

15th September, 1924

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THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume IV, Part V

(3rd September to 16th September 1924)

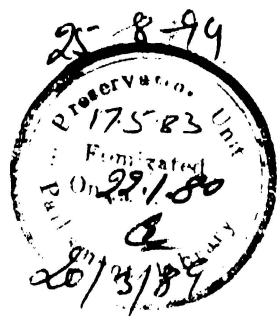
FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



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LEGISLATIVE ASSEMBLY.

Monday, 15th September, 1924.

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

QUESTIONS AND ANSWERS.

ERECTION OF A PASSENGER SHED AT RASIDPUR ON THE ASSAM BENGAL RAILWAY.

1842. ***Mr. Ahmad Ali Khan** : (a) Are Government aware that owing to the absence of a waiting room or shed of any kind at Rasidpur station (Assam Bengal Railway), passengers are compelled to wait in the open and thereby expose themselves to the inclemency of the weather at all seasons of the year ?

(b) Do Government propose to have a shed erected for the convenience of the passengers ?

Mr. A. A. L. Parsons : Government understand that waiting accommodation for passengers at Rasidpur station is being provided and that the work will be put in hand shortly.

APPOINTMENT OF A COAL COMMISSION.

1843. ***Mr. Ahmad Ali Khan** : Is it a fact that a Coal Commission is going to be appointed in the near future ? If so, what will be the scope of the inquiry and the probable date of appointment ?

The Honourable Sir Charles Innes : Government hope shortly to make an announcement on the subject.

FRACAS BETWEEN GURKHAS AND INDIAN EMPLOYEES OF THE EAST INDIAN RAILWAY.

1844. ***Mr. Ahmad Ali Khan** : (a) Has the attention of Government been drawn to a serious affray at Howrah in which Indian employees of the East Indian Railway were attacked with *kukries* by some 200 Gurkhas of the watch and ward Department ?

(b) Will Government state if the Gurkhas are allowed to carry *kukries* even when they are employed in a civil capacity as watch and ward ?

(c) Will Government further state if any steps have been taken to prevent a similar occurrence in the future ?

Mr. A. A. L. Parsons : (a) Yes.

(b) No, they are forbidden to do so.

(c) Yes.

NUMBER OF QUESTIONS IN THE DELHI SESSION OF THE LEGISLATIVE ASSEMBLY.

1845. ***Haji S. A. K. Jeelani** : Will the Government be pleased to state the total number of questions received by the Legislative Department from the non-official Members of the Assembly at its Delhi session ?

(3365)

Sir Henry Moncrieff Smith : Notice of 1,687 questions was received from non-official Members of the Assembly for the last Delhi session.

CONTRACT WITH THE MOND NICKEL COMPANY.

1843. ***Pandit Shamlal Nehru** : (a) Will the Government be pleased to state if any contract has been entered into by, or on behalf of, the Government of India with the Mond Nickel Company for the supply of all metal required for nickel coinage in use in India ? If so,

(b) for what period and at what rate has the said contract been entered into ?

(c) what was the market price of nickel at the date of the contract at the source of supply ?

(d) what is the said rate now ?

(e) was any attempt made to ascertain the market price of nickel in other markets and countries at the date of the contract ?

(f) what is the total quantity of nickel supplied annually by the Mond Co. since the commencement of the contract and the total amount paid by the Government therefor ?

(g) is it a fact that the Mond Nickel concern is wholly or partly owned by Sir Alfred Mond who was a member of Mr. Lloyd George's Cabinet ?

(h) what other interests have Sir Alfred Mond's firms acquired in India ?

The Honourable Sir Basil Blackett : The answer to the first part of the question is in the negative. The subsequent portions do not there fore arise.

PROFITEERING BY DEALERS IN SALT.

1847. ***Raja Raghunandan Prasad Singh** : (a) Will the Government be pleased to state since when the reduced rate of the salt tax, namely, Rs. 1-4-0 per maund has been in force ?

(b) Has the attention of the Government been drawn to the fact that some dealers in salt continued to sell for a long time and at places are still selling salt at the enhanced rate of the year 1923 even after the restoration of the tax to its former level of Rs. 1-4-0 per maund ?

(c) Do the Government propose to take prompt steps to stop this sort of profiteering on the part of the salt dealers ?

The Honourable Sir Basil Blackett : (a) From 1st March, 1924.

(b) Owing to the existence of duty paid stocks, the whole benefit of any reduction of duty does not immediately reach the consumer. This "lag" has varied in different places.

(c) Prices are now normal and there is no necessity for intervention by the Government.

FERRY SERVICE BETWEEN MONGHYR AND MONGHYR GHAT.

1848. ***Raja Raghunandan Prasad Singh** : (a) With reference to the reply to a question by Mr. Devaki Prasad Sinha given by Mr. A. A. L. Parsons on 1st February 1924, that the question of the dissatisfaction and hardship felt by the public owing to the perfunctory ferry arrangement between Monghyr and Monghyr Ghat would be referred to the

Agent, East Indian Railway, will the Government be pleased to state what reply has been received from the Agent of the East Indian Railway Company ?

(b) Are the Government aware that the ferry rate charged at present is very high and that much public feeling exists on this matter at present ?

Mr. A. A. L. Parsons : (a) The Agent, East Indian Railway, states that he is not aware of dissatisfaction in the mind of the public regarding the present arrangements and he has received no complaints on the subject. The steamer can hold 761 passengers, whereas the maximum number carried during any one day of six months of last year was 742.

(b) No

ABOLITION OF THE BRANCH POST OFFICE AT BETWAN BAZAR, MONGHYR.

1849. ***Raja Raghunandan Prasad Singh :** (a) Will the Government be pleased to inquire and state why the branch post office at Betwan Bazar within the town-area of Monghyr was discontinued some time ago ? Do the Government know that much inconvenience is felt by the public due to the discontinuance of the said branch office ?

(b) What is the reason that there should be no "second delivery" system in some of the quarters of the Monghyr town, e.g., Mirzapur, Bindwara, Mohaddipore and Kasim-Bazar ?

(c) Do the Government propose to remove this grievance of the Monghyr public at an early date ?

Mr. H. A. Sams : (a) The post office, which was a sub-office—not a branch office—was closed because it was working at a substantial loss. A branch office has since been opened in the locality, as the result of representations made by the public to the Postmaster-General, Bihar and Orissa.

(b) There is no second delivery in any part of Monghyr town, since all mails (except those from one branch office), are received at 2-20 and 8-19 hours and are included in a single delivery which is issued at 10-30 hours.

(c) Government are of opinion that there is no grievance which calls for redress.

NAUTICAL SCHOOLS.

1850. ***Raja Raghunandan Prasad Singh :** Will the Government be pleased to state how many nautical schools, if any, there are already in India to give training in the art of shipping to Indian youths ? When do the Government propose to give effect to the Report of the Mercantile Marine Committee ?

The Honourable Sir Charles Innes : A school is maintained by Sir Mohamed Yusuf at Novha, Bombay, in which boys are trained in the handling of boats. The Bombay Government are also starting a school for lascars this month.

The Report of the Indian Mercantile Marine Committee is still under the consideration of Government.

Mr. K. Ahmed : Do Government propose to expedite action in the matter of the acceptance of the Resolution of this House under which a Committee was formed and has reported on this matter ?

The Honourable Sir Charles Innes : Sir, I must ask the Honourable Member to repeat his question.

Mr. K. Ahmed : Will Government expedite that matter on which a report has already been submitted to this Assembly for a mercantile marine ?

The Honourable Sir Charles Innes : I have already told the House that that Report is still under the consideration of Government. The House may depend upon it that we shall try to expedite consideration as much as possible.

AGREEMENT WITH THE MARCONI COMPANY FOR THE CONSTRUCTION OF BEAM WIRELESS STATIONS.

1851. * **Diwan Bahadur M. Ramachandra Rao** : (a) Will the Government be pleased to state whether any agreement has been entered into with Marconis for the construction of beam wireless stations between the Dominions, Britain and India and whether the House of Commons approved of the agreement as announced by Reuter on the 1st August 1924 ?

(b) Will the Government be pleased to place the agreement on the table and to state whether the Government of India intend seeking the approval of the Legislative Assembly in regard to the agreement so far as it relates to India ?

The Honourable Mr. A. C. Chatterjee : (a) The Government of India understand that, with the approval of the House of Commons, the Imperial Government have entered into an agreement and contract with Marconis for the latter to erect such beam stations in the United Kingdom as the Imperial Government deem necessary, having regard to the extent to which beam stations are adopted in the Dominions and India.

(b) The agreement does not relate to India. The answer therefore is in the negative.

PRICE OF IMPORTED STEEL ON THE 1ST AUGUST 1924.

1852. * **Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state the price on the 1st of August 1924, of the various kinds of steel (per ton) mentioned in the Schedule to the Steel (Protection) Act, 1924 ?

The Honourable Sir Charles Innes : A statement is laid on the table showing the latest information available.

Statement showing average prices c. i. f. at Bombay Harbour, excluding duty and dock dues, of imported steel during first fortnight of August.

Article.	Continental.	British.
	£ per ton.	£ per ton.
Bars and Rods	7 1 0 to 8 7 8	10 15 0
Plates, ordinary	8 5 0 to 9 0 0	11 5 0
Structural shapes, i.e., Angles, beams, channels, etc.	7 5 0 to 8 0 0	10 7 6
Sheets, black	11 0 0 to 11 10 0	13 0 0
Sheets, galvanised Corrugated .. .. .	..	18 15 0 to 19 15 0
Sheets, galvanised Plain .. .. .	..	19 5 0 to 20 5 0

APPLICATIONS FROM CANDIDATES OF NON-ASIATIC DOMICILE FOR APPOINTMENTS IN THE ALL-INDIA SERVICES IN 1921, 1922 AND 1923.

