and if the Government are going to take technical objection to the amendments which I have given notice of on this question of the use of fire-arms, then I say it is a ground on which I will decide for postponement, because the other amendments are not of any use if my amendments are to be ruled out of order. Therefore, Sir, I want an assurance from the Honourable the Home Member on these two points.

The Honourable Sir Malcolm Hailey: I seem to be supplying information this morning, on a large number of points, and I must apologise for occupying so much of the Assembly's time; but on this occasion I rise in reply to a definite request from my friend, Mr. Rangachariar. He asks what attitude Government is going to take in regard to the question whether amendments referring to sections of the Act that are not in the Bill as it appears before the Assembly will be taken up or not. He suggested further in the latter part of his speech that he desired to bring into the discussion certain further additions to our Act, in other words, to introduce, not only amendments to sections of the Act, as at present in force, or amendments to clauses of the Bill standing before the House, but further extensions to our Code as it at present exists. And he asks what attitude is Government going to take on this. I must remind him, that the decisive factor in this matter is not the attitude of Government at all. It is not the question whether I shall take objection to his doing so. It is the question whether you, Sir, as the custodian of the procedure of this House will rule that amendments are in order or out of order. I suggest that the Honourable Member must wait until he places his amendments before the House for a ruling of the Chair on the admissibility of those amendments. He further asks whether we are prepared to place before the House during the present Session the Bill relating to the removal of racial distinctions. I can only say at this stage that we have every hope of doing so. I can fix no date but the House can take it from me that we have every intention and every hope of doing this. Now, Sir, those are the two points on which I rose in order to give information, but I wish to deal for one moment with the implications which he would draw from the information, or from the lack of information I have afforded. He says he will vote for postponement unless my answers on these points are satisfactory; probably from his point they are entirely unsatisfactory, and I gather, therefore, that he is going to vote for postponement. The postponement would suit my convenience and that of my friend, Sir Henry Moncrieff Smith. We have, I think, to face 360—or it may be 390—amendments to this Bill. We received the great majority of them on Saturday last, the day before yesterday. We and our devoted draftsmen have been at enormous pressure to consider the effect of these amendments. I should like here and at once, to thank those Members of the House who fell in with the suggestion which we made to them that the amendments should be sent to us a month before the Session. For the rest, the fact is,

that we have something like 300 amendments to deal with at very short notice, and it would suit us admirably to gain time to do so. But, Sir, that is not the object of Mr. Rangachariar, and I desire to ask him, for his part, how he is going to gain his particular object by postponing the discussion of the Bill before the House? He says 'I will vote for postponing unless you first of all admit a variety of amendments to which I fancy that you are going to object, or unless you give me a definite pledge that you will place the Racial Distinctions Bill before the House this Session.' If we cannot do that, he will vote for postponing; he may even carry postponement. How is that going to effect his purpose? The Bill as drafted is before the House. He postpones the discussion. If he postpones the discussion until Doomsday, he does not alter its character or put more clauses into it or force us to revise it by bringing new Chapters of the Code under the scope of amendment. All he does is to secure that the Bill lapses, that the great efforts which have been made for a series of years to get our Code into somewhat better shape, the efforts which have been made not only by Member after Member in charge of the Home and Legislative Departments, but by high expert Committees, all these will be thrown away. If it is not clear to him, may I at least make it clear to the House, that by postponing this Bill he will not get more clauses into the Bill, because he cannot; he will not alter its character, because he cannot; and all he will do is to make it certain that the labour which has been bestowed upon this Bill and the trouble which Members of this House themselves have taken in putting forward their numerous amendments will be wasted.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I beg to support the proposal—the simple proposal—that the consideration of the Bill now before the House should be postponed. I do so not upon any controversial or emotional ground. I beg entirely to dissociate myself from the criticisms that have been offered with regard to the findings of Judges, Magistrates and Juries, behind their backs. I say without hesitation that this is not the place where we should hold up judicial decisions and judicial officers and juries to a sort of pillory. It is essential for the good administration of the country that the public should respect our judicial tribunals, but if we are to secure that respect, we, as representatives of the public, must set the example. We were not in Court, we did not hear the evidence, we did not hear the arguments and we are not in a position, therefore, to judge definitely that a particular finding is right or a particular finding is wrong. Further, I do not wish to put forward as a reason for supporting this proposal that various controversial sections, now under consideration, have not been included. I do not think that the judgment of this House on this motion ought to be warped by any excitement or emotion over points of that kind. I sustain the proposal to adjourn amendment on the ground of pure common-sense. It is wrong to say, as one Honourable Member remarked, that the whole Code is before the House. It is not.

This is stated to be a Bill further to amend the *Criminal Procedure Code of 1898*. Therefore we are not now considering a new Code, and the question really involved by this proposal to postpone is whether this House will make these extensive amendments in the existing Code, or whether the time has arrived when, by waiting a little longer, we shall be able to put forward an entirely new Code in substitution for this Code. The present Code has been before the country for a quarter of a century. It has now been strengthened in many cases, and perhaps weakened in others, by judicial interpretation; and it seems to me, with all respect to those who hold a different opinion, that the country can get along very well for a little time

[Colonel Sir Henry Stanyon.]

longer until the important questions which are now agitating the public mind, but which must be settled as soon as conveniently may be, can be brought in. After all, the Courts have to interpret the laws which we pass, and one very important rule of interpretation for the purpose of arriving at legislative intention is to consider an enactment as a whole. This House, as at present constituted, is in its last Session. Suppose that these amendments are passed, or done away with, or whatever may be the result of considering this Bill, we shall have a certain amount of work done and a certain amount of time spent; and in a very short time a completely new Code, with Chapter 33 and everything else thrown in, will have to come up for the consideration of the next Legislative Assembly. Is it not more correct to say that the time we now spend on this Bill will be wholly wasted? As to the material which has been collected, I do not think, if this Bill lapses, the labour expended in collecting it will be lost; the material will be available when a new Code as a whole comes up for consideration. My simple argument is this, that the present Code is old enough now to carry on for a little bit longer, and that we should not take up the gigantic work of wholesale amendment until we are ready to replace Act V of 1898 by an entirely new Code. On that ground, and on that ground only, I support the proposal that consideration of the Bill to amend should be adjourned.

Munshi Iswar Saran (Cities of the United Provinces: Non-Muhammadan Urban): Sir, my own feeling in the matter is that the House would do well in proceeding with the consideration of this Bill, but there are certain difficulties to which I shall draw the attention of the House if I may. If the Honourable Members will be pleased to refer to a copy of the Bill which is before us, they will see that it says 'an Act to consolidate and amend the law relating to criminal procedure,' and then, 'Whereas it is expedient to consolidate and amend the law relating to criminal procedure, it is hereby enacted as follows':

(An Honourable Member: That is not the Bill.)

Munshi Iswar Saran: It was passed by the Council of State. Now if you refer to Act V of 1898, it says: 'Whereas it is expedient to consolidate and amend the law relating to criminal procedure it is hereby enacted as follows:—...'. Now the first question which has been troubling some Honourable Members has also been troubling me. If we are not entitled, as it is quite open to you to rule, to propose any alteration of any of the sections which have not been touched by the measure before us, then I submit Honourable Members will find themselves in a serious difficulty. Then, there is the report of the Racial Distinctions Committee, which is receiving the long and protracted consideration either of the authorities here or of the authorities in England, of course, we do not know which. The matter apparently is so difficult and complicated that even the Honourable the Home Member is not able to give us any definite information; as to when that measure will emerge out of the consideration of these exalted personages we do not know. That being so, the difficulty is this, that you really take up an important Code like the Criminal Procedure Code and begin to alter it and modify it bit by bit. I submit, Sir, the best course would be, to wait and put the whole thing before the House in a complete form. Though as I have already said my own feeling is that we should not postpone the consideration of the measure. Now take another matter to which I should like to draw your attention. Section 491 of the Code of Criminal Procedure confers power on certain High Courts to issue directions of the nature of *habeas corpus*. There you find that only the High Courts of Madras, Calcutta and Bombay have got the right to issue these directions. The

High Courts of Allahabad, Patna and the Punjab have not got the right of issuing these directions. Now there are such important matters as have not been touched upon by the measure which we have got before the House now, and I am inclined to think that perhaps it will do no very serious harm if the consideration is postponed till Government is able to make up its mind about these various important and really vital questions. The Honourable the Home Member and indeed some other official Members say 'Oh, there are about 250 or 300 amendments.' It is not at all suprising that there are so many when you take into account the number of sections that there are in the Code and when you further remember the vast area of this country and the very large number of people affected thereby. I submit, Sir, that, taking the totality of circumstances at the present moment into consideration, it may perhaps be wise to postpone its consideration till such time as Government is able to make up its mind about all these various matters so that the alteration or the modification may not proceed bit by bit, but the whole Code may be taken into consideration and may be amended, altered or modified as the case may be. As the last speaker has said, the country has gone on for so many years with this Code and it can well be expected to go on a little longer with it without any very serious harm befalling it.

Mr. J. Chaudhuri: Sir, I would suggest that we should proceed with the Bill; I do not approve of the motion that it should be postponed. We have done a lot of work in the Select Committee and we may now proceed with the Bill and it will take some time to consider the amendments and embody each of them as may be carried in the Bill that is before the House. Now if the report of the Racial Distinctions Committee is published by the end of this month, and if the Bill is brought before us in February, in the course of this Session, the assent to this Bill by the Governor General may be put off till the end of the Session, and when the other Bill comes before us, we may also consider it in the course of the Session and then in that case we may consolidate it with the amendments we make now. The further Bill may be tacked on to this in this way. By putting off the assent of the Governor General, which is not usually given during the Session, we can consolidate both the Bills into one and we need not lose time and put away this Bill and have nothing to do for a considerable part of the Session.

So, I beg to oppose the motion for postponement and I support the motion that the Bill be proceeded with.

Mr. Deputy President: The question is:

'That the consideration of the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be postponed.'

The Assembly then divided as follows:

AYES—29.

Abdul Majid, Sheikh.
Abdul Rahman, Munshi.
Agarwala, Lala Girdharilal.
Ahmed, Mr. K.
Ahmed Baksh, Mr.
Akram Hussain, Prince A. M. M.
Asjad-ullah, Maulvi Miyan.
Bagde, Mr. K. G.
Bajpai, Mr. S. P.
Basu, Mr. J. N.
Bhargava, Pandit J. L.
Ghulam Sarwar Khan, Chaudhuri.
Gulab Singh, Sardar.
Hussanally, Mr. W. M.
Ibrahim Ali Khan, Col. Nawab Mohd.