1853. ***Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state (a) the number of applications received in England from applicants of non-Asiatic-domicile for appointments in the Indian Police Service in 1921, 1922, and 1923, and the number of vacancies filled up each year ? (b) The number of applicants of non-Asiatic-domicile who competed for the Indian Civil Service in 1921, 1922 and 1923 and the number of appointments made in England for the Service in each of those years ? (c) The number of applications received for each of the other All-India Services in England from applicants of non-Asiatic-domicile in 1921, 1922 and 1923 ?

The Honourable Sir Alexander Muddiman : Full particulars in respect of all the Services concerned are not available in India, but are being obtained from England.

MEMORANDA FURNISHED TO THE LEE COMMISSION BY THE CENTRAL AND LOCAL GOVERNMENTS.

1854. ***Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to furnish the Members of the Assembly with the memoranda if any furnished to the Lee Commission by the various departments of the Local Governments in each province and by the departments of the Government of India and also the memoranda containing the views of the Local Governments and of the Government of India on the various points which formed the subject of enquiry by the Commission ?

The Honourable Sir Alexander Muddiman : The Government of India understand that Local Governments did not furnish the Commission with departmental memoranda, but gave their opinions on the issues raised by the questionnaires. These opinions form part of the evidence of the Commission and cannot be published. The Government of India supplied the Commission with certain memoranda, but these were strictly confined to statements of fact and expressed no opinions. As however in many cases they contain correspondence with the Secretary of State which the Government of India are not authorised to publish, it is regretted that the memoranda cannot be supplied to Honourable Members.

RELEASE OF SARDAR KHARAK SINGH.

1855. ***Lala Duni Chand** : 1. (a) Will Government be pleased to state if an opinion has been asked from the Punjab Government on the subject of the case of Sardar Kharak Singh as promised by Sir Malcolm Hailey, the then Home Member, in reply to the Resolution regarding the release of Sardar Kharak Singh on 26th February 1924 ?

(b) If the reply to (a) be in the affirmative, will the Government please lay on the table the copy of the opinion received from the Punjab Government ?

2. Will Government be pleased to state the reasons for not giving effect to the Resolution regarding the release of Sardar Kharak Singh which was adopted by this House on 26th February 1924 ?

The Honourable Sir Alexander Muddiman : The Honourable Member is referred to the answer which I gave to Sardar Gulab Singh's unstarred question No. 306.

PERCENTAGE OF RESOLUTIONS ADOPTED BY THE ASSEMBLY TO WHICH EFFECT HAS BEEN GIVEN BY GOVERNMENT.

1856. ***Lala Duni Chand** : Will Government be pleased to inform the House what percentage of the Resolutions adopted by this House have been given effect to since the inauguration of the Reforms ?

Sir Henry Moncrieff Smith : The attention of the Honourable Member is invited to the series of statements referred to in the answer given to Mr. K. V. Reddi's question No. 994 on the 24th March, 1924, which is printed at pages 2111 and 2112 of the Legislative Assembly Debates Volume IV, No. 37, and to the statement on pages 2261-2262 of the Assembly Debates dated the 27th May, 1924. The Honourable Member will doubtless be able to work out from these statements the percentage of the Resolutions given effect to by the Government since the inauguration of the Reforms.

RISE IN THE PRICE OF FOOD-STUFFS.

1857. ***Lala Duni Chand** : (a) Are Government aware that the prices of food-stuffs like wheat, gram, etc., have recently gone up very much and if so, is the rise of prices due to export to foreign countries ?

(b) If the facts stated in part (a) are correct, will Government be pleased to state to which countries food-stuffs are being exported, and in what quantity have they been exported so far, and how much more are they expected to be exported ?

2. Is it not a fact that the export of food-stuffs injuriously affects a large percentage of the poor population in this country and if so, what steps do Government propose to take to remove the sufferings of the poor population of this country caused by the export of food-stuffs ?

Mr. J. W. Bhore : (a) The Government are aware that the price of wheat has risen to some extent during recent months but the latest figures show a fall.

(b) Statistics of quantities of food-stuffs exported from India with their destination are to be found in the accounts of the Sea-borne Trade which are published monthly and are available in the Secretariat Library.

2. Government cannot subscribe to the suggestion contained in this part of the question. They see no grounds so far for taking any action in the direction indicated but are watching the situation.

FIXING OF PRICES OF COMMODITIES SOLD IN CANTONMENT BAZAARS.

1858. ***Lala Duni Chand** : (a) Are Government aware that the prices of various articles sold daily in the bazaar of Kasauli Cantonment are fixed for a fortnight and any person infringing the schedule of rates so fixed is invariably reported for action and punished ?

(b) Is it a fact that the same practice prevails more or less in other Cantonments also ?

(c) Are Government aware that there is generally a fluctuation in the prices of various articles in the Indian bazaars and the prices cannot remain stationary for a fortnight ?

(d) Is there any rule or law that authorizes the Cantonment authorities to fix prices in such a manner, and if so will the Government quote that rule or law ?

(e) If the facts, as stated in (a), (b) and (c) are correct, do the Government propose to take steps to redress this grievance of the persons concerned ?

Mr. E. Burdon : (a) Government understand that the Cantonment Authority, Kasauli, publishes at intervals a list of the prices of articles. It is reported that since the Cantonment Act, 1924, became law no action has been taken against anyone for selling articles at higher rates than those published.

(b) Government have no information on the point

(c) Government are aware that prices fluctuate.

(d) There is no rule or law authorising cantonment authorities to fix prices.

(e) Government propose to inform all cantonment authorities that any lists of prices that they may publish can only be regarded as a guide to intending purchasers and that action cannot be taken against vendors for selling at prices higher than those notified.

SUPPRESSION OF THE OPIUM TRAFFIC.

1859. ***Lala Duni Chand :** 1. (a) Has the attention of Government been drawn to an extract from a letter written by an American lady to Mahatma Gandhi, published in "The Young India" of 31st July 1924, in which she, on the strength of a quotation from a bulletin, issued by the British Society for the suppression of the opium trade, says :

"India is still permitted to supply five Eastern Governments with as much opium as they officially ask for, that in spite of the boasting that she does not sell the drug to private persons in those five countries, by agreement she drenches them with narcotics, which find their way by smugglers into China, and that while a Dangerous Drug Act forbidding the unlicensed possession of opium and its derivatives is passed for England, the British India Government yet maintains this scandalous and nefarious traffic."

(b) Are the facts stated in part (a) correct, and is the indictment brought by the British Society for the suppression of the opium trade against the Government of India true ?

2. Are Government prepared to take any steps or adopt measures to remove or extenuate the existing state of things in the matter of manufacture and export of opium to other countries ?

The Honourable Sir Basil Blackett : 1. (a) The answer is in the affirmative.

(b) No. The accusation is on the face of it a hysterical misrepresentation of the facts and entirely false both in its substance and in its implications.

2. The Government of India are strictly complying with their obligations under the Hague Opium Convention in the matter of export of opium and are not prepared to take further action independently of these obligations. If the importing Governments concerned decide to restrict the amount imported, the exports from India will be automatically reduced. The fact that this involves a further reduction in the revenues of the Government of India, which have already been greatly reduced by the action voluntarily taken by the Government of India, will not for a moment be allowed to affect the Government's attitude. But it is for the other Governments concerned, if they think that the opium imported is not being

put to legitimate uses—of which I have no evidence—and not for the Government of India, to take action. Indeed action by the Government of India would seem to involve an unwarrantable slur on the good faith and capacity of the other Governments in question.

Dr. H. S. Gour : May I beg to inquire, in view of the fact that the Government of India adhere to the Hague Opium Convention, what steps they have taken to assure themselves of the fact that the non-export of Indian opium does not stop the consumption of opium and that there has not been a large production of indigenous opium in China which replaces exported Indian opium, thereby entailing upon the Indian revenue a considerable loss which is not justified by the correspondingly reduced consumption of opium in the countries to which exports from India were previously made ?

The Honourable Sir Basil Blackett : I think that the Honourable gentleman is correct in suggesting that the results of the stoppage of export of opium from India hitherto have been somewhat disappointing. It is very doubtful if there has been any decrease in the consumption of opium in China and there has been a large increase in the exports of opium from Persia and Turkey.

Dr. H. S. Gour : And the local growth of opium, the local cultivation of opium reported in all the papers of India.

The Honourable Sir Basil Blackett : I implied that in my answer.

NUMBER OF WIDOWS IN INDIA.

1860. ***Dr. H. S. Gour** : (a) Has the attention of the Government been drawn to the statement by Mrs. Wemyss Grant, M.D., and published in the *Statesman* of July 31, 1924, to the effect that no less than a million and a half of girls in each generation suffer from enforced widowhood at the age of ten ; and that five in every thousand of the female population are widows below the age of ten ; sixteen are widows between the ages of ten and fifteen ; and forty-one widows between the ages of fifteen and twenty ?

(b) Is the statement correct ?

(c) If not, what are the correct figures ?

The Honourable Sir Alexander Muddiman : (a) The answer is in the negative.

(b) and (c). The Honourable Member is referred to Table VII in Vol. I, Part II (Tables) Census of India, 1921, and to Chapter VII, Part I of the Report.

CONSTITUTIONAL REFORMS.

1861. ***Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state, with reference to the answer to my supplementary question to question No. 1225 of the 4th June last whether they will lay on the table of the House :

(i) the Report of the Muddiman Committee referred to in the press communiqué of the 18th May last,

- (ii) the Memorandum referred to in the press communique of the 23rd May last,
- (iii) opinions submitted by the Local Governments called for by the Government of India upon the Resolution carried in the Assembly on 18th February last and in pursuance of the undertaking given by Sir Malcolm Hailey to the House at the time,
- (iv) the further material placed before the Committee now sitting and the questionnaire calling for evidence and opinions of responsible and representative Indians ?

The Honourable Sir Alexander Muddiman : Government are at present unable to accede to the request of the Honourable Member.

Mr. A. Rangaswami Iyengar : May I know when it will be possible for the Government to accede to the request ?

The Honourable Sir Alexander Muddiman : When they have received the report of the Committee, they will be able to consider the question.

CONSULTATION WITH THE LEGISLATURE IN CASES OF ALTERATION OF THE STATUTORY RULES.

†1862. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state :

- (1) with reference to the reply of the Government to questions No. 1291 and No. 1350 on the 5th and 6th June last,
 - (i) whether the Secretary of State or the Government of India or both considered the "desirability of consulting the Indian Legislature" with reference to the new Statutory Rules contained in No. F.-76-I.24-A., Legislative Department published in the Gazette Extraordinary of the 21st July in accordance with the procedure set out by the Under Secretary of State in the House of Commons in May last,
 - (ii) if so, what the result of that joint or separate consideration was ;
 - (iii) and what the reasons, if any, were that induced the Government to ignore the Legislatures ;
 - (iv) whether it is to be understood as the Government's settled policy that the Legislatures should not in such case of alteration in Statutory Rules be consulted at all ?

NEW RULES RELATING TO SUPPLEMENTARY GRANTS.

1863. ***Mr. A. Rangaswami Iyengar :** (1) Will the Government be pleased to state :

- (i) whether they intend immediately to avail themselves of the new Rules as to supplementary grants in the Assembly in respect of any of the rejected or reduced grants which were expressly left unrestored by the Governor General in March last ? If so, what would be the heads of demands so dealt with ?

† For answer to this question—see below question No. 1663.

- (ii) If not, what were the circumstances that necessitated the urgent framing of these new Rules and their notification in a Gazette Extraordinary and what were the reasons that induced the decision, if any, not to consult the Assembly before making them ?
- (2) Will the Government be pleased to state whether before making the Rules they satisfied themselves that there was any parallel or precedent or support in principle in the practice and procedure of any other Legislatures within the Empire, for the making of such Rules, or that there was any instance in any of those Legislatures in which excess or supplementary grants were made to mean re-grants of grants once refused or reduced ; if not, do they now propose to do so and report the result to the Secretary of State for submission to Parliament ?

The Honourable Sir Alexander Muddiman : I have nothing to add to the reply given by me to Mr. Neogy's question No. 1735, dated the 3rd September 1924, relating to the same subject. This reply also covers the Honourable Member's question No. 1863.

Mr. A. Rangaswami Iyengar : Question No. 1863.

Mr. President : The Honourable Member said that the answer to question No. 1862 covers also No. 1863.

THE KRISHNASAGARA AND METUR PROJECTS.

1864. * **Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state with reference to their answers to my question No. 1345 on the 6th June last and the supplementary questions thereon :

- (i) Whether the " necessary inquiry " promised in the last reply on the matter was made and if so, with what result ?
- (ii) Whether the matter of the immediate publication of the agreement between the Mysore and Madras Government regarding the Krishnasagara Dam received " due consideration " at the hands of the Government of India as promised by Sir B. N. Mitra and if so, when and with what result ?
- (iii) Whether the publication of the agreement was purposely delayed till the Secretary of State's assent was obtained and so as to put it beyond the power of the landholders concerned to make reasoned and renewed representations ; if not, what was the reason for delaying its publication till after the Secretary of State had signified his approval thereof ?
- (iv) When the Government of India sanctioned the Metur Project and when they approved the estimates ?
- (v) Whether they at any time applied or authorised the Madras Government to apply for permission to carry out this Project lower down the river Cauvery and within wholly British territory ?

The Honourable Mr. A. C. Chatterjee : (i) The inquiry proved unnecessary, as information was available that the Government of Madras had not published the Agreement.

(ii) Yes, but while the question was under consideration the Secretary of State's assent to the agreement was received.

(iii) The Hon'ble Member is referred to part (c) of the Hon'ble Sir Bhupendra Nath Mitra's reply to his question No. 1345 of the 6th June last.

(iv) The Metur Project has not yet been sanctioned nor the estimates approved.

(v) No. There was no question of permission. It will be clear to the Honourable Member that no project could go forward until the amount of water available for it was settled, and no such settlement was possible until a decision was reached as to the partition of the Cauvery discharge between the Governments of Madras and Mysore.

BASIS OF THE RECRUITMENT CALCULATION SUPPLIED TO THE LEE COMMISSION.

1865. *Mr. A. Rangaswami Iyengar : (a) Will the Government be pleased to lay on the table the calculations which were supplied to the Royal Commission on the Superior Civil Services referred to in paragraph 35 of their Report which would enable recruitment on the scale recommended by them of Indians and Europeans and produce a 50 to 50 cadre in about fifteen years ; and

(b) Will the Government be pleased to explain on what basis it has been assumed that there would be a future rate of retirement amongst officers, of not less than 10 per cent above the normal ; and will the Government also lay on the table of the House all the information upon which this assumption and the calculations referred to have been made ?

The Honourable Sir Alexander Muddiman : The calculations referred to were not supplied by the Government of India to the Royal Commission and have not been communicated to the Government of India by the Royal Commission. The Government of India, however, have subsequently examined the question for themselves. Calculating on the basis of the number of officers now in the Indian Civil Service and the normal rate of retirement to be expected, it may be anticipated that 738 European officers out of a total of 1,111 will have retired after 15 years, leaving 373 still serving of those now in the Service. The full number of European recruits required on the proposals of the Lee Commission is about 22 annually, which would mean 330 in 15 years. But it is evident that this year we shall be about 15 short in European recruitment. Therefore assuming that in future our requirements are met in full we shall get about 315 recruits in 15 years. Some of these will become casualties, and the addition to our European strength at the end of 15 years would not be much above 300. Adding this to the 373 officers still expected to be serving, the total European strength after 15 years appears likely to be about 675 out of a sanctioned strength of 1350 or exactly one half. This, however, makes no allowance for the rate of retirement above the normal. It appears to the Government of India on the whole that the Royal Commission have understated rather than overstated the rapidity in the process of Indianization in the Indian Civil Service to be anticipated from their recommendations. The reference by the Commission to a rate of retirement 10 per cent. above the normal is understood by the Government of India to mean that instead of taking the normal rate of decrease of about 4 per cent. annually, they would have assumed a rate of about 4.4 per cent.

Mr. A. Rangaswami Iyengar : Are the Government of India in a position to state as to whether the assumption of retirements of 10 per cent. above the normal includes retirements which might take place on political grounds ?

The Honourable Sir Alexander Muddiman : I think it is assumed to deal with the possibility of short recruitment.

PROFITS FROM THE CONTROL OF ENEMY SHIPS, ETC.

1866. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state with reference to the statement of the Honourable the Finance Member in paragraph 21 of his Financial Statement on the 29th of February last, whether the profits from the control of enemy ships and similar items which had been lying in suspense, have since been definitely ascertained and, if so, what the amount is ?

The Honourable Sir Basil Blackett : The exact amount to be credited to Indian revenues has not yet been definitely ascertained. The matter is being settled by the India Office with the Home Government.

RESULT OF THE APPEAL TO THE PRIVY COUNCIL IN THE CASE OF THE LEVY OF CUSTOMS DUTIES ON STORES IMPORTED BY RAILWAY COMPANIES.

1867. ***Mr. A. Rangaswami Iyengar :** (a) Will the Government be pleased to state in what state the appeal made to the Privy Council in respect of the levy of customs duties referred to in paragraph 9 of the Honourable the Finance Member's Statement on account of the stores imported by Railway Companies is, and

(b) Whether the Government of India expect to recover the fifty lakhs therein referred to ?

The Honourable Sir Basil Blackett : (a) The appeal has not yet been decided

(b) And the recovery will depend on the decision of the Privy Council.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

1868. ***Mr. Bhubanananda Das :** Has the attention of Government been drawn to the :

(a) report of the liquidators,

(b) report of the creditors' committee,

(c) opinion of five counsel on these reports, on the Alliance Bank of Simla Ltd. ?

The Honourable Sir Alexander Muddiman : Yes.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

1869. ***Mr. Bhubanananda Das :** Will Government be pleased to state :

(a) what steps have the Government taken to secure investigation into the affairs of the Alliance Bank and of the group Companies, which were promoted and run by Boultons ?

(b) whether Government intend to send down a special officer for a simultaneous examination of all the books of the various Companies ?

(c) whether Government have abandoned the intention of punishing guilty parties if any in connection with the failure of the Alliance Bank of Simla ?

1869. **The Honourable Sir Alexander Muddiman** : (a), (b) and (c). The Alliance Bank is being wound up voluntarily and Government have taken no part in the investigation of the Bank's affairs, but they are now taking the opinion of their legal advisers in India as to what action it is possible and advisable for them to take and have forwarded copies of the reports of the liquidators and Committee of investigation to the Secretary of State for such action as the authorities in England may consider it possible to take.

REPAYMENT OF ADVANCES MADE BY THE IMPERIAL BANK TO THE ALLIANCE BANK OF SIMLA.

1870. ***Mr. Bhubanananda Das** : Will Government be pleased to state how much still remains to be paid by the Alliance Bank liquidators to complete the repayment of advances made by the Imperial Bank of India under Government guarantees ?

The Honourable Sir Basil Blackett : This question has already been answered.†

DIFFICULTY OF SECURING THE PRESENCE IN INDIA OF THE DIRECTORS AND MANAGERS OF THE ALLIANCE BANK OF SIMLA, ETC.

1871. ***Mr. Bhubanananda Das** : Will Government be pleased to state whether any of the liquidators of the Alliance Bank, Development Trust of India and the other Companies, with which Boultons were associated, have found it difficult to secure the presence in India of the Boultons or some of the Directors and Managers of these concerns ?

The Honourable Sir Alexander Muddiman : Government have no information other than that given in the report of the Investigation Committee.

PROSECUTION OF DIRECTORS OF THE ALLIANCE BANK OF SIMLA AND OF THE ANGLO-INDIA STEAM NAVIGATION CO., LTD.