Ikrumullah Khan, Raja Mohd.
Jatkar, Mr. B. H. R.
Lakshmi Narayan Lal, Mr.
Man Singh, Bhai.
Misra, Mr. B. N.
Mukherjee, Mr. J. N.
Nag, Mr. G. C.
Neogy, Mr. K. C.
Pyari Lal, Mr.
Reddi, Mr. M. K.
Sarvadhikary, Sir Deva Prasad.
Sohan Lal, Mr. Bakshi.
Stanyon, Col. Sir Henry.
Venkatapatiraju, Mr. B.

NOES—46.

Agnihotri, Mr. K. B. L.
 Allen, Mr. B. C.
 Asad Ali, Mir.
 Ayyar, Mr. T. V. Seshagiri.
 Barua, Mr. D. C.
 Blackett, Sir Basil.
 Bradley-Birt, Mr. F. B.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Cabell, Mr. W. H. L.
 Chatterjee, Mr. A. C.
 Chaudhuri, Mr. J.
 Cotelingam, Mr. J. P.
 Crookshank, Sir Sydney.
 Das, Babu B. S.
 Davies, Mr. R. W.
 Faridoonji, Mr. R.
 Haigh, Mr. P. B.
 Hailey, the Honourable Sir Malcolm.
 Hindley, Mr. C. D. M.
 Holme, Mr. H. E.
 Hullah, Mr. J.
 Innes, the Honourable Mr. C. A.

Jamnadas Dwarkadas, Mr.
 Joshi, Mr. N. M.
 Kamat, Mr. B. S.
 Ley, Mr. A. H.
 Mitter, Mr. K. N.
 Moncrieff Smith, Sir Henry.
 Nabi Hadi, Mr. S. M.
 Nand Lal, Dr.
 Percival, Mr. P. E.
 Ramayya Pantulu, Mr. J.
 Rangachariar, Mr. T.
 Samarth, Mr. N. M.
 Sen, Mr. N. K.
 Singh, Babu B. P.
 Singh, Mr. S. N.
 Sinha, Babu Adit Prasad.
 Spence, Mr. R. A.
 Subrahmanayam, Mr. C. S.
 Tonkinson, Mr. H.
 Vishindas, Mr. H.
 Webb, Sir Montagu.
 Willson, Mr. W. S. J.
 Zahiruddin Ahmed, Mr.

The motion was negatived.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock.
 Mr. Deputy President was in the Chair.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. Deputy President: I have received a communication from the Private Secretary to His Excellency to the effect that the following Bills have received the assent of His Excellency the Governor General:

The Indian Extradition (Amendment) Act, 1922,
 The Indian Museum (Amendment) Act, 1922,
 The Negotiable Instruments (Amendment) Act, 1922,
 The Court-fees (Amendment) Act, 1922,
 The Parsee Marriage and Divorce (Amendment) Act, 1922,
 The Official Trustees and Administrator Generals (Amendment) Act, 1922,
 The Police Incitement to Disaffection Act, 1922, and
 The Transfer of Ships Restriction (Repealing) Act, 1922.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Mr. Deputy President: The question before the House is:

That the motion for the consideration of the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, as passed by the Council of State, be taken into consideration.

The motion was adopted.

Mr. K. B. L. Agnihotri: Sir, I wish to raise a point of order before we proceed with the consideration of the Bill, and it is this. Certain clauses in the Bill as originally introduced have been omitted by the Council of State, and I would request you to give us a ruling whether the clauses that have been omitted by the Council of State are open to amendment by us in this House.

Rao Bahadur T. Rangachariar: Before you give a ruling, Sir, perhaps I may draw your attention to one point. I have just been looking up May's Parliamentary Procedure on this matter. I do not know if you propose to give a ruling on that now. If you do, I wish to address you.

Mr. Deputy President: I should like to hear you, Mr. Rangachariar.

Rao Bahadur T. Rangachariar: The stage at which we are is this. In May's Parliamentary Practice on page 380 it is stated thus:

'When the Bill, as amended by the Committee, is considered, the entire Bill is open to consideration and new clauses may be added, and amendments made. According to former usage, the amendments might be wholly irrelevant to the subject-matter of the Bill. This vicious practice was, in 1888, rendered impossible by Standing Order No. 41 which prescribes that no amendment may be proposed to a Bill on consideration which could not have been proposed in Committee without an instruction from the House. The practice of the House as to the admissibility of amendments described in connection with the Committee stage of Bills applies generally to amendments on consideration of a Bill as amended by the Committee.'

Turning back, Sir, to that stage, that is the Committee stage, what can be done in the Committee is stated at page 370. This is what we find:

'An amendment must be coherent, and consistent with the context of the Bill, and when a proposed amendment has been so amended to form an incoherent question, the Chairman stated that if no further amendment was proposed he should proceed with the question which next arose upon the clause. Amendments cannot be moved which are based on Schedules or other provisions, the terms of which have not been placed before the Committee. Amendments are out of order if they are irrelevant to the Bill or beyond its scope; governed by or dependent upon amendments already negative—(we are not concerned with that)—amendments are out of order if they are irrelevant to the Bill or beyond its scope.'

Now the question is whether in the first place, so far as the point raised by my friend, Mr. Agnihotri, is concerned, namely, the clauses omitted in the Committee can be restored according to this because it relates to the Bill itself, therefore there is no difficulty about the question which has been raised by Mr. Agnihotri. On that point the provision is clear, because it is the Bill itself. The Committee may have omitted certain clauses, and it is open to this House to restore them, because it is the Bill itself. You amend the Bill; the Bill has been amended by the Select Committee and the House can certainly restore a clause which has been omitted from the Bill by the Select Committee. That question does not in any way present any difficulty. But when we come to the second question as to the new clauses, I shall have to address you.

Mr. K. B. L. Agnihotri: I am afraid my point has not been properly understood by Mr. Rangachariar. My point was whether where a clause has been omitted by the Council of State, can we take up that original clause here.

Rao Bahadur T. Rangachariar: Because it was part of the Bill.

The Honourable Sir Malcolm Hailey: Sir, I shall deal only with the restricted question which has been put by Mr. Agnihotri, namely, whether we can here deal with clauses which have been omitted by the Council of

[Sir Malcolm Hailey.]

State, and not with the larger question to which Mr. Rangachariar referred. He read first an extract from page 382 of May's Parliamentary Procedure. He claimed that in accordance with Parliamentary Procedure this House could take cognisance of clauses which were in the Bill which was referred to the Select Committee and have been omitted by the Council of State from the original Bill. He bases his contention on this passage:

'When the Bill as amended by the Committee is considered, the entire Bill is open to consideration and new clauses may be added and amendments made.'

He has, I think, forgotten that between the stage at which the Bill was considered by the Committee and the present stage, a further stage has supervened, namely, the Bill has been considered by the Council of State and certain clauses omitted. Now, the Bill before this House is the Bill not as considered by the Committee but the Bill as it has come from the Council of State and I maintain, Sir, that it is impossible for this House in consequence to deal with any of those clauses which having been omitted by the Council of State are not now part of the Bill. I quite admit that, if the Bill had come forward in this Assembly and had been considered by a Committee of this Assembly and certain clauses had been omitted by that Committee, then of course this Assembly might deal with the Bill as it originally came before it, *i.e.*, with the whole Bill; but that is not the case. As I pointed out before, the House has before it the Bill as amended by the Council of State. I put it that this House can deal only with the Bill as it stands before it and it cannot consequently deal with any sections which have been omitted from the original Bill.

Mr. T. V. Seshagiri Ayyar: Sir, I think the Honourable the Home Member has taken a very narrow view of the powers of this Assembly. The two co-ordinate parts of the Legislature have power to deal with every Bill that is put forward by the Government. According to the Honourable the Home Member, if an amendment is made in the Council of State and that amendment is vetoed, this Assembly can do nothing in the matter. Apparently, he would say that once an amendment has been made there, you have no right to consider it. That would be the result of saying that if you omit a clause there, then you cannot consider that clause here. Then it must necessarily follow that if an amendment has been dealt with by the Council of State, we cannot deal with that amendment. Then the elaborate provisions by which differences between the two Chambers are to be settled by a Joint Committee would be useless. Surely, the idea is that, if a matter is before the one House, it is also before the other House, and whatever is before that House can be considered by the other House. There may be certain matters on which there is difference of opinion and when that happens the two Houses will have to consider it together. That implies that everything that is placed before one House must be regarded as being placed before the other House as well.

We will have to deal with the amendment of the Criminal Procedure Code as it is and it is our privilege and our duty to deal with the whole matter, and not to confine ourselves to what is said in the copy before us; and the fact that the Council of State has dealt with it in a particular manner can not affect the rights of this House.

The Honourable Sir Malcolm Hailey: Would the Honourable Member kindly inform us how we could have printed the Bill except in the form in which it was amended by the other House?

Mr. T. V. Seshagiri Ayyar: It is perfectly easy. You could have printed the omitted clauses in italics.

The Honourable Sir Malcolm Hailey: They would not be before the House nevertheless.

Sir Deva Prasad Sarvadhikary: It is an entirely new claim, Sir, that has been put forward on behalf of the Council of State. If any action by one Chamber was the final word on the subject, the Princes Protection Bill would never have come up before the Council of State and passed in the way in which it was done.

Mr. N. M. Samarth: But the rules provide that.

Sir Deva Prasad Sarvadhikary: I know. But the rules nowhere provide or suggest that, because the Council of State has chosen to throw out certain amendments or certain clauses, this Assembly, which, for this purpose, is its revising Chamber, is precluded from looking at them or saying their say. What happens to the Bi-chameral Scheme?

Sir, I do not quite follow Sir Malcolm when he says that the Bill is not before the Assembly in a form which would warrant its going into the matter. The Bill is in its entire form as introduced before both the Chambers. I do not want to labour that point for the position cannot be gainsaid. We can never forget that no Bill can have any legislative sanction till both the Chambers have either singly or jointly, as the exigencies of the case might require, dealt with it before it goes up to the Governor General. Therefore, I do not think that the proposition that has been put forward by Sir Malcolm will at all be tenable. You will not find corresponding precedents in Parliamentary practice, because the procedure here is entirely all our own. You have no corresponding two Chambers there which to the same extent act as a drag on one another as here and the position ought not to be worsened.