1872. ***Mr. Bhubanananda Das** : (a) Has the attention of the Government been drawn to the judgment of :

(i) the Bombay High Court on the Directors of the Anglo-India Steam Navigation Co., Ltd.

(ii) the Calcutta High Court on the Directors of the Alliance Bank of Simla, Ltd. ?

(b) Is it a fact that the Calcutta judgment is based on section 235 of the Indian Companies Act ?

(c) Do Government contemplate to prosecute any of the directors and officers under sections 236 and 237 ?

The Honourable Sir Alexander Muddiman : (a) Yes.

(b) and (c). I would refer the Honourable Member to the reply which I have just given to question No. 1869.

† Vide page 3011 of Legislative Assembly Debates, Vol. IV.

AMENDMENT OF THE INDIAN COMPANIES ACT.

1873. ***Mr. Bhubanananda Das** : Will Government be pleased to state if they contemplate any amendment of the Indian Companies Act to safeguard the interest of the investors and to prevent frauds hereafter ?

The Honourable Sir Charles Innes : The Government have noted from time to time various points in which an amendment of the Indian Companies Act requires consideration, but they are unable to indicate at present when they are likely to bring in a Bill on the subject.

Mr. Bhubanananda Das : Do Government think that the investors' interests and privileges are properly safeguarded by the Companies Act ?

The Honourable Sir Charles Innes : If the Honourable Member will give me particulars of any point in which he thinks that the privileges of investors are not protected, I will certainly consider that point.

LOSS ON ORDERS PLACED WITH THE METAL AND STEEL FACTORY, ISHAPORE.

1874. ***Mr. T. C. Goswami** : (a) Will Government please lay on the table a comprehensive statement by the Controller of Army Factory Accounts, regarding orders from the B. N. Railway, N. W. Railway, S. M. Railway, and the Telegraph Department to the Metal and Steel Factory in 1922-1923 when Mr. Grimston was the Superintendent ?

(b) What was the total amount of loss incurred by the Factory on these transactions ? What was the actual amount paid for transport only ?

Mr. E. Burdon : (a) I will furnish the Honourable Member separately with a copy of the statement desired by him.

(b) The total loss during 1922-23 amounted to Rs. 31,235-13-8. Nothing was paid on account of transport.

CASES OF FRAUD IN THE POST OFFICES IN THE BURDWAN DIVISION.

1875. ***Mr. Amar Nath Dutt** : (a) Are Government aware of the frequent cases of fraud and misappropriation in the post offices in the Burdwan Division ?

(b) If so, have the Government inquired into the causes of these frequent cases ?

(c) Are Government prepared to consider the question of converting the Burdwan Head Post Office into a First Class Head Post Office ?

Mr. H. A. Sams : (a) The number of cases of fraud and misappropriation in the Burdwan Division is no larger than may be expected in a Division of its size.

(b) Each case is carefully inquired into in the ordinary course. A general inquiry is unnecessary.

(c) Government are of opinion that there is no administrative reason for converting the office into a First Class Head Office.

SANCTION OF 17 CLERKS FOR THE BURDWAN POSTAL DIVISION.

1876. ***Mr. Amar Nath Dutt** : Will the Government be pleased to state the reasons for not posting seventeen clerks to the Burdwan Division

as suggested during the last *Time Test* ? Do the Government propose to take into consideration the above fact and sanction seventeen clerks for the Burdwan Division ?

Mr. H. A. Sams : The Superintendent of Post Offices, Burdwan Division, proposed the employment of 15—not 17—more clerks in the post offices in his Division and the proposals are under examination by the Postmaster-General, Bengal and Assam. Such additional appointments as are found to be justified will be sanctioned by me.

PROVISION OF FREE QUARTERS FOR THE SIGNALLERS OF THE BURDWAN HEAD POST OFFICE.

1877. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state the reasons for requiring the signallers of the Burdwan Head Post Office to sleep in the office during the flood season without providing them with free quarters as at Asansol ?

Mr. H. A. Sams : The signaller of the Asansol post office, who is provided with free quarters, has frequently to carry out tests at night, in connection with the insulation of the telegraph wires. It is therefore necessary for him to live on the premises. The same necessity does not exist in the case of the one signaller of the Burdwan post office, who is required to sleep on the premises only very occasionally during the flood season. The number of nights in the present year spent by him in the office was only four.

GRANT OF COALFIELD ALLOWANCES TO POSTAL OFFICIALS OF THE BURDWAN DIVISION.

1878. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state the reasons for not granting coalfield allowances to the postal officials of the Burdwan Division as is done in the Behar Circle ?

The Honourable Mr. A. C. Chatterjee : The question has not yet been referred to Government.

INADEQUACY OF STAFF IN THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES, BURDWAN DIVISION.

1879. ***Mr. Amar Nath Dutt :** (a) Will the Government be pleased to state the reasons for the paucity of the staff in the office of the Superintendent of Post Offices, Burdwan Division, as compared with that of the Mymensingh Division ? Is it a fact that the work in the latter division is not heavier than in that of the former ?

Mr. H. A. Sams : The work in the office of the Superintendent of Post Offices, Burdwan Division, is much lighter than that in the office of the Superintendent of Post Offices, Mymensingh Division.

INCREASED REMUNERATION TO BABU SAILESH CHANDRA CHAKRABARTY FOR THE PERIOD OF HIS DEPUTATION TO THE CENTRAL TELEGRAPH OFFICE, CALCUTTA.

1880. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state the reasons for withholding increased remuneration for the period of Babu Sailesh Chandra Chakrabarty's deputation to the Central Telegraph Office at Calcutta in the year 1920 ?

The Honourable Mr. A. C. Chatterjee : Government have no information and I have no doubt that, if the individual referred to has any grievance he would address the Director General or the Government in the usual manner.

COMPENSATION TO BABU SAILESH CHANDRA CHAKRABARTY FOR INJURIES RECEIVED BY HIM ON FIELD SERVICE.

1881. ***Mr. Amar Nath Dutt :** Will the Government be pleased to state the reasons for withholding compensation for injuries received on field service by Babu Sailesh Chandra Chakrabarty in spite of the certificate from the Medical Board that he has a slight defect due to the injuries received on field service ?

The Honourable Mr. A. C. Chatterjee : Government have no information and I have at present no reason to believe that the usual rules were departed from in this instance.

PROVISION OF FREE QUARTERS FOR CERTAIN CLERKS OF THE BURDWAN POSTAL DIVISION.

1882. ***Mr. Amar Nath Dutt :** (a) Are the Government aware that some postal officials in the clerical cadre of the Burdwan Division have to attend so early as 4 and 4-30 A.M. in connection with their official duties and that not being provided with free departmental quarters they suffer great hardship ?

(b) Do the Government propose to take necessary steps to provide such officials with free departmental quarters ?

The Honourable Mr. A. C. Chatterjee : (a) and (b). Only one official is required to come on duty at 4-30 A.M.—none at 4 A.M. Government are not aware that any hardship is caused but an inquiry will be made.

REVISION OF PAY OF BRITISH MILITARY OFFICERS.

1883. ***Mr. A. Rangaswami Iyengar :** Will the Government be pleased to state :

- (a) whether any scheme for the revision of the pay of British Officers in the Indian Army and British Officers of the British Army serving in India has been submitted to the Secretary of State ;
- (b) if so, when the proposals involved in the said scheme were started and whether these proposals or any of them came under the scrutiny or notice of the Retrenchment Committee in 1923 with reference to the existing and expected expenditure of the Government in the Military Department and the prospective scheme of retrenchment recommended by them ;
- (c) whether the scheme will be placed on the table of the House or a statement will be made to the House of its main features with particular reference to the financial burdens and results thereby involved ;
- (d) whether it is a fact, as the " London Times " Simla correspondent has stated in its issue of the 11th July last, that the scheme " is designed to improve the lot of the married officer though it will reduce the pay of the unmarried commissioned ranks " ;

- (e) whether the attention of the Government has been drawn to the question put in the House of Commons by Lady Astor on the 15th July last and the supplemental questions thereon and the reply of the Under Secretary Richards to the effect that the decision of the India Office to apply 5½ per cent. reduction to the whole pay of the officers of the Indian Army was being reconsidered and that in any case the revised rates of pay would date from July 1st ;
- (f) whether any provision has been made for the purpose in the current year's Budget, and if so, under what head ;
- (g) if not, whether any part of this expenditure is votable and whether any demand will be moved for a supplemental or excess grant under any head thereof to enable the House to discuss the scheme ?

Mr. E. Burdon : (a) Yes.

(b) Consideration of the matter was initiated in November 1923, that is, after the Retrenchment Committee had submitted their Report.

(c) It is not proposed to lay on the table a copy of the scheme in its present form, and Government are not at present in a position to make to the House any more detailed statement on the subject than that which I will now give. The existing rates of pay of King's commissioned officers of the Army in India were adopted for a period of 5 years in 1919 ; and under the announcement made in Army Instruction (India) No. 914 of 1919, which followed a similar announcement made in the United Kingdom, these rates of pay were due to be revised in 1924 with reference to the cost of living. I invite the attention of the Honourable Member in this connection to the observations in paragraph 3 *et seq* on pages 281-282 of the Indian Retrenchment Committee's Report. It is in compliance with the undertaking which I have mentioned that the rates of pay of Army officers have been reviewed. While doing this the opportunity has been taken of considering whether it is not desirable to introduce in India the differentiation between the pay of single and married officers which was adopted in the United Kingdom in 1919, and also of considering the possibility of removing certain anomalies which have come to light in the experience of the past 5 years. The whole matter is still under discussion between the Government of India and the Secretary of State, and no final conclusion has yet been reached.

(d) It is a feature of the scheme which has so far been framed that the married officer should receive an allowance which would not be given to the single officer, and that in this way the unmarried officer should receive less emoluments than the married officer.

(e) Government have seen reports of the questions and answers in the House of Commons referred to by the Honourable Member.

(f) While no specific provision was made for the purpose in the current year's budget, it is not anticipated that the scheme which has so far been framed would if accepted involve any excess over the total of the Army Estimates for the year.

(g) The expenditure is not votable, and as already stated, no supplementary grant would be involved but an opportunity for discussion in the Assembly would no doubt arise in connection with the revised budget for 1924-25 and the original budget for 1925-26.

OPINIONS OF THE CENTRAL AND PROVINCIAL GOVERNMENTS ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

1884. *Mr. A. Rangaswami Iyengar : Will the Government be pleased to state whether they have transmitted the conclusions and opinions of the Central and Provincial Governments on all or any of the parts of the recommendations of the Lee Commission ; if so, whether they will communicate the same to this House ; if not, whether they intend to do so after this House conveys to them its own Resolutions on the said recommendations ?

The Honourable Sir Alexander Muddiman : The opinions of the Local Governments have been laid on the table. The provincial conclusions of the Government of India have been stated in the course of debate.

ADDITIONAL EXPENDITURE INVOLVED IN THE RECOMMENDATIONS OF THE LEE COMMISSION.

1885. *Mr. A. Rangaswami Iyengar : Will the Government be pleased to place before the Assembly a statement showing what parts of the additional expenditure involved in the several recommendations of the Lee Commission will be borne on the Central Estimates and the several Provincial Estimates respectively and what parts and amounts of the said estimates will be votable and what parts will be non-votable or become non-votable in consequence of the recommendations ?

The Honourable Sir Basil Blackett : I would invite the attention of the Honourable Member to the reply given to an unstarred question on the same subject by Diwan Bahadur M. Ramachandra Rao. I regret that it is not possible to estimate how much of the cost will be votable and how much non-votable, as the calculation would involve looking up the case of each officer affected by the recommendations. I can say, however, that the greater part of the cost will be non-votable as occurring on account of officers appointed by the Secretary of State.

GRANT OF PRIVILEGES IN RESPECT OF INDIAN COASTING TRADE TO FOREIGN SHIPS.

1886. *Mr. Kumar Sankar Ray : Will the Government be pleased to state if any ships of any foreign country have been granted any rights or privileges in respect of the coasting trade in British India by His Majesty the King Emperor or any of His Imperial predecessors as contemplated in section 736 of the British Merchant Shipping Act, 1894 ?

The Honourable Sir Charles Innes : So far as the Government of India are aware, the answer is in the negative.

INCREASE OF STAFF ON THE B. S. B. SECTION OF EASTERN BENGAL RAILWAY.

1887 *Mr. Kumar Sankar Ray : (a) Will the Government be pleased to state if the number of trains on the B. S. B. section of the E. B. Ry. has increased owing to the extension of broad gauge to Parbatipur ?

(b) If so, will the Government be pleased to state if the train passing work of that section has consequently been increased and the staff has to work more than what they used to do ?

(c) If so, will the Government be pleased to state if the staff has to work 12 hours or more at a stretch a day ?

(d) If so, will the Government be pleased to state if they are going to post additional staff such as Assistant Station Masters for passing trains on the B. S. B. section ?

Mr. A. A. L. Parsons : Inquiry has been made and the result will be communicated to the Honourable Member in due course.

GRANT OF A GRATUITY TO THE WIDOW OF SHEWDAYAL PANDEY, LATE POINTSMAN AT NASRATPUR ON THE EASTERN BENGAL RAILWAY.

1888. ***Mr. Kumar Sankar Ray** : (a) Are the Government aware that the wife of the late Shewdayal Pandey, pointsman of Nasratpur station of the E. B. Ry., complained that her husband died in Bogra Hospital on the 17th January 1924, having received no medical aid from the railway doctor ?

(b) If so, will the Government be pleased to state if they are aware that the said pointsman was first examined by the railway doctor of Fulchhari, who sent him to the medical officer, Santahar, for admitting him into his hospital and he sent him to the Chief Medical Officer, Calcutta, recommending him for long leave and the medical officer at Calcutta instead of arranging leave or treatment discharged him ?

(c) If so, will the Government be pleased to state if they are prepared to make a sifting inquiry into the matter and punish the person at fault ?

(d) Will the Government be pleased to state if they are prepared to pay any compensation to the wife of the deceased ?

(e) If not, why not ?

Mr. A. A. L. Parsons : (a) No.

(b) Pointsman Shewdayal Pandey, who was suffering from Kala Azar, was first seen by the Railway Sub-Assistant Surgeon of Fulchhari in whose district he was. The Sub-Assistant Surgeon recognising the serious nature of the case sent him to the Railway District Hospital at Santahar for treatment under the medical officer but the pointsman refused to stay and as he could not be returned to duty he was sent to the Railway Chief Medical Officer for examination. He refused to accept further medical aid from the railway. The Chief Medical Officer offered to make arrangements for his admission to the Tropical School of Medicine but he refused this offer also and stated that he wanted to be allowed "to go home and die". He was therefore invalided out of the service and granted the necessary certificate.

(c), (d) and (e). In view of the reply to (b) there is no need for any such inquiry, and the Agent, Eastern Bengal Railway, will grant the widow such gratuity as may be admissible under the rules.

CASE OF MR. DEE, GUARD ON THE EASTERN BENGAL RAILWAY.

1889. ***Mr. Kumar Sankar Ray** : (a) Are the Government aware that Guard Dee of E. B. Ry. was discharged from service as he was declared unfit for further railway service by Dr. Bishop, Chief Medical Officer, E. B. Railway ?

(b) If so, will the Government be pleased to state if he was declared fit for railway service by Dr. Nable, the Acting Chief Medical Officer of the E. B. Railway, after a few days ?

(c) If so, will the Government be pleased to state if they considered the appeal for reinstatement preferred by Guard Dee ?

(d) If not, why not ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Government have no information.

(c) and (d). An appeal was received from Mr. Dee and was sent to the Agent for disposal as the matter was one within his competence to deal with.

DISCHARGE OF CERTAIN MENIAL STAFF OF THE EASTERN BENGAL RAILWAY.

1890. ***Mr. Kumar Sankar Ray :** (a) Will the Government be pleased to state if the menial staff of the E. B. Railway has to execute any service agreement ?

(b) If not, will the Government be pleased to state if it is a fact that the E. B. Railway discharged the following Transshipment Staff of Santahar as per terms of agreement ?

(i) Sheik Jahar Ali, Watchman.

(ii) Rambuksh Paul, Watchman.

(iii) Ramdas Ahir, Watchman.

(iv) Ram Samuj, Chamar, Watchman.

(v) Abdur Rahman, Porter.

(c) If it is a fact, will the Government be pleased to state what agreement the discharged staff executed ?

Mr. A. A. L. Parsons : (a), (b) and (c). Government have no information and as the matters referred to are within the competence of the Railway Administration to deal with they do not propose to make any inquiries.

'ALLEGATIONS OF BRIBERY AGAINST THE MENIAL ESTABLISHMENT CLERK OF THE OFFICE OF THE DISTRICT TRAFFIC SUPERINTENDENT OF THE EASTERN BENGAL RAILWAY, DACCA.

1891. ***Mr. Kumar Sankar Ray :** (a) Are the Government aware that while Mr. Sim was District Traffic Superintendent of the E. B. Railway at Dacca, certain allegations of bribery were made to him against the menial establishment clerk ?

(b) If so, will the Government be pleased to state if any inquiry was held and with what result ?

Mr. A. A. L. Parsons : (a) Government have no information.

(b) Does not arise.

GRIEVANCES OF THE EASTERN BENGAL RAILWAY INDIAN EMPLOYMENTS' ASSOCIATION.

1892. ***Mr. Kumar Sankar Ray :** Will the Government be pleased to state if the Agent, E. B. Railway, received from the E. B. Railway Indian Employees' Association a list of grievances and whether the Agent has given a deputation from the said Association an opportunity of discussing these grievances with him ? If not, why not ?

Mr. A. A. L. Parsons : Yes, the Agent received a list of grievances from the Eastern Bengal Railway Indian Employees' Association but as the recognition previously accorded to the Association had been withdrawn, no reply was sent and no deputation from the Association to discuss them could be received.

Mr. Chaman Lall : May I ask the Honourable Member why the recognition was withdrawn ?

Mr. A. A. L. Parsons : The recognition was withdrawn because, as far as I recollect, the Agent was invited to attend a meeting of the Association and was treated with gross discourtesy by the people present at that meeting.

Mr. N. M. Joshi : May I know, Sir, what was the act of discourtesy ?

Mr. A. A. L. Parsons : I would like to have a notice of that question as I do not recall the exact details.

COLONIALS IN THE INDIAN SERVICES.

1893. ***Mr. Kumar Sankar Ray** : Will the Government be pleased to state the number and names of officers in the different Indian services under the direct control of the Government of India coming from the various British possessions other than the British Isles and India and the posts held and salaries drawn by them ?

The Honourable Sir Alexander Muddiman : The information is being collected and will be supplied to the Honourable Member in due course.

REPAYMENT OF 1926-31 LOAN RAISED IN GREAT BRITAIN.

1894. ***Mr. Kumar Sankar Ray** : Will the Government be pleased to state whether a 1926-31 loan has been raised in the British Isles by the Government of India at an interest of 7 per cent. per annum on condition that it can be converted to a 3 per cent. loan for double the amount redeemable only after a long period of time ? If so, what is the term of such renewed loan and whether the Government contemplate paying off this loan by raising a fresh loan on better terms ?

The Honourable Sir Basil Blackett : The Honourable Member is apparently referring to the 7 per cent. sterling loan raised in April 1921. The terms of conversion of that loan into 3 per cent. India Stock were published in a press communiqué, dated the 20th April 1921. This latter stock is not redeemable until the 5th October 1948 but may be redeemed on or after that date upon one year's previous notice having been given by the Secretary of State for India in Council.