Bhai Man Singh: Sir, the question now before the House is, really speaking, a very important one from the point of view of the rights of this House and I would beg you, Sir, to give your most careful consideration before ruling out Mr. Agnihotri's point. In the first place, I will take up what is the principle underlying the question of amendments. Why should new amendments be not allowed? The only thing that can be said in defence of this point is that perhaps the Government Members or the Non-Official Members may not be quite prepared to meet certain amendments if they are taken by surprise. And therefore since certain Members may not be prepared on those points, it would be quite unfair to put in quite new points that do not concern the matter that is before the House. This can be the only principle of limiting our right of putting amendments to a certain Bill. Now, I submit, Sir, in the case of a clause that has been considered by the Council of State and that has been omitted by that House, are not the Government Members expected to be fully prepared on those points and to have studied them carefully and to be ready to meet amendments about them? There is no reason on earth why they should shrink from it if we want to introduce those points. Therefore, the clauses that have been omitted by the Council of State are before us and there is no reason why we should not be allowed to bring in those clauses again or to move amendments in regard to those sections the clauses about which have been omitted by the Council of State, or I may go one step further, which were originally discussed by the Joint

[Bhai Man Singh.]

Committee. Really speaking, the way in which this question has been taken up on the Government side by the Honourable Sir Malcolm Hailey is wrong. The larger question of allowing amendments about sections that have not been considered in the Joint Committee Report or in the Bill as passed by the Council of State, the Chair this very morning has been pleased to give a ruling that this question would be decided when specific amendments come before the House and not before then. If as yet we have not decided whether we can or cannot take up amendments about sections that have not been touched either by the Select Committee or by the Council of State, if we do not know the fate of those amendments, how can we decide the narrower question as to whether we can take up clauses that were in the Code originally but have been omitted by the Council of State?

The other point, Sir, is that this Bill was originally moved in this House as well. My Honourable friend corrects me that originally it was moved in the Council of State and subsequently it was moved in this House also. Therefore it would be a very strange thing that a certain Bill is moved before us and still the House is debarred from discussing those questions simply because the other House has been pleased to omit certain clauses from that Bill. To quote instances, Sir, I remember that in the Income-tax Bill last year, a certain point, i.e., the clause about the insurance of the minors in a joint Hindu family was omitted by us. It was then renewed by the Council of State and again brought before us, and then again we omitted that clause. (*The Honourable Sir Malcolm Hailey*: "One word in that clause.") The question was not of one word, but of a certain point, whether that point was brought out in half a clause or one clause. The question is that there was a certain point, that was put in a certain form and had been omitted by us. The Council of State discussed that point and put it in. Similarly, certain amendments were made by us in the Finance Bill about post office rates in our first Session. That question was also discussed in the Council of State and amended and then brought forward to this House. I cannot understand why this stringent attitude should be taken up by the Government to debar us from discussing the sections the amendments to which have been omitted by the Council of State.

Mr. N. M. Samarth: Sir, I do not think with due respect to the Leader of the House that he has given us a correct view of the real point at issue and of the way in which it should be decided. The point at issue is this. There was the original Bill before the Council of State, the originating Chamber, and in the Bill as originally brought forward by the Government there were amendments to one clause of the Bill or to several clauses of the Bill. The originating Chamber deleted certain amendments and passed the Bill in a certain form and that Bill is now before the House. The question is: Is it open or it not open to this House to propose those amendments which were originally there in the Bill but which were deleted by the Council of State and to insert them in such form as we may like—in the same form or in a modified form? To my mind, the question is hardly open to any serious discussion having regard to the wording of clause (4) of Rule 95, which you will find in the Manual of Business and Procedure at page 82. That clause reads thus:

'The other Chamber may either agree to the Bill as originally passed in the originating Chamber (that is to say, this House which is the 'other Chamber' in

this matter may either agree to the Bill as originally passed in the originating Chamber, that is, the Council of State), or as further amended by that Chamber, as the case may be, or may return the Bill with a Message that it insists on an amendment or amendments to which the originating Chamber has disagreed.'

• Now, there was an amendment in the original Bill, as introduced in the originating Chamber, which has been deleted by that body. We say that we insist that that amendment shall be inserted in the Bill, and it is quite open to us to do so. I, therefore, submit that the point of order must be decided in favour of the view which has been put forward by my Honourable friends over there.

Mr. P. P. Ginzala (Burma: Non-European): I would invite your attention to Rule 85 at page 80 of the Manual and would point out to you that the motion, as it is put on the agenda paper, is not in accordance with that rule. The motion on the agenda paper is, 'Further consideration of the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, as passed by the Council of State.' I submit that under that Rule they should not have inserted the words 'as passed by the Council of State' at all. Rule 85 says that 'At any time after copies have been laid on the table, any Member acting on behalf of Government in the case of a Government Bill, or in any other case, any Member may give notice of his intention to move that the Bill be taken into consideration, —the Bill itself—and not the Bill as passed by the Council of State. In any case, there are two points that the Home Member has got to remember. First of all, it is this. This House is entitled also to make amendments to this Bill. Supposing it deletes 15 clauses from this Bill and it goes back to the Council of State, will this House be entitled to ask the Council of State to confine its attention merely to the Bill as it is sent up to that Chamber by this House? The Council of State will insist upon, if it thinks fit, the re-insertion of those clauses which have been deleted by this House. Secondly, and this is what I am more concerned with that if the Honourable the Home Member insists upon putting this narrow interpretation upon the Rules, one thing this House will do, and that is, it will guard itself against any encroachment by the Council of State on any questions of legislation. It will insist, and it will be justified, I submit, in insisting, hereafter that any Bill of such importance as the Code of Criminal Procedure (Amendment) Bill shall not be originated in that Chamber, and I beg the Honourable the Home Member to remember that it is hardly worth his while on an occasion like this to create this sort of jealousy between the two Houses. On that ground alone I would ask the Honourable the Home Member to reconsider his position and not create a precedent which may hereafter lead to continuous disagreement between the two Houses.

Mr. Deputy President: With regard to the ruling which Mr. Agnihotri desires me to give, I have to say that I rule that it would be in order for Honourable Members to discuss the Bill as originally introduced in the Council of State and to move the necessary amendments.

The usual practice is to leave the Preamble and the long title of the Bill to the end. I will, therefore, put the following question:

"That Clause 1 do stand part of the Bill"

The motion was adopted.

Lala Girdhari Lal Agarwala (Agra Division: Non-Muhammadan Rural):
 Sir, I move my amendment which runs as follows:

"After clause 1, insert the following clause:

'1-A. For the words and figures 'Act V of 1898' wherever they occur in the Code of Criminal Procedure, 1898, the words and figures 'Act I of 1923' and for the figures '1898', wherever they occur in the said Code, the figures '1923' shall be substituted and all the necessary consequential amendments shall be made.'

The object of my amendment is this. The present Bill is a Bill for overhauling the Code of Criminal Procedure. There is a Code of Criminal Procedure of 1861 which was amended 11 years later in 1872. Then again, the whole Code was overhauled and was enacted in 1882, that is, 10 years later. Thereafter another Act came into force, namely, Act V of 1898, that is, 16 years later, which is the present law. That is going to be amended, and I should say it is being thoroughly overhauled. There is no reason why after a lapse of 25 years the same old name should continue. The labours of many Honourable Members of this House and other gentlemen who are not in this House have resulted in the present discussion and this matter has been going on for nearly 6 years. There is no reason why the old name should be continued. Then, Sir, there is another matter. Section 1 of the Code says 'It shall come into force on the 1st day of July 1898.' If the proposed amendments are made, and I see they are amendments of a very important and vital nature, some time should elapse before the new Act comes into force. If this clause is not amended, then the result would be that the amendments would come into force at once. Sir, for this reason I submit that my formal amendment, if it can be called a formal amendment, should be accepted and I would ask the Government and other Honourable Members of the House to accept my amendment.

Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir, I would deal with Mr. Agarwala's last point first. He says that one of the objects of his amendment is to secure that the amending Bill shall come into operation after some notice. He proposes that the amendments which we are making shall not come into force till the 1st July 1928. If that is his object, he should have proposed an amendment to clause 1 of the Bill which now stands part of the Bill. In the commencement clause he should have proposed to insert the words 'This Act shall come into force on the 1st July 1928'. In any case the amendment which he suggests will not effect what he desires in any way. I am somewhat at a loss to understand what the effect of the amendment might be. He proposes first of all that the words and figures 'Act V of 1898', wherever they occur in the Code of Criminal Procedure, should be replaced by the words 'Act I of 1923.' Well, Sir, though I share his optimism that this may be the first Act to be passed in 1923, we do not know what number this Act will have. But the words 'Act V of 1898' do not occur anywhere in the Code of Criminal Procedure, 1898. I do not know what the Honourable Member is referring to. Perhaps he has been looking at an edition of this sort (showing a Volume) having the words printed at the top of every page 'Act V of 1898'. They are not part of the law. Therefore his first point disappears. His second amendment is that for the figures '1898' the figures '1923' be substituted. The object is to alter the title of the Act and, as he says, also to postpone its operation till the 1st July 1928. I do not know what the effect of that will be. Apparently his idea is to leave us without a Code of Criminal Procedure at all from the date this Bill

is passed until the Act comes into force in July. The Honourable Member said that in 1898 we started with a new law. We gave the law a new name under a new year. That was quite another matter. In 1898 we consolidated and amended the law. Here we are not consolidating, though we are going to consolidate, I hope, very soon. At the present moment we are merely amending and therefore we cannot alter the title of the law.

Mr. Deputy President: The question is:

'That the following amendment be made:

'After clause 1, insert the following clause:

'1-A. For the words and figures 'Act V of 1898' wherever they occur in the Code of Criminal Procedure, 1898, the words and figures 'Act I of 1923' and for the figures '1898' wherever they occur in the said Code, the figures '1923' shall be substituted and all the necessary consequential amendments shall be made.'

The motion was negatived.

Mr. Deputy President: The question is that clause 2 do stand part of the Bill.

Mr. J. Ramayya Pantalu (Godavari cum Kistna: Non-Muhammadan Rural): Sir, I propose:

'That in clause 2, sub-clause (ii), for the figures '192' and '528', substitute the figures and words '192 sub-section (1)' and '528 sub-sections (1) and (2)', respectively, and insert the figures '437' after the figures '436'.

The first part of this amendment is a drafting amendment, because the question of subordination in regard to sections 192 and 528 only occurs in regard to sub-section (1) of section 192 and sub-sections (1) and (2) of section 528 and I want these sub-sections to be specified for the sake of accuracy. Then I come to sections 437 and 436. Section 436 relates to the power to order commitments.

Sir Henry Moncrieff Smith: May I suggest that the amendments in regard to sections 436 and 437 be moved separately?

Mr. J. Ramayya Pantalu: I agree to that suggestion. At present I move:

'That in clause 2, sub-clause (ii), for the figures '192' and '528' the figures and words '192 sub-section (1)' and '528 sub-sections (1) and (2)', respectively, be substituted.'

Sir Henry Moncrieff Smith: Sir, we have no objection to these amendments at all. The intention was to leave little things like this for the consolidation which, as I said just now, we hope will come very soon. But I think Mr. Pantalu has made one error. I think he has overlooked clause 143 of the Bill. Under that clause sub-sections (1), (2) and (3) are re-numbered (2), (3) and (5) and therefore the clauses which deal with subordination would now become (2) and (3) and not (1) and (2). Therefore if Mr. Pantalu will agree to sub-sections (2) and (3) for (1) and (2), I have no hesitation in accepting the amendment on behalf of Government.

Mr. J. Ramayya Pantalu: I accept that.

Mr. Deputy President: The question is:

'That in clause 2, sub-clause (ii), for the figures '192' and '528' the figures and words '192 sub-section (1)' and '528 sub-sections (2) and (3)', respectively, be substituted.'

The motion was adopted.

Mr. J. Ramayya Pantulu: My next amendment is :

'That after the figures '436' the figures '437' should be inserted.'

486 relates to the power to order commitment: It says that:

'When, on examining the record of any case under section 436 or otherwise, the Sessions Judge or District Magistrate considers that such case is triable exclusively by the Court of Session, and that an accused person has been improperly discharged by the inferior Court, the Sessions Judge or District Magistrate may cause him to be arrested, and may, thereupon, instead of directing a fresh inquiry, order him to be committed for trial upon the matter of which he has been, in the opinion of the Sessions Judge or District Magistrate, improperly discharged.'

The proposed clause, as drafted by Government, empowers the District Magistrate to order the commitment to a Sessions Court of a person who has been tried by an Additional District Magistrate. Section 487 refers to the power to order inquiry in a case in which the accused's complaint is dismissed under section 203 or section 204. If an Additional District Magistrate has dismissed a complaint under either of the sections, the question is whether the District Magistrate should not be empowered to order a further inquiry into the case; and if for the purpose of an order of commitment where a person has been discharged, the District Magistrate should have the power, I think he might also have the power to order a fresh inquiry into a case which has been dismissed. I think that my Honourable friend, Mr. Rangachariar, has got an amendment to omit section 486. If that is passed by the Assembly, I won't press my amendment in respect to section 487. But if the House retains 486, then I will press for this; so I request the Chair to allow me to move this amendment after Mr. Rangachariar's amendment has been disposed of. (Cries of "Withdraw.") I have explained my views. If Mr. Rangachariar's amendment is approved by the House, then I shall withdraw my amendment. But if that amendment is not passed, then I shall press mine; and I request the permission of the Chair to put it off till after Mr. Rangachariar's amendment is disposed of.

Mr. P. E. Percival (Bombay: Nominated Official): Sir, perhaps it will simplify matters if I point out that there is a mistake here. Sections 486 and 487 have been changed by the Bill. As Sir Henry Moncrieff Smith knows, the section was 487 in the previous Act; but in the Bill now it is 486. The numbers have been changed.

Sir Henry Moncrieff Smith: That is clause 116 of the Bill.

Bhai Man Singh: My amendment is:

'In clause (2), sub-clause (ii), substitute '437' for '436'.'

Of course the other portion has now been dealt with by the amendment of 485. The first portion is, in clause (2), substitute '487' for '486,' and after the word 'subordinate' insert the words 'and for the purposes of sections 485 and 486 inferior.' I would submit that the latter portion should be taken separately in two parts, so they would form two separate questions by themselves; for the present, I will only refer to my amendment for substituting 487, and my plainest reason for that is that in section 486 the word 'subordinate' nowhere occurs.

Sir Henry Moncrieff Smith: May I interrupt the Honourable Member. My friend, Bhai Man Singh, does not seem to have understood Mr. Percival. When we talk about what was 486 or rather what is at the present moment 486 in the Code, I would again invite attention to the fact that it has become 487, and 487 has become 486. If Honourable Members will look at

clause 116 of the Bill, they will find that the order of those sections has been changed. That is all. Therefore, the question of 'subordinate' arises in this Bill under section 436. It does not arise at all under section 487.

Bhai Man Singh: I withdraw it.

Rao Bahadur T. Rangachariar: Do I understand that the Honourable Sir Henry Moncrieff Smith means that 436, as it is now, becomes 437 and 437 becomes 436?

Sir Henry Moncrieff Smith: That is clause 116 of the Bill.

Rao Bahadur T. Rangachariar: Then the only question which remains would be whether even for the purposes of section 436, the Additional District Magistrate's proceedings discharging an accused person should be open to revision by the District Magistrate. I think, Sir, on principle. . .

An Honourable Member: May I ask whether the Honourable Member brings it under section 435 (revision)?

Rao Bahadur T. Rangachariar: 437 now, as it is in the present Code and 436 as it would be in the new Code, that is, the power of setting aside an order of discharge. Assuming, that 436 in the Bill means 437 as it is at present, that is, the power of revision of an order of discharge or the dismissal of a complaint, my point is that the District Magistrate should not have the power to set aside an order of discharge made by the Additional District Magistrate. That is the substance. The substance of the amendment now proposed in the Bill is that Additional District Magistrates should be assumed to be subordinate to the District Magistrate for the purpose of his exercising the power of revision which he has under section 437 as it is now and 436 as it is going to be. I do not think it is sound in principle that the Additional District Magistrate's proceedings, judicial proceedings, should be open to revision by the District Magistrate. They are men of equal authority,—and Additional District Magistrates are in this advantageous position that they do not combine in them generally executive functions. They are purely judicial Magistrates, and therefore they are welcome to the country, whereas the District Magistrate is the head of the police and is also mixed up with a number of police and executive matters and consequently have naturally an official bias in reference to judicial matters. Additional District Magistrates are in the fortunate position that they bring to bear upon the discharge of their duties a purely judicial mind; and therefore a proceeding which has been framed by a judicial officer should be subject to revision at the hands of judicial officers, and therefore it would be quite enough if the Sessions Judge has the power to revise the proceedings. If Honourable Members will look at the section, they will find that either the Sessions Judge or the District Magistrate may revise the proceedings of Magistrates referred to therein. Therefore, it is not the case that it would be without any revision. The Sessions Judge will revise the proceedings of the District Magistrate. If my proposal is accepted, the District Magistrate will not have the power. Therefore, no harm is done. On the other hand, the Additional District Magistrate is placed on a footing of equality with the District Magistrate, and therefore while it is sound that the District Magistrate should have powers of transfer, which is the proper operation of this clause, it is not equally sound to say that he should have revisionary powers over judicial proceedings made by Additional District Magistrates. The Additional District Magistrate's proceedings should be

[Rao Bahadur T. Rangachariar.]

subject to revision either by the Sessions Judge or by the High Court and not by the District Magistrate.

Therefore, the object of my amendment is not to give this power to the District Magistrate. I hope the Honourable House will agree to my suggestion.

I move, Sir:

'That in clause 2 (ii) the figures '436' be omitted.'

Sir Henry Moncrieff Smith: Sir, on the merits of this amendment I think I may say that the Government has no objection. There seems to be really no serious necessity to make the Additional District Magistrate, for the purposes of section 436 as it now is, subordinate to the District Magistrate. As my friend has pointed out, the Sessions Judge himself has the power of revision and I think that is sufficient.

Mr. Deputy President: The amendment moved is:

'That in clause 2 (ii) omit the figures 436.'

The motion was adopted.

Mr. J. Ramayya Pantulu: I wish to withdraw my amendment by the permission of the House in regard to inserting the figures '497' after the figures '486' in clause 2 (ii).

The amendment was, by leave of the Assembly, withdrawn.

Bhai Man Singh: I do not wish to move my amendment:

"In clause (2) (ii), substitute '437' for '436' and '528 sub-section (1)' for '528' and after the word 'subordinate' insert the words 'and for the purposes of sections 435 and 436 inferior'."

The amendment was, by leave of the Assembly, withdrawn.

Mr. Deputy President: The question is that clause 2, as amended, stand part of the Bill.

'The motion was adopted.

Mr. Deputy President: The question is that clause 8 stand part of the Bill.

The motion was adopted.

Mr. Deputy President: The question is that clause 4 stand part of the Bill.

Mr. J. Ramayya Pantulu: I move, Sir:

"That for clause 4 the following be substituted:

'In sub-section (2) of section 21 of the said Code, the words from 'declare what...' to the words 'and may' shall be omitted, the word 'the' shall be substituted for the word 'their' and at the end the following words shall be inserted:

'Of the Presidency Magistrates including Additional Chief Presidency Magistrates to the Chief Presidency Magistrate'."

It seems to me quite unnecessary to say that Presidency Magistrates are subordinate to the Chief Presidency Magistrate. It ought to be taken for granted that all Presidency Magistrates are subordinate to the Chief Presidency Magistrate, as all Magistrates in a District are subordinate to the

District Magistrate. It is only necessary to define the amount of subordination in which they stand to the Chief Presidency Magistrate. That simply is the object of my amendment.

• **Mr. H. Tonkinson** (Home Department: Nominated Official): Sir, in substance sub-section (2) of section 21 of the Code of Criminal Procedure deals with the relations which are to subsist between Presidency Magistrates and the Chief Presidency Magistrate. Now, in clause 8 of the Bill, we have provided for the appointment of an Additional Chief Presidency Magistrate, and therefore it is necessary to provide for the relations which should subsist between the Additional Chief Presidency Magistrate and the Chief Presidency Magistrate. The Bill proposes to do it in this manner. Sub-section (2) of section 21, as amended by the Bill, would read:

'The Local Government may for the purposes of this Code declare what Presidency Magistrates, including Additional Chief Presidency Magistrates, are subordinate to the Chief Presidency Magistrate, and may define the extent of their subordination.'