The last part of the question presumably refers to that portion of the 7 per cent. loan which has not already been converted into 3 per cent. stock. The terms of issue include an option to redeem at 102 on any interest date in or after October 1926. The question whether it will be desirable to exercise this option or to wait till October 1931 when the loan is redeemable at par depends upon money market considerations which cannot at present be forecasted.

OFFICERS OF THE AUXILIARY FORCE.

1895. ***Sardar V. N. Mutalik** : Will Government be pleased to state whether officers serving in the Auxiliary Force are to be considered as officers in His Majesty's Army serving on the effective list ? What difference is observed between these officers and the officers in the Regular Army ?

Mr. E. Burden : Neither the term 'His Majesty's Army' nor the term 'effective list' is defined in the Army Act or in Regulations.

Neither term has any authorised significance ; and as I do not know what significance the Honourable Member attaches to them, I am unable to answer the first part of his question. As regards the second part of the question, an officer of the Auxiliary Force and an officer of the Regular Army differ widely in many respects, in the type of commission which they hold, in the authority which they exercise, in the responsibilities and duties which they discharge, in the remuneration which they receive etc., etc., but it would be impracticable to describe these differences in full within the limits of an answer to a question. If the Honourable Member will indicate clearly any particular point which he has in mind, I will endeavour to give him the information he requires.

OPINIONS OF LOCAL GOVERNMENTS AND PROVINCIAL LEGISLATURES ON THE RECOMMENDATIONS OF THE LEE COMMISSION.

†1896. ***Sardar V. N. Mutalik** : (a) Will Government be pleased to place on the table copies of the correspondence between the Central Government and the Local Governments on the recommendations of the Lee Commission, including the views of the Provincial Governments on the recommendations ?

(b) Will Government be pleased to state whether any instructions had been issued by the Government to Provincial Governments for obtaining the views of the Provincial Legislatures on the recommendations of the Lee Commission ?

(c) Will Government be pleased to place on the table the opinions of the Provincial Legislatures, if any of them have expressed any opinion ? And will Government be pleased to state whether all the Provincial Governments offered any opportunity to the Legislatures to express their views ?

THE O'DWYER-NAIR LIBEL SUIT.

1897. ***Sardar V. N. Mutalik** : Will Government be pleased to state :

(1) whether it is a fact that this Government instructed Sir Sankaran Nair to write the book, " Gandhi and Anarchy " and whether Government had seen the manuscript before its publication ?

(2) whether Government have spent any amount for its publication ?

(3) whether Sir Michael O'Dwyer consulted the Government or the Secretary of State before filing the suit against Sir Sankaran Nair ?

(4) whether there was any correspondence between this Government or the Secretary of State, on the one hand, and Sir Michael O'Dwyer or Sir Sankaran Nair on the other hand, with regard to the libel suit between the knights and if so, will Government be pleased to place the correspondence on the table ?

(5) whether any expenditure was incurred by this Government or the Secretary of State in connection with the suit, and, if any, for what party ?

The Honourable Sir Alexander Muddiman : Questions Nos. 1896 and 1897 have already been answered.†

† For answer to this question—see below question No. 1897.

‡ Vide page 3022 and Appendix A to Legislative Assembly Debates, Vol. IV.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

1898. ***Mr. Bhubanananda Das** : (a) With reference to the reply of the Honourable Sir Malcolm Hailey to my starred question No. 137 of 5th February last, will Government be pleased to state when they intend to despatch these two Commissioners to the Ganjam District to hold their inquiry into the amalgamation of the Oriya-speaking tracts ?

(b) In view of the possibility that the Commissioners may not have a knowledge of Oriya, do Government propose to ask the Bihar and Orissa Government to depute an Oriya-knowing officer to act as Secretary to this Commission ?

The Honourable Sir Alexander Muddiman : (a) The Officers will be deputed to make the inquiry during the ensuing cold weather.

(b) One of the officers selected will be an officer who has worked in the Oriya-speaking tracts of the Madras Presidency and it will be unnecessary to appoint an Oriya-knowing officer from Bihar and Orissa as Secretary.

TERRITORIAL REDISTRIBUTION OF PROVINCES ON A LINGUISTIC BASIS.

1899. ***Mr. Bhubanananda Das** : (a) Will Government be pleased to state if the Reforms Inquiry Committee have gone into the question of territorial redistribution of provinces on a linguistic basis ?

(b) If the reply be in the negative, do Government propose to request the Committee to investigate the same ?

The Honourable Sir Alexander Muddiman : (a) Government have no information on the subject.

(b) A copy of the Honourable Member's question and my reply will be forwarded to the Committee for information.

APPOINTMENT OF ORIYAS AS JUDGES OF THE HIGH COURT AND EXECUTIVE COUNCILLORS IN THE PROVINCE OF BIHAR AND ORISSA.

1900. ***Mr. Bhubanananda Das** : Is it not a fact that in the Province of Bihar and Orissa since its separation, no Oriya has been made a Judge of the High Court, or an Executive Councillor ?

The Honourable Sir A. P. Muddiman : I believe that the facts are as stated.

Mr. Bhubanananda Das : May I know if Government are aware of the fact that the Government of Bihar and Orissa, being situated as they are in Patna, take very little interest in the welfare of the people of Orissa, the Oriya people being in a minority in that province ?

The Honourable Sir Alexander Muddiman : No, Sir, I am not aware of that fact.

TRANSFER OF THE CONTROL OF CURRENCY TO THE IMPERIAL BANK OF INDIA.

1901. ***Mr. Bhubanananda Das** : (a) What steps are Government taking to transfer the control of Currency to the Imperial Bank of India ?

(b) Do Government contemplate close control on the management of the Imperial Bank as a State Bank so that there will be no undue profiteering ?

The Honourable Sir Basil Blackett : (a) The Government regard this suggestion as premature for the moment.

(b) The Government have no reason for regarding as insufficient the amount of control allowed under the Imperial Bank of India Act, 1920.

INTRODUCTION OF RACE SPECIALS ON THE G. I. P. RAILWAY.

1902. ***Mr. Bhubanananda Das :** (a) Is it a fact that the G. I. P. Railway is running a third class race special between Bombay and Poona at a reduced fare which also includes the admission charges to the Poona race course ?

(b) Was the Railway Board consulted by this Railway before it introduced these third class race specials ?

(c) Were the Government of India consulted by the Railway Board before it sanctioned such race specials ?

(d) Are the race specials at concession rates meant to be a source of income to Railways ?

Mr. A. A. L. Parsons : (a) Yes.

(b) No.

(c) These specials were not sanctioned by the Railway Board, nor was such sanction necessary.

(d) Yes.

Mr. N. M. Joshi : May I ask if Government will inquire whether the Central Advisory Committee were consulted before introducing the running of these race specials ?

Mr. A. A. L. Parsons : No, it was not consulted.

Mr. N. M. Joshi : May I ask Government to consult the local Advisory Committee as to whether third class passengers were very anxious to have these third class race specials run for themselves ?

Mr. A. A. L. Parsons : My previous reply related to the Central Advisory Council, as it was this the Honourable Member mentioned. I am not prepared to suggest to the Agent that he should consult the local Advisory Committee, as he is able to discover for himself whether these specials are required or not.

Mr. N. M. Joshi : Will Government inquire and find out whether these specials trains pay their way ?

Mr. A. A. L. Parsons : I see no reason to make any such inquiry, as if they do not pay their way the Agent will certainly withdraw them.

Mr. N. M. Joshi : May I ask why the Railway Board exists here at all ?

Mr. A. A. L. Parsons : Partially perhaps to answer the Honourable Member's questions.

INTRODUCTION OF WEEK-END AND OTHER CONCESSIONS ON RAILWAYS.

1903. ***Mr. Bhubanananda Das :** (a) Will Government be pleased to inform the House whether week-end and other concessions prevalent before the war are now being introduced on all the railways ?

(b) Which of the railways have now introduced such concession rates ?

(c) Do the Railway Board propose to instruct other railways to expedite the introduction of such concessions ?

Mr. A. A. L. Parsons : (a) and (b). Certain concessions have been or are now being introduced on the Assam Bengal, Bengal Nagpur, Bombay, Baroda and Central India, Burma, Eastern Bengal, East Indian, Great Indian Peninsula, H. E. H. the Nizam's Guaranteed State, Jodhpur-Bikaner, Madras and Southern Mahratta, North-Western and Oudh and Rohilkhand Railways.

(c) This is a matter within the competence of Railway Administrations, and is receiving their consideration, as is shown by the reply to (a) and (b).

GRANT OF CONCESSION FARES ON RAILWAYS TO STUDENTS OF NATIONAL SCHOOLS AND COLLEGES.

1904. ***Mr. Bhubanananda Das :** (a) Is it a fact that students of National schools and colleges are not allowed to enjoy the benefit of travel at concession rates ?

(b) Is it a fact that the conference of Railway Agents and managers have decided not to allow boys of National schools and colleges such concessions ?

(c) Were Government a party to this action ?

(d) Are Government aware that there are numerous institutions in India known as National schools where education is imparted to Indian children and youths ?

(e) Will Government state their reasons why such scholars may not enjoy travel on Indian railways at concession fares ? -

Mr. A. A. L. Parsons : (a) Concessions are allowed by railways to children attending primary and secondary schools (teaching up to the primary middle high school or entrance standards) recognised by the Educational Department and to students of colleges affiliated to a recognised university.

(b) Not so far as Government are aware.

(c) Does not arise.

(d) Yes.

(e) So far as Government are aware, they have not been approached by those responsible for the establishment of national schools in opposition to schools recognised by the Education Department for the grant of the concessions referred to.

Mr. Chaman Lall : Do I understand that such concessions will be granted if applications are made by National schools ?

Mr. A. A. L. Parsons : We have not considered the question.

Diwan Bahadur T. Rangachariar : Will Government consider the advisability of advising the railway authorities to grant concessions to all students of National schools, whether recognised or not ?

Mr. A. A. L. Parsons : We will certainly consider the matter if asked to do so by those responsible for the National schools.

Diwan Bahadur T. Rangachariar : When the authorities granted concessions to recognised schools, was it at their request that these concessions were granted ?

Mr. A. A. L. Parsons : I cannot say.

Mr. Bhubanananda Das : Are Government aware of the fact that the B. B. and C. I. Railway refused these concessions to students of National schools and it was on the ground that the rules, as sanctioned by the Railway Board, do not permit of such sanction ?

Mr. A. A. L. Parsons : I am not aware of it. It may be true.

Mr. Bhubanananda Das : I will send the Honourable Member a copy of the whole correspondence.

RELIEF OF DISTRESS CAUSED BY THE FLOODS IN SOUTH INDIA.

1906. ***Mr. Bhubanananda Das** : What steps have the Government of India taken so far to relieve the distress of the people of South India from the appalling causes of floods ?

Mr. J. W. Bhore : The measures necessary to relieve distress are primarily the concern of the Local Government. The Government of India have received a request for assistance from the Government of Madras and it is under consideration.

FLOODS IN SOUTH INDIA.

1906. ***Mr. Bhubanananda Das** : Do Government propose to give this House an opportunity to discuss the causes of the disastrous floods of South India and other recurring floods ?

Mr. J. W. Bhore : I regret that no special facilities for a discussion can be given. The Resolutions on the subject must, I fear, take their chance in the ballot.

Sir Purshotamdas Thakurdas : Can the Honourable Member tell the House the nature of the request from the Madras Government regarding help in this matter ?

Mr. J. W. Bhore : To the best of my recollection it was a request for a loan.

Mr. A. Bangaswami Iyengar : Will Government tell us of the measures they propose to take in this matter ?

Mr. J. W. Bhore : There are other questions later on which I propose to answer and I hope to be in a position to give the Honourable Member some more information on the point.

ABOLITION OF TOLL ON THE B. N. W. RAILWAY BRIDGE BETWEEN HAJIPORE AND SONEPUR.

1907. ***Mr. Gaya Prasad Singh** : With reference to my starred question No. 1116 of the 30th May 1924, regarding the toll of one anna per trip on the B. N. W. Railway bridge over the Gunduk between Hajipore and Sonapur, will the Government be pleased to give information on the following points :

- (a) Is there any other railway bridge in India on which a toll of one anna or more per trip is levied ; and if so, what is it ?

- (b) What is the total cost of the construction of the bridge and of the foot-path ; and in what years were they respectively opened for traffic ?
- (c) What is the total amount recovered by the settlement of the toll since it was levied ?
- (d) Is it a fact that the B. N. W. Railway Company is trying to make another settlement of the tolls for three years on the 1st October next, after the expiry of the existing lease in December 1924 ?
- (e) When do the Government expect to make an announcement regarding the proposal to make the bridge free ?

Mr. A. A. L. Parsons : (a) No.

(b) The original cost of the construction of the bridge over the Gundak river including the footway was Rs. 13,84,883. The estimated cost of the footway is Rs. 2,10,000. The bridge with the footway was opened for traffic in 1887.

(c) The estimated gross receipts from 1891 to 1924 (both years inclusive) are Rs. 3,81,667-8-0. The receipts prior to 1891 are not known.

(d) The Company have the matter under consideration pending the settlement of the question of the abolition of tolls on this bridge.

(e) As stated against (d) the question is still under consideration.

BRIDGE OVER THE GANGES AT BENARES.

1908. ***Mr. Gaya Prasad Singh :** Is it a fact that the railway bridge over the Ganges at Benares has been made free ; and if so, since when ? Who bears the charges of repair of the footpath on the Benares bridge ; and what is the annual cost of repairs on the average ?

Mr. A. A. L. Parsons : Yes, since 1907. The cost of repairing the footpath is borne by the Oudh and Rohilkhand Railway, the annual average for the whole roadway including the footpath being Rs. 1,783.

CONSTRUCTION OF RAILWAY FROM RISHIKESH TO LAKSHMAN JHULA.

1909. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to state when the work of constructing a Railway line from Rishikesh Road (O. and R. Railway) to Rishikesh is to be taken in hand ; and in what time is it expected to be completed ?

(b) Are Government aware that Lakshman Jhula on the Ganges is only 3 miles from Rishikesh, and that it is a place of religious importance on the pilgrim route to Badri Nath ?

(c) Do the Government propose to consider the question of extending the construction of the railway line from Rishikesh to Lakshman Jhula ?

Mr. A. A. L. Parsons : (a) The Secretary of State has sanctioned the Rikhikesh Road-Rikhikesh Railway project and the sanction has been notified in the Gazette of India, dated the 2nd August 1924. It is hoped the work will be taken in hand shortly. The line will take 2½ to 3 years to construct.

(b) The reply is in the affirmative.

(c) A proposal was considered to construct a line from Rikhikesh to Karanprayag via Lakshman Jhula but was found unremunerative.

ASSAULT BY SOLDIERS ON MR. SIDHVA AT KARACHI.

1910. ***Mr. Gaya Prasad Singh** : (a) With reference to my starred question No. 1282 of the 5th June 1924, regarding the assault on Mr. Sidhva at Karachi by a few soldiers, will the Government be pleased to give information on the following points :

- (i) Whether the prosecution of the accused was sanctioned by H. E. the Commander-in-Chief ?
- (ii) Whether a number of witnesses, including four soldiers, gave testimony against the accused ?
- (iii) Whether the accused confessed his guilt ?
- (iv) What were the grounds on which the accused was acquitted in the court-martial trial ?

(b) Will the Government be pleased to lay copy of the Court's judgment on the table ?

(c) Will the Government kindly state if any Departmental action is contemplated against the accused ? And if not, why not ?

Mr. E. Burdon : (a) (i) The Court Martial was assembled under the orders of the Air Officer Commanding, Royal Air Force in India. The orders of His Excellency the Commander-in-Chief were not required.

(ii) No. Of the seven witnesses examined by the prosecution, only one implicated the accused.

(iii) No.

(iv) The Government of India do not know. A Court Martial only records a finding and does not write a judgment.

(b) As already stated, a Court Martial does not record a judgment.

(c) Since the accused airman was acquitted of the offence with which he was charged, no departmental action can be taken against him.

AMENDMENT OF RULES RELATING TO SUPPLEMENTARY GRANTS.

1911. ***Mr. Gaya Prasad Singh** : (a) Will the Government be pleased to state the reasons which led them to obtain sanction of the Secretary of State for India in Council to amend Rule 50 of the Legislative Assembly Rules in respect of supplementary demands ?

(b) Are Government prepared to lay on the table the whole correspondence on the subject, which may have passed between the Government and the Secretary of State in Council ?

(c) Were any Law Officers of the Crown, either in India or in England, consulted, before the Rule was amended ? And if so, will the Government lay their opinion on the table ?

The Honourable Sir Alexander Muddiman : I have already answered that.

ADMISSION OF INDIANS INTO VARIOUS BRANCHES OF THE INDIAN ARMY.

1912. ***Mr. Gaya Prasad Singh** : (a) Is it a fact that in the Army Indians are not admitted into the Tank Corps and Armoured Car Companies, or as gunners in the Royal Horse Artillery, or Field Artillery, or in the Medium Artillery, or in the Air Force ?

(b) Is it a fact that in the Ancillary Services, such as Supply and Transport, Medical, Veterinary, Ordnance and Clothing, Remounts, Military Training and Educational, Indians are not eligible for any King's Commissions ?

(c) If the answer to the above be in the affirmative, will the Government be pleased to state the reasons of exclusion ; and also lay on the table the Rules, if any, on the subject ?

Mr. E. Burdon : (a) Indians are not admitted to the Tank Corps, Armoured Car Companies or to the Air Force, except as followers and artificers, etc., nor are they employed as gunners in the Royal Horse Artillery, the Royal Field Artillery or in the Medium Artillery.

(b) No. I invite the attention of the Honourable Member to item 2 of the statement laid on the table on the 2nd July 1923 in reply to Sir Sivaswamy Aiyer's question No. 55.

(c) The attention of the Honourable Member is invited to the statements which I have already made in the Assembly on this subject, one on the 4th July 1923, in reply to a Resolution moved by Sir Sivaswamy Aiyer, and the other on the 14th March last in connection with a motion moved by Diwan Bahadur Ramachandra Rao during the budget discussions. He will find in these a full answer to his question. There are no rules on the subject.

Mr. Chaman Lall : May I ask the Honourable Member whether he is aware that there is a Statute of 1833 which lays down that there should be no distinction between Indians and others in the matter of employment in the British Empire ?

Mr. E. Burdon : I am aware of the existence of the Statute.

Mr. Chaman Lall : Are you carrying out the directions of that Statute ?

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

STATE PRISONERS IN BENGAL.

1913. * **Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 762 of the 13th March 1924, regarding the State Prisoners in Bengal, has the attention of the Government been drawn to the following remarks of H. E. the Governor of Bengal, in course of his address at Chinsurah on the 30th June 1924 :

" The evidence on which our conclusion is based has been carefully examined by myself in the first instance, by two senior Judges in the second place, and finally by the Viceroy personally."

(b) Are Government aware that in the speech of H. E. the Viceroy on the occasion of opening the Indian Legislature on the 31st January 1924, there is no mention of the fact that the evidence against the State prisoners was at all examined by H. E. the Governor of Bengal, as will be seen from the following passage :

" After the arrests in Bengal were made as you are aware, all the documents and evidence, relating to each individual, have been placed before two Judges."

(c) Will the Government kindly state if the conclusions of the three sets of authorities referred to above, have so exactly coincided that not a single State prisoner has been found to be innocent, and released ?

(d) If there have been any variations in the conclusions, will the Government be pleased to state the same ?

(e) How many State prisoners are there now in Bengal, and have any one been released ? If so, how many ?

The Honourable Sir Alexander Muddiman : (a) and (b). The answer is in the affirmative.