The Honourable Member proposes to substitute for these words the following words:

'The Local Government may for the purposes of this Code define the extent of the subordination of the Presidency Magistrates, including Additional Chief Presidency Magistrates, to the Chief Presidency Magistrate.'

I, Sir, have been pondering very considerably as to what was the object of the Honourable Member's motion. I gather now that the suggestion is that all Presidency Magistrates must be subordinate to the Chief Presidency Magistrate. Well, Sir, we have just been dealing with the relations between the Additional District Magistrate and the District Magistrate. There is a question there in the clause which we have just discussed of the extent of the subordination. But will the amendment moved by the Honourable Member secure that all Presidency Magistrates shall be subordinate to the Chief Presidency Magistrate. If you refer again to the amendment, you will find that it will give the Local Government power to define the extent of their subordination. They may say that that extent is *nil* and then the Additional Chief Presidency Magistrate and other Presidency Magistrates would not be subordinate to the Chief Presidency Magistrate at all. I would merely add, Sir, that this clause was exactly in its present form in the Bill introduced in the old Legislative Council in 1913. It was not touched at all by Sir George Lowndes' Committee; no one has suggested that any amendment to it was required in all the lengthy opinions that were received when that Bill was circulated for opinion, and it was not touched by the Joint Committee. I venture to suggest, Sir, that it is very undesirable at this stage to make a drafting amendment of this kind, and I hope that my Honourable friend will withdraw his amendment.

• **Mr. J. Ramayya Pantulu:** In response to the suggestion made by my Honourable friend I beg to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. Deputy President: The question is that clause 4 stand part of the Bill.

The motion was adopted.

Mr. Deputy President: The question is that clauses 5, 6 and 7 do stand part of the Bill.

The motion was adopted.

Mr. Deputy President: The question is that clause 8 stand part of the Bill.

Mr. J. Ramayya Pantulu: Sir, I confess I do not quite understand the amendment proposed to the original section 40 of the Code. The section as it stands seems to be quite clear and intelligible. It says:

'Whenever any person holding an office in the service of Government who has been invested with any powers under this Code throughout any local area is transferred to an equal or higher office of the same nature within a like local area under the same Local Government, he shall, unless the Local Government otherwise directs, or has otherwise directed, continue to exercise the same powers in the local area to which he is so transferred.'

That is quite clear to me. But the amendment says that instead of the word 'transferred' in both places where it occurs, the word 'appointed' shall be substituted and the words 'continue to' shall be omitted and for the words 'to which' the words 'in which' shall be substituted. I will take a very ordinary instance. A Deputy Collector in charge of a division is transferred from one district to another district as Deputy Collector. He was a Magistrate in the old station and when he is transferred out of the district, he continues to exercise those magisterial powers. Where is the advantage of altering the clause by taking away the word 'transferred' and putting in the word 'appointed'? He is simply transferred to a place of a similar nature in the same local area. There is no break in service between his former appointment and his latter appointment. When there is a break and when he is re-appointed, he has to be re-invested with magisterial powers. It is only when a man is transferred from one place to another without a break that his magisterial powers continue and he can exercise them. If that is the idea, where is the necessity for substituting the word 'appointed' for the word 'transferred'? And again take another case. A general duty Deputy Collector is appointed as a Treasury Deputy Collector. The question is whether he continues to be a Magistrate or not. Then take another case in which a Deputy Collector is appointed to exercise the powers of an Assistant Registrar of Co-operative Societies or when he is put on special duty for the acquisition of lands. The question that arises in these cases is whether the Deputy Collector continues to be a Magistrate in the new appointment. The section as it is seems to suggest that when an officer who is appointed a Magistrate by virtue of holding a particular office is transferred to another appointment of the same nature, he continues to exercise magisterial powers. That supposes that there is no break in service. It is only a case of transfer from one appointment to another and I do not really see the necessity or even the desirability of substituting the word 'appointed' for the word 'transferred', and then taking away the words 'continue to exercise'. He will only exercise the powers which he already exercised. So, he continues to exercise them. He does not exercise any powers which he has not already exercised. If there is a break in his position as a Magistrate, he cannot exercise any powers unless he is re-invested with those powers by the Government. Therefore it seems to me that the section, as it is, is all right and the amendment is not intelligible to me. I therefore move that clause 8 be omitted.

Mr. Deputy President: Amendment moved:

"That clause 8 be omitted."

Sir Henry Moncrieff Smith: Sir, I think I can explain in a few words the necessity and desirability of this small amendment. It was pointed out about ten years ago by one Local Government and one High Court that they were in some difficulty about gazetting their officers' powers when they came back from leave. An officer went on leave and during the period of his leave he exercised no criminal powers. He came back automatically to the same district; he was not transferred. Therefore the word 'transferred' in section 40 did not quite cover his case. Well, it is a very small point. I do not know whether the difficulty has arisen in other Provinces, but some Provinces apparently are so extraordinarily conscientious in applying the provisions of the Act, that they proceed again to gazette the whole of the powers of that officer when he comes back from leave. The amendment therefore will relieve their difficulties and also will save a great deal of routine work in the Secretariat and in the Government printing press. Of course if the word 'transferred' is altered to 'appointed', the alteration will cover the transfer when the officer is transferred to another district. If the word 'appointed' is substituted for the word 'transferred', then the other small amendments in the section become necessary. As regards the omission of the words 'continue to', an officer who goes on leave and comes back does not continuously exercise the same powers, because there is an interval during which he exercises no criminal powers at all. In the same way, when an officer is transferred he takes joining time. Therefore the words 'continue to' are not exactly appropriate in these connections. I hope that my Honourable friend has understood this explanation and that he will see his way to withdraw the amendment.

Mr. J. Ramayya Pantulu: If it is found necessary to re-appoint an officer on return from leave—that is I believe what you mean—then he is not transferred; but as a matter of fact an officer who goes on leave is not appointed again on return from leave. He simply returns to his appointment.

Mr. Deputy President: I would draw the Honourable Member's attention to the fact that there is no reply for the mover of an amendment. The amendment moved is that clause 8 be omitted.

The motion was negatived.

Mr. Deputy President: The question is that clause 8 stand part of the Bill.

The motion was adopted.

Mr. K. B. L. Agnihotri: Sir, my amendment is:

"After clause 8, insert the following as clause 9:

'9. Section 44 of the said Code shall be omitted.'

Clause 9 of the original Bill, as introduced in the Council of State, was about adding certain other sections to the sections already specified in section 44 of the Criminal Procedure Code. That clause was dropped by the Council of State. I now suggest an amendment, that section 44 should be omitted, and this omission should be put in, in clause 9. My object in putting this amendment is that section 44 put on the public the responsibility to report about the commission or the intended commission of certain offences that are specified in that section. My suggestion is that the members of the public should not be made liable to report excepting those that are particularised under section 45. Certain people

[Mr. K. B. L. Agnihotri.]

who are appointed to do certain duties or are remunerated for doing work or are connected with the Government may be burdened with the responsibility, but other persons who have no connection with the administration under any of the Statutes should not be made liable to make reports about any offences that may happen. It is an intrusion on the rights of the private citizen, and therefore I propose that section 44 of the Criminal Procedure Code should be omitted. Moreover, Sir, it is not only the commission of the offence that one is made liable to report, but even the intention of any other person to commit such an offence.

The intention is very difficult to be known. Even in criminal cases which come before the Courts of law the intention has to be judged from the circumstances appearing in the case, and after the offence has been completed and, here, one is expected to know whether or not any person is really going to commit an offence; this will be very difficult for any man to find. Moreover, if a man were to report about the intention of any other person to commit an offence, he also puts himself under the liability and risk of being prosecuted if the report turns out to be false or, in other words, if the intention of the offender is not proved. He puts himself within the clutches of sections 211 and 182 of the Indian Penal Code. As it is, at any rate, difficult to find out the intention of a person to commit any offence, it is better that this section should be omitted.

The Honourable Sir Malcolm Halley: Mr. Agnihotri, Sir, has already availed himself of your recent ruling. He is referring here to a section which was included in the original Bill, but has since been excluded. As I say, he comes within the terms of your ruling. And what use does he make of it? He proposes to omit the whole of section 44, a section which has always been part of our law. It lays on the public certain obligations in regard to the reporting of serious crime. I am not aware that in any of the discussions that have taken place regarding the Bill or its amendments, any public association or any public body, or indeed any individual, has protested against this obligation, and it has been left to Mr. Agnihotri to find it unduly burdensome. Remember that he does not attempt to discriminate between the various offences in regard to which there is an obligation on the public to report. With a fine gesture he would sweep them all away. That is to say, that if Mr. Agnihotri sees himself an act of the kind referred to in section 121, namely, the waging of war, then he would not consider it his duty to report it to the authorities. Much more terrible than this, if Mr. Agnihotri sees anybody committing the nefarious offence, an offence almost beyond the benefit of clergy, of assaulting the Governor General, he would not think that it was his duty to tell the nearest policeman. But I will not pursue the list of these offences. The ordinary man, I think, is willing to co-operate with the State in the protection of the public peace. Mr. Agnihotri said that this statutory obligation is an invasion of the rights of the public. Has he forgotten that rights also connote responsibility, and that every member of the public has also a duty towards other members of the public in the State at large? (*Mr. K. B. L. Agnihotri:* 'Certainly.') I am glad that he admits so much. Then he goes on to argue that the provision is an additionally difficult one because it refers also to the obligation to report to authority if one knows of the *intention* to commit an offence. That may add to the difficulty of the provision, but he does not propose

to do away with this particular prescription of the section; he proposes to do away with the section as a whole, and that proposal will, I think, appear entirely objectionable to the House.

Mr. W. M. Hussanally: Sir, I have listened with some interest to the reply given by the Honourable Sir Malcolm Hailey to the proposal made by my friend Mr. Agnihotri regarding the doing away with section 44. In my opinion, Sir, section 44 and section 45 to a great extent overlap each other. I do not think that section 44 would be necessary if a little modification were made in section 45 to cover the difficulty pointed out by the Honourable the Home Member. For instance, if the words "village headman, village accountant, etc.," appearing in section 45 were removed and the words "every person" introduced in that section, and sections 121, 121A, 122, 123, 124, 124A, 125, 126, and 180 were introduced in clause (c) of section 45, I think to all intents and purposes section 45 would do by itself and then section 44 would not be needed. I commend the modification I suggest to the Honourable the Home Member.

The motion was negatived.

Mr. K. B. L. Agnihotri: Sir, I now move that section 124A be deleted from section 44. The Honourable Sir Malcolm Hailey has pointed out that it is the duty of every member of the public to assist and make a report to the police about the occurrence of any offence. I quite see the point, but it is only a moral duty and not a legal duty and my object in moving the amendment was that there should be no such legal duty. As that amendment has failed I now move that 124A be deleted from this section. If we refer to section 124A we find that that is a section meant for the offence of sedition. It is not possible for a man, at least an ordinary man, a lay man in the public, to know whether a speech delivered by any person is seditious or not. It is a very difficult point even for Courts of law to decide whether or not a speech comes within the purview of section 124A. Under this section it is also made compulsory and obligatory on the ordinary public to report whenever there is known any intention of any man to commit any specified offence. I would say that it is very difficult, nay even impossible, for a man to judge whether or not a speech delivered, or that is about to be delivered, will come within the purview of the definition of sedition in section 124A, and therefore section 124A should be omitted. Moreover, it is not such an emergent and important offence that it should be immediately reported or be included in this section.

Mr. Deputy President: May I point out to the Honourable Member that he has omitted to move his amendment?

Mr. K. B. L. Agnihotri: With these words, therefore, Sir, I move my amendment, *viz.*,

'Insert the following as clause 9:

'9. (a) In sub-section (1) of section 44 of the said Code omit the figures and letter '124-A'.'

The Honourable Sir Malcolm Hailey: Mr. Agnihotri has come down from his original requirements. He started by refusing wholly to admit the legal obligation of the ordinary citizen to assist authority by reporting offences. Defeated on that issue, he now argues that the ordinary citizen should not be bound to report a case falling under section 124A, namely sedition; but he bases his arguments on somewhat curious grounds. He

[The Honourable Sir Malcolm Hailey.]
 claims that 124A is a difficult section; the ordinary man cannot know when the matter is seditious and is likely to cause disaffection; that even the Courts have very great difficulty in deciding that point. But he has clearly forgotten the terms of the section itself. It refers to every person, *who is aware of the commission or the intention, etc.* A person therefore would not fall within the scope of the section now under discussion unless he was first aware that this offence of which he had cognizance was one under 124A. Again if Mr. Agnihotri will turn to section 176 of the Indian Penal Code, he will see the exact prescription of law under which a man can be punished for omission to comply with his duties under this section of the Criminal Procedure Code. I read it to the House:

'Whoever being legally bound to give any notice or furnish information on any subject to any public servant as such *intentionally* omits to give such notice.'

It is perfectly clear then that he would not come within the scope of this section unless he was aware first of all of the nature of the offence and intentionally omitted to give information on the subject. Now I claim that it is just as important that the ordinary member of the public should recognise his responsibilities in the matter of sedition as in regard to other matters. There are people who may object to the way in which section 124A has on occasions been applied, but even they I think would admit with me that the section, having as wide a scope as it has, does embrace also very serious and highly criminal offences against the State. If that is so, then the ordinary member of the public ought to be under an obligation to report such offences to authority.

Mr. Deputy President: The question is that that amendment be made.

The motion was negatived.

Mr. Deputy President: The question is that clause 9 stand part of the Bill.

The motion was adopted.

Mr. Deputy President: The question is that clause 10, stand part of the Bill.

Mr. K. B. L. Agnihotri: I beg to withdraw my second amendment, Sir, namely:

'In clause 10 (i) (a) insert the following at the beginning:

'After the word 'occupier' where it occurs for the second time the words 'in charge of management of that land' shall be inserted and in clause 10, sub-clause (ii), omit all words after the word 'inserted', i.e., omit the words commencing from 'and' to the words 'other law'.'

The amendment was, by leave of the Assembly, withdrawn.

Rao Bahadur T. Rangachariar: Sir, we have now dealt with section 44 on Mr. Agnihotri's amendment. Section 44 lays down upon every person, that is casting a duty upon every citizen, to inform the authority of the commission, or of the attempt to commit, an offence. Section 45 deals with a different class of cases, namely, persons who occupy the position of servants of the State. That is the main object of section 45. That is, every village headman, village accountant, village watchman, village police officer, those are the class of persons who are first dealt with and you will also notice one other person is included in that class who

ought not to be included, namely, the landowner or occupier of land and the agent of the owner of any land. He is classed on the same footing as the village headman, village accountant, village watchman and village police officer. Why on earth the owner of land in this country should be classed in a different category from any other citizen I am unable to see. There was a time perhaps when the British hold on the country was not so strong as it is to-day. The villages are now in the grip of the State. You have got an army of officials moving about, you have got your officers in every village, you have got the excise department, you have got the postal department, you have got the various other departments which are now ramifying the whole country. Why the landowner and the occupier of land? Mind you, not even the occupier and owner of houses. It has been held that the house owners do not come under the definition of landowners. House owners are free. They need not give any information. They are not classed on the same footing as the village headman, village accountant, village watchman and village policeman, but somehow or other it seems to be a venerable superstition attaching to the British Government that the landowner should come more under the grip of the Government than any other citizen. I know the landowner has to suffer a lot in this country. If any cess comes, 'Oh go on the land'. Education cess—'Go on the land'. Sanitation cess, district board cess—'Go on the land'. That is no doubt the burden he has to bear. But why should he be saddled with this? I could understand it if he had any special privileges, at least exemption from the Arms Act. If the landowner and the occupier of land is told 'Well, I exempt you from the Arms rules; you may bear arms and be a good citizen in the interests of the Government', I can understand this obligation on the owner of land. Now, there are persons who make crores and crores of rupees in trade and commerce. The landowners are only as much citizens of the country as these commercial and mercantile people and traders, and school masters—and what about other people? Why should they all be exempt and why should this poor landowner—he may be a zemindar, he may be a Maharaja, he may be a poor ryot—all of them are placed on the same footing, and you say "very well, you do the village watchman's work". I know the history of this. We had village communities. In those days, when village communities had control of villages and of the surrounding forests, when they could dispose of the communal lands for communal purposes, when we had the disposal of the village affairs in our hands, I can understand placing the burden on the landowners. But now you have got quite beyond that state of affairs. If you allow your cattle to graze, your cattle are taken and you are prosecuted. What is the privilege that landowners enjoy that they should be made to do this police duty for the Government? I resent it. Now, Sir, the ryotwari settlement has undone most of the ancient privileges attaching to the ancient village communities. You did wrong thereby. The village communities used to do a lot of work and enjoyed privileges; they saw to village medical relief, village sanitation and other things. Now, what have you done? You have parcelled the land out by survey—"here are your limits, you shall not go beyond those limits and you have no voice over communal matters. You have no voice over communal benefits at all". He may be the owner of half an acre of land. There are hundreds and hundreds of these villagers. If he is merely the owner of a house in a village, he is not made liable but it is only the owner of land that is made liable in this section. I say, Sir, this is an anachronism. I say it is a reflection cast on the landowner that this invidious distinction should be conferred upon the landowner to-day whereas other people are not subject to this burden.

[Rao Bahadur T. Rangachariar.]

By all means let the village headman, village accountant,* village watchman, village police officer or any other person who receives 4 P.M. salary—let him be made liable. Why should the landowner be made liable? I therefore move that these words which occur in this section 45 should be omitted. He is quite prepared to share the responsibility, as every other citizen, which section 44 impose upon every citizen. I move the amendment* as it stands in my name.

Mr. Deputy President: Amendment moved:

"In clause 10 (i) (a) before the word 'for' insert the following: 'the words 'owner or occupier of land and the agent of any such owner or occupier' shall be omitted and'."

Mr. P. E. Percival: My Honourable friend, Mr. Rangachariar, has put forward a humble motion, as it appears; but, as a matter of fact, it strikes at the root of whole rural administration in India. For years, landowners have been responsible equally with village officers and village servants. It seems to me that the Honourable Member is himself weakening the power of the landowner and of the village authorities, because where they have certain rights they have also certain duties, and this is one of the chief duties that the landowners always perform. It is nothing new. It was in the Code of 1872, in the Code of 1882, and in the Code of 1898. It has been there all through. There have been several Committees; Sir George Lowndes's Committee, the Select Committee, etc., and this question was not then raised. My Honourable friend brings it up as a new proposal at the last moment,—a matter of very great importance which will affect the whole administration of the country. I desire to point out that the Honourable Member refers to the ryotwari parts of the country. We have however to remember that the country is not *all* ryotwari. For instance, take the case of Sindh, of which I have some experience. They are all zemindars there and big landowners, and such landowners have very important duties in connection with the administration of justice and police administration; and I suppose it is very much the same in other parts of northern India. So you cannot entirely judge from southern India what is best in parts like Sindh or the northern portion of India, where the zemindars are very important personages and have not by any means lost either their rights or duties in connection with the administration of the country. I would also just like to point out, in regard to village officers, that, although the duty is cast on them, very often the village officer is about 6 miles away from where an offence is committed. Some of the villages in the southern part of the Bombay Presidency are very large, and offences are committed 6 or 7 miles away from where a village officer lives. In cases like that you cannot possibly have the matter brought to notice by the village headman or the village policeman or anyone else. Again the village policemen work very much under the orders of the zemindar, and it is strange that a village servant getting Rs. 10 a month should be taxed with an offence, while a big zemindar paying Rs. 10,000, or a smaller zemindar paying Rs. 1,000, should go scot-free. I submit that this is a subject of very great importance. It has never been proposed by any of these Committees up to this moment, and is brought forward at the last moment by my Honourable friend. The Honourable the Home Member has dealt with section 44, and section 45 is of a similar nature; and I suggest that the amendment should not be accepted by the House.

*"In clause 10 (i) (a) before word 'for' insert the following: 'the words 'owner or occupier of land and the agent of any such owner or occupier' shall be omitted and'."

Dr. Nand Lal: Sir, I dissociate myself from some of the remarks, which the Honourable Mover of this amendment had the courage to make, meaning thereby, that the landowners and their agents should be on premium when compared with tradesmen or commercial people. While dissociating myself from these remarks, I am yet in favour of the motion, that is, the main amendment. I think there is great force in it. According to section 44, which has already been passed, every person is responsible. Then, why is this additional responsibility thrust upon the shoulders of landowners? There is no justification for it. There is great force in the fact that a landowner, who is quite an ignorant man—perhaps he does not know at all whether any undesirable person lives in that village or stays on the land, which is owned by him—is being held responsible for not giving this sort of information. To my mind, this duty, which is considered by some of my Honourable friends to be a kind of power, is a very onerous duty, and this imposition of duty, to my mind, seems to be misplaced. Therefore I am in favour of this amendment and I appeal to this House that this amendment may be carried.

The Honourable Sir Malcolm Hailey: I am sorry that Dr. Nand Lal, with whom I thought myself in the fortunate position of being in agreement, has announced that though he disagrees entirely with Mr. Rangachariar's reasons, he nevertheless accepts his conclusions. I am more logical, for I differ both from his reasons and from his conclusions. I do not look at this section merely as an instance in which the landowner is singled out from his fellow-men and placed in the same category as a village officer. Let us look at it as a purely practical question. The reporting of offences is easy enough in towns. The police are near at hand; the person affected by a crime can as a rule speedily convey information to them; failing him somebody else is almost certain to do so. But in the villages where the police are not close at hand, where for the most part we have no responsible representative of law and order, where often such representative, if he exists at all, is only an ignorant village menial, it is, as I think everybody will admit, essential that some means should be provided of giving early information of crime? Obviously we can only effect this by placing responsibility on responsible persons resident in the village. That responsibility as Mr. Percival has pointed out has always lain, has never been resented and has never been objected to . . .

Rao Bahadur T. Rangachariar: By the dumb millions.

The Honourable Sir Malcolm Hailey: It is objected to for the first time by Mr. Rangachariar. There are many landowners in the Council of State; it is curious that this provision of the law was not objected to when the Bill came before it. We have many landowners here. No other landlord has entered any amendment objecting to this obligation. As a whole, landowners in this country, I think, value their position, value their responsibility, and are prepared to discharge this obligation. I shall give another reason why this obligation should be laid on them. Taking the country at large, it is the landowners in the villages who have most to suffer from a breakdown of law and order. It is the landowner as a rule who is first hit by dacoity or disorder involving crime. It is on these double grounds that the obligation has always lain on the landowner. It is not an unduly onerous one; it is long-standing, it is perfectly justifiable to maintain it.

Mr. J. N. Mukherjee (Calcutta Suburbs: Non-Muhammadian Urban): I wish to say a few words to clear up what seems to me to be the underlying

[Mr. J. N. Mukherjee.] principle of my friend, Mr. Rangachariar's amendment. This section 45, Criminal Procedure Code, Sir, it seems was framed at a time when, as has been pointed out to some extent by my Honourable friend, Mr. Rangachariar, the owners of land used to remain on their estates, or on their lands. Circumstances, however, have changed considerably since then. The big cities are drawing away the landowners from their estates and under existing circumstances they are not likely to know all that happens on their lands, which they might know at a time when they used to reside on their estates. Now, instances are not unknown where landowners see things that may have taken place in their villages. Such cases have been ventilated in the newspapers, of which they have had no information. Therefore the section as it stands now is unduly extensive in its operation, as the landowner even if he is not in his village or on his land or estate, may be brought within the purview of section 45, quite unwarrantably. Under this sweeping section, any landowner,—not occupier—may be brought within its purview and operation for no fault of his own. It seems to me a very important point for consideration whether, in view of the fact that circumstances in India have changed considerably since these sections were enacted, and, inasmuch as ordinarily speaking, the owner of a large tract of land is not supposed to know what is going on in the locality in question, he should not be excluded from the operation of section 45. An obligation having been laid upon him, by section 45, to obtain information, he breaks the law if he does not obtain the information contemplated by the section. Nobody ought to say that the landlord should obtain the information contemplated by the section for the Government. He is however put within the four corners of section 45 of the Criminal Procedure Code for failing to obtain information, which a Magistrate might think he might obtain and under section 176 of the Indian Penal Code, he becomes punishable. Therefore, Sir, it seems that there is a great deal in the amendment proposed by my Honourable friend, Mr. Rangachariar. The present is a time of absentee landlords. That is true not only in India, but, it will be admitted, in other civilized countries, as well. We cannot tie up the landowners with their lands in the way in which section 45 proposes to tie them up. I therefore, Sir, beg to support my friend's amendment.

Bhai Man Singh: Sir, I also rise to support the amendment proposed by my Honourable friend, Mr. Rangachariar. The law as it stands is undoubtedly very defective, and the highest Courts also have thought it very stringent, and they have tried to loosen it by, what may be called, legal fiction. May I just read out an extract from one of the rulings:

"No doubt the words 'at or near such village' are not added but they must be evidently intended because the duty imposed of giving the information, etc., is intended to apply only when such occurrences take place at or near the villages".

A person is bound to give information if he owns land but residence in a house a village does not come within the meaning of this section. Now, Sir, really speaking, it is a very stringent duty placed upon every occupier of land; the Honourable Judges have tried to confine that duty to the rear vicinity of the village where his land is situated. Really speaking the opinion of the Judges of the High Court too is against the spirit of this section. If, Sir, we read the section itself, we see how vast this duty is. Under the section it is imposed upon the occupiers of land, etc., to give information as to the permanent or temporary residence of any notorious receiver of stolen goods, etc., also of the commission, or intention to commit, a non-bailable offence. Now, Sir, if you look into the list of

non-bailable offences under the Criminal Procedure Code, one would be simply surprised to see how anybody can take this onerous duty of giving information of the commission or the intention to commit any such offences. Similarly, Sir, you will see that, as my Honourable friend remarks, there is no reason why such onerous duty should be placed on independent land-owners; why this differentiation and this imposition of duty on the zamindars. With all due deference to my learned friend, Dr. Nand Lal, why should there be any distinction between an occupier of land and any other citizen following any other profession in life.

Colonel Sir Henry Stanyon: Sir, I rise to oppose this amendment. I submit, with great respect for the opinions of those who have supported it, that these provisions of the Code have been miscalled a burden and a restriction. They involve a most important principle. They are in a way an aid to the growth and development of a public opinion against crime because it is crime, which, in the circumstances of India, is a most valuable asset. Speaking from a forensic and judicial experience, now extending over 42 years, I can go back to a time when unfortunately it could be said of this country that the public opinion against crime, as crime, was a weakling,—was not what it should be. If an offence was committed in a village, the general attitude of the village people towards it was that it was a matter between the accused, the police and the Government. It had nothing to do with them. When a respectable witness saw an offence being committed, his general procedure was to get out of the way as soon as possible so as to avoid having to give evidence in a Court of justice and elude trouble by the investigating police. That state of affairs is passing away. A strong public opinion against crime, as crime, is growing up, and my submission is that, far from these provisions being regarded as restrictions and a burden, they should be looked upon as a recognition of the honourable duty of all good citizens. It will be seen from section 45 that the burden which the onus of proof laid down in section 44 placed upon the people covered by it, is not included. All that the section wants is that, if any owner or occupier of land and the other people mentioned, have information, they shall give that information. Where is the burden? Where does the restriction come in? Surely, Sir, any Member of this House, who saw one of these serious offences being committed would feel it to be his duty, regardless of any provision of law, to go to the nearest police station, or whatever was the proper authority, to complain about it. Surely every Member is interested in the maintenance of order and obedience to law. If any of us saw one of these serious offences being committed before our eyes, or if we got anything like reliable knowledge of them, surely, if we had a proper feeling of citizenship and public opinion, we should be impelled, regardless of these provisions, to go and see that justice was done. That is all that this section provides. I think, the House should look at it in that way, remembering that in all the decades that this law has been in force there has not been a single case of the poor unfortunate owner of half an acre being dragged up for not reporting an offence. If the practice of this section is borne in mind, it will be seen that it would be a retrograde course to remove it now. We should invite people to help justice, to come forward with any information that they may receive of the commission of an offence. They should regard it as a privilege and the duty of citizenship to come forward and give information, and not look upon such assistance as either a restriction or a burden. With these few remarks, I venture to oppose the amendment.

Sir Henry Moncrieff Smith: Sir, I wish to refer briefly to one or two remarks that fell from my Honourable friend, Mr. Mukherjee. If I understood him rightly, he seemed to suggest that this obligation which is laid on the landlord was very suitable when this provision was enacted, but times have changed. This is the day of the big absentee landlord. How can you make him responsible? Well, in the first place I join issue with him in his statement that times have changed. In Northern India at all events there are innumerable petty holders of land who live on their land. This section does lay an obligation on them, an obligation which they can very easily fulfil. But apart from that, if there is a big absentee landlord, I do not find any obligation laid on him at all. In the first place he has got to be aware of the commission of an offence. If he is not there, he is obviously not aware of it. Secondly I would remind the House of what the Honourable the Home Member said when discussing section 44, *viz.*, that a penalty only arises in cases where there is an intentional omission to report. Here it is exactly the same as in the case of section 44. It was suggested too by my Honourable friend that this provision puts a weapon of oppression and vindictiveness into the hands of the police. Well, that may be so, but if we are going to cut out from the Code of Criminal Procedure every provision that enables the dishonest policeman to attempt to make a little money, I am afraid there will be very little of the Code left on the Statute Book.

Sir Deva Prasad Sarvadhikary: Sir, may I be permitted to draw attention to the difference in language between sections 44 and 45 and also in the classes of offences covered by each section. Section 44 applies to a person 'if he is aware' of an offence. Section 45 applies to certain classes of persons 'who may obtain information' respecting certain other classes of offences. What is now attempted by the proposed amendment is to extend the scope of section 45 by introducing the word 'possess' in addition to the existing word 'obtain'. I do not know whether sufficient attention has been drawn to this matter. There is another matter to think about. Is this one of the matters with regard to which your ruling was necessary when we started the discussion? The Government amendment is for the purpose of changing the situation by adding to the word 'obtain' the word 'possess' because of certain Madras 'decision.' The amendment now before us touches the whole of the scope of the section, by deleting certain persons and classes of persons now within the purview of the section. I do not know how your ruling will go with regard to that. If the amendment is admissible, as it undoubtedly is, the word 'obtain' should stand out and the better and more comprehensive word 'possess' should be introduced. There is no amendment in that way.

The Honourable Sir Malcolm Hailey: We understood, Sir, that we were subsequently to discuss Mr. Seshagiri Ayyar's amendment regarding the words 'possess or obtain'; and that we were at present to discuss Mr. Rangachariar's amendment.

Sir Deva Prasad Sarvadhikary: Both these amendments cover what I am referring to. The existence of the word 'obtain' in section 44 does appear to be strongly objectionable from the point of view of Mr. Rangachariar, because a person has obligations cast upon him even if he is not aware of certain things and the objection would largely disappear if he is not obliged to have to 'obtain' information because he happens to have land. As Mr. Seshagiri Ayyar has pointed out, this section has a long history behind it. When the zemindary system became a part of the original organisation for British Indian administration in certain parts

of the country, certain duties were cast on zamindars in connection with policing, postal and road making arrangements and the section came in its present shape. The village chaukidar was entirely under the zemindar and the zemindar, as owner of the land as well as head of village organisation, was a powerful individual without whose assistance detection and prevention of crime would be, if not impossible, certainly difficult. Mr. J. N. Mukherjee has referred to the latterday absentee landlord and his woes. He had much sympathy wasted on him. He has no business to absent himself. When police duties have been otherwise dealt with, is it right that the landowner as such should be continued to be charged with obligations otherwise than an ordinary citizen. We have heard about police abuse. There is zemindar abuse also. This provision has been sometimes a powerful weapon in the hands of landowners who want to abuse it, by lodging information against unoffending but disagreeable neighbours, with regard to whom even the police would be normally powerless. There are therefore two sides to the question, and one cannot say that the landlord has not sometimes availed himself of this, to the detriment of his enemies. There is a well known story in Bengal about a powerful zemindar who had a weak neighbour in whose zemindary there was a murder. The neighbour in question disowned the zemindary to get rid of the immediate police trouble and the powerful man knowingly came in and said 'This is my zemindary and I will take the responsibility about the crime and will find out.' He thus laid the foundation of a title which secured him that zemindary ultimately. But these are abuses that need trouble us for the present, for things have changed considerably. We are interested in bringing sections 44 and 45 in a line and whatever citizen obligations there are should be of the same stamp and kind. If we later on agree that the word 'obtain' shall stand out, the objection that has been sought to be pressed home against section 44 by Mr. Rangachariar will stand.

Mr. B. C. Allen (Assam : Nominated Official): Sir, I think the Honourable Mr. Rangachariar and possibly the last speaker have supported this amendment under the impression that landowners and occupiers of land have been asked to discharge duties, for which there is fully competent machinery. The section as it stands is rather formidable. If the village headman, the village police officer, the village accountant and the village watchman are all bound to report offences, why should we trouble the landlords and raiyat to report? But as a matter of fact this high-sounding staff in real life comes down to very little. I have to mention that in the province of Bengal there are no village accountants, there are no village headman and the village watchman and the village police officer are the one humble individual, the village chaukidar. Everyone knows the village chaukidar occupies a humble position. Everyone knows he is not a wealthy man. Everyone knows he is a simple man. It is not obvious that supposing that an offence has been committed by an influential person in the village, the village chaukidar will have very strong inducements to say nothing in regard to that offence? Apart from this, the village chaukidar is not an ubiquitous person. Supposing a raiyat finds a corpse lying on his land. The chaukidar may know nothing about it. If this duty of reporting were not imposed upon the raiyat, the body would be left lying in the jungle. There may be presumptive evidence of murder, and yet, if this duty were removed, there will be no means by which the information can be brought to the notice of the authorities. Apart from this, Sir, as has been already pointed out, the law has been in force for very many years. The Bill has been under

[Mr. B. C. Allen.]

consideration for at least six years, and, as far as I am aware, amongst the immense mass of authority consulted, not a single person, not a single body has complained of these duties or responsibilities, which have been laid upon them. Now, Sir, I submit that the one thing that a legislative body should not do is to legislate *a priori*. In certain circumstances we have to act to some extent on a *a priori* knowledge. We have no experience here. We are dealing with an Act of very long standing, an Act that is not occasionally brought into use but is being used every day, almost every hour, and we are proposing to alter it, without a request from any outside authority.

For this reason I venture to ask the House to turn down this proposal.

Mr. Jamnadas Dwarkadas: I rise, Sir, naturally with the diffidence of one who is a lay man and not a lawyer and therefore perhaps not quite competent to deal with a subject that seems to be rightly the monopoly of lawyers. However, I rise at the same time with the confidence, if I may say so, of a citizen who claims his rights and at the same time recognises his responsibilities. Now, what is the issue before us? Mr. Rangachariar has moved an amendment to the effect that the responsibility that has hitherto devolved on the landowner or the occupier of land should now be removed from his shoulders and that the task of finding out a criminal or an would-be offender should be left entirely to those who are in authority. Mr. Rangachariar has made it a grievance, on behalf of the landowners themselves that they should be saddled with this responsibility. I have been at pains, Sir, to find out whether there is any grievance on the part of the landowners. If at all there is a grievance, it may be on the part of those who might fall victims to the devices of dishonest landowners who might make use of these powers vested in them to put others to trouble. (Rao Bahadur T. Rangachariar: 'There is no power.') Well, there is no doubt that this responsibility carries with it a certain amount of privilege. You can go to the villager and say to him 'Look here, if you don't do this, I am going to inform the authorities. I am called upon by my position here to go and inform the authorities and I shall give information against you.' If at all, it seems to be a privilege in favour of the landowner as against a villager. However, I have been at pains to think very carefully over this matter, and I feel from the point of view of the future to which we aspire at any rate, that it would be the proper thing to do to keep the clause as it is. For this reason, Mr. Rangachariar has, of course, tried to paint the picture of the ideal village community that we had in the past. I entirely agree with him on that point, that we had a wonderful system of village communities, the system of village *panchayats*, which, unfortunately, is now practically ruined. As one who wishes that this system should be restored at an early date, as one who is desirous of seeing this transitional stage go through very rapidly, and as one who wishes that self-government should be established in this country, I hesitate to deny the responsibilities that must come as a result of the achievement of freedom. Suppose you have self-government. You cannot then afford to have in every village a large number of *chaukidars* and a large number of officers who will, if they are left without assistance from certain sections of responsible people in the villages, find out criminals and offenders. You may have self-government, but you will not be able to remove crime altogether from this country; you will not be able to remove offenders altogether from this country, and you cannot afford to engage officers,—all of us who are anxious about retrenchment—we cannot afford to engage

the services of officers and chaukidars even to the extent to which we now have to engage. Well, in that case on whose shoulders will the responsibility fall? If we want freedom, the responsible section among us should be prepared to face the responsibility that freedom necessarily brings with it, and therefore I feel that landowners being a section which has got a stake in the villages, which has got a certain amount of responsibility in the villages and which is considered to be a sensible and educated section in the villages ought to be prepared to take this responsibility of assisting the authorities in finding out criminals and offenders. They will thus secure the safety of the village and assist in keeping crime and offence far away from the village without throwing the burden of maintaining an efficient police and officers on the villagers themselves. I suppose, therefore, if we are aiming at self-government—at the restoration of village communities—it should be also our desire to see to it that those who hold a responsible position in the village, for instance, the landowners, should be prepared to bear responsibilities as citizens of the village.

Mr. Harchandral Vishindas (Sind: Non-Muhammadan Rural): I move that the question be now put.

The motion was adopted.

Mr. Deputy President: The question is that Mr. Rangachariar's amendment* be made.

The Assembly then divided as follows:

AYES—29.

Agarwala, Lala Girdharilal.
Agnihotri, Mr. K. B. L.
Asjad-ul-lah, Maulvi Miyan.
Ayyar, Mr. T. V. Seshagiri.
Bajpai, Mr. S. P.
Chaudhuri, Mr. J.
Das, Babu B. S.
Gulab Singh, Sardar.
Jatkar, Mr. B. H. R.
Kamat, Mr. B. S.
Lakshmi Narayan Lal, Mr.
Man Singh, Bhai.
Misra, Mr. B. N.
Mukherjee, Mr. J. N.
Nabi Hadi, Mr. S. M.

Nag, Mr. G. C.
Nand Lal, Dr.
Neogy, Mr. K. C.
Rangachariar, Mr. T.
Reddi, Mr. M. K.
Sen, Mr. N. K.
Singh, Babu B. P.
Sinha, Babu Ambica Prasad.
Sircar, Mr. N. C.
Sohan Lal, Mr. Bakshi.
Srinivasa Rao, Mr. P. V.
Subrahmanayam, Mr. C. S.
Venkatapatiraju, Mr. B.
Vishindas, Mr. H.

NOES—43.

Abdul Majid, Sheikh.
Aiyar, Mr. A. V. V.
Akram Hussain, Prince M. M.
Allen, Mr. B. C.
Bagde, Mr. K. G.
Barua, Mr. D. C.
Basu, Mr. J. N.
Bhargava, Pandit J. L.
Blackett, Sir Basil.
Bradley-Birt, Mr. F. B.
Bray, Mr. Denys.
Burdon, Mr. E.
Cabell, Mr. W. H. L.
Chatterjee, Mr. A. C.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Davies, Mr. R. W.
Faridoonji, Mr. R.
Haigh, Mr. P. B.
Hailey, the Honourable Sir Malcolm.
Hindley, Mr. C. D. M.
Holme, Mr. H. E.

Hullah, Mr. J.
Hussanally, Mr. W. M.
Innes, the Honourable Mr. C. A.
Iswar Saran, Munshi.
Jamnadas Dwarkadas, Mr.
Joshi, Mr. N. M.
Ley, Mr. A. H.
Lindsay, Mr. Darcy.
Mitter, Mr. K. N.
Moncrieff Smith, Sir Henry.
Percival, Mr. P. E.
Ramayya Pantulu, Mr. J.
Samarth, Mr. N. M.
Sarvadhikary, Sir Deva Prasad.
Singh, Mr. S. N.
Spence, Mr. R. A.
Stanyon, Col. Sir Henry.
Tonkinson, Mr. H.
Webb, Sir Montagu.
Wilton, Mr. W. S. J.
Zahiruddin Ahmed, Mr.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th January, 1928.