(c) and (d). On the report of the Judges in one case, supported by the recommendation of the Government of Bengal, the Government of India ordered the release of the prisoner.

(e) Twenty-seven.

OPENING OF THE RAILWAY FROM ITARSI TO NAGPUR.

1914. ***Dr. H. S. Gour :** (a) Will the Government be pleased to state when the laying of rails on the Itarsi-Nagpur Railway was completed ?

(b) Are they aware of the statement made at the shareholders' meeting of the G. I. P. Railway in London some months back that the Chairman of the Board of Directors hoped to see the line opened to traffic any day ?

(c) If so, why has not the line been opened to traffic yet ?

(d) Will the Government be pleased to state when the new station at Nagpur is likely to be opened ?

Mr. A. A. L. Parsons : (a) The laying of rails was completed on 20th June 1924.

(b) Yes.

(c) The line will be opened to traffic after it has been inspected and passed by the Senior Government Inspector. The inspection was to commence from the 2nd September 1924.

(d) It is not possible as yet to fix a date when the new station will be opened to traffic as the work is still in hand.

SELECTION GRADE POSTS IN THE CLERICAL LINE OF THE BIHAR AND ORISSA POSTAL CIRCLE.

1915. ***Khan Bahadur Sarfaraz Hussain Khan :** Will the Government be pleased to state :

(a) the number of posts of selection grade in the clerical line of the Post Office of Rs. 145 to 170 existing in the province of Bihar and Orissa ?

(b) if the number of such posts is less in Bihar and Orissa than in other provinces ?

Mr. H. A. Sams : (a) There are 36 appointments in the selection grade of Rs. 145—170 in the Bihar and Orissa Postal Circle.

(b) The number of such appointments is smaller in the Bihar and Orissa Circle than in other Circles except Sind and Baluchistan.

Khan Bahadur Sarfaraz Hussain Khan : May I know why it is ?

Mr. H. A. Sams : Because there are fewer appointments in Bihar and Orissa important enough to be made selection grade appointments.

INDIAN CIVIL SERVICE CANDIDATES.

1916. *Mr. D. V. Belvi : Will Government be pleased to state :

- (a) the total number of candidates selected for the Indian Civil Service in each of the last 30 years ;
- (b) the total number of Indians selected in each of the last 30 years ;
- (c) the age limit for admission to the competitive examination for the Indian Civil Service in each quinquennium of the last 30 years ;
- (d) the age limit in the years 1924 and 1925 ?

The Honourable Sir Alexander Muddiman : I lay on the table a statement giving the information required.

Statement showing the total number of candidates and the number of Indians selected for the Indian Civil Service in each of the last thirty years.

Year.	Total number of selected candidates.	Numbers of Indians.	Year.	Total number of selected candidates.	Number of Indians.
1894	60	6	1909	52	1
1895	66	1	1910	60	1
1896	58	3	1911	53	3
1897	62	3	1912	47	7
1898	64	7	1913	44	2
1899	53	3	1914	53	7
1900	52	2	1915	14	3
1901	43	2	1916	9	5
1902	55	3	1917	6	4
1903	51	3	1918	9	9
1904	52	3	1919	101	39
1905	48	4	1920	50	6
1906	60	3	1921	55	25
1907	57	4	1922	33	24
1908	50	3	1923	36	15

Statement showing the age limits for entry into the Indian Civil Service during the last thirty years.

1894 to 1905	..	..	..	above 21 and below 23 years.
1906 to 1921	..	..	..	above 22 and below 24 years.
1922 to 1923	..	..	..	above 21 and below 24 years. (c).
1924	..	..	..	above 21 and below 24 years. (c).
1925	..	..	..	above 21 and below 23 years. (d).

- (c) The limits of 21-23 applied to the Indian examination, the first of which was held in 1922, but 24 was retained temporarily as the higher limit for the London examination for special reasons.
- (d) This is subject to any orders that may be passed on para. 104 (a) of the Lee Commission's report, in so far as the London examination is concerned. For the Indian examination it has been decided that these limits will apply in 1925.

TRANSFER OF OFFICERS TO THE KULACHI TAHSIL.

†1917. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government be pleased to state how many officers were transferred to Kulachi tahsil within the past ten years ; and what was their character roll before their transfer ?

TRANSFER OF MOHAMAD AKRAM KHAN, NAIB TAHSILDAR, FROM TERI TAHSIL TO KULACHI.

†1918. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government kindly give reasons why Mohamad Akram Khan, Naib Tahsildar, was transferred from Teri tahsil to Kulachi ? Was this transfer not due to the quarrel which took place between him and his superiors ?

SUPPLY OF FOOD TO OFFICIALS ON TOUR, ETC.

†1919. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : (a) Will the Government be pleased to state whether it is a fact that Sir John Maffey held a conference in which all Deputy Commissioners, Superintendents of Police and a few influential Indian gentlemen were invited and various topics were discussed there ?

(b) Is it a fact that after long deliberation with the officials invited therein, he issued orders that no officials in future should take food from the zamindars and the officials on tour should pay for all articles purchased from their own pockets ?

(c) Is it a fact that Sir John Maffey did issue a D. O. to all Deputy Commissioners that in future no cases should be referred to Jirga except cases of dacoities and murders ?

(d) Will the Government be pleased to state whether any practical effect has been given to these instructions ; or have they been treated as dead letters ?

APPOINTMENT OF IRRIGATION COMMITTEE IN EACH TAHSIL OF THE N. W. F. PROVINCE, ETC.

†1920. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that Sir John Maffey before he left held an open darbar in which local important matters were discussed ; specially the questions of appointing irrigation committees in each tahsil and issuing *parcha* to the Zamindars at the time of *girdawari* were approved ? Have these orders been given effect to, if not, why ?

COMPLAINT OF SARDAR MOHAMMAD ATAL KHAN OF GANDAPUR AGAINST A PATWARI.

†1921. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government be pleased to state whether it is a fact that Sardar Mohammad Atal Khan of Gandapur filed a complaint against a patwari for not giving him *parcha girdawari* ? What was the nature of complaints, the answer of the patwari, and the remarks of the revenue officers against Abdul Hamid Khan Mukhtiar-i-Am of Mohd. Atal Khan, and what was the result of the case ?

† For answer to this question—see below question No. 1925.

DECREASE OF REVENUE IN THE KULACHI, TONK AND DERA ISMAIL KHAN TAHSILS.

† 1922. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government be pleased to lay on the table a comparative statement of the annual income from revenue of Kulachi, Tonk and Dera Ismail Khan tahsils for the last ten years giving reasons for the decrease in the revenue and stating whether the Government have taken any measures to improve the condition ?

TAXATION OF THE GANDAPURI LANDS.

† 1923. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government be pleased to state why the Gandapuri lands have been taxed higher than the Dera Ismail Khan tahsil lands, by the last settlement, when they are irrigated by the same canal ?

IRRIGATION OF LANDS IN THE GANDAPURI TRACT AND THE DERA ISMAIL KHAN TAHSIL.

† 1924. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government be pleased to state how many villages and with what area of the Gandapuri tract and Dera Ismail Khan tahsil are entitled to be irrigated by the Luni and Goomal canals and out of such area how many acres of each village were actually irrigated by these canals yearly in the Gandapuri tract and Dera Ismail Khan, respectively ?

COMPLAINT OF ABDULLA KHAN REGARDING THE ERECTION OF AN ILLEGAL DAM IN THE GOOMAL CANAL.

1925. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Will the Government be pleased to state what was and what became of the application, sent under registered cover on 18th August 1923, by one Abdulla Khan, son of Faujdar Khan Barakhel Gandapur of Kulachi, complaining against the erection of an illegal dam in the Goomal canal for Barani tract in Muhabat village ; while the rod Kohi tract was irrigated ? What steps were taken by the irrigation department to remedy the evil which was a source of loss in revenue to the Government and to the land owners of those tracts which have the right to be irrigated by the Goomal canal ? What was the report of N. T. irrigation in this case and what action did the Revenue Assistant take on the report of the Naib Tahsildar irrigation ?

The Honourable Sir Alexander Muddiman : Inquiry is being made from the Local Administration and the information will be supplied to the Honourable Member in due course.

ALLEGED IRREGULARITIES OF THE POLICE IN A CASE IN MUHABAT VILLAGE.

1926. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that during investigation by Malik Muzaffar Khan, D. S. Police, in a case in Muhabat village some irregularities of a very serious nature were reported by the D. S. P. ? What is the report of the Deputy Superintendent, Police, and what action, if any, has been taken ?

† For answer to this question—see below question No. 1925.

The Honourable Sir Alexander Muddiman : An inquiry has been made from the Chief Commissioner, North-West Frontier Province, and a reply will be sent to the Honourable Member at a later date.

RECOMMENDATIONS OF THE FRONTIER INQUIRY COMMITTEE.

†1927. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Will the Government be pleased to state whether any immediate practical effect has been given to any recommendations of the minority or majority report by the Frontier Inquiry Committee, whichever the Government think workable in the N. W. F. Province ?

POSSESSION WITHOUT LICENSES OF FIRE-ARMS BY BORDER VILLAGERS.

†1928. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that in spite of the majority report of the Frontier Inquiry Committee that villages close to the border should be entitled to keep rifles without licenses, still they have to apply for licenses ?

CONDEMNATION BY THE FRONTIER INQUIRY COMMITTEE OF POLITICAL LOCK-UP.

†1929. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that the majority report of the Frontier Inquiry Committee has condemned the institution of the political lock-up ; but still people are sent to and kept in political lock-up ? If so, do the Government contemplate to put an end to such a system ?

KETCH DACOITY CASE.

†1930. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Is it a fact that in case of the Ketch (N. W. F. Province) dacoity case the suspected culprits were let off on bail but the friends of those culprits were sent to the political lock-up on the plea that if their friends are not sent to the political lock-up the crime can not be proved ; and that their friends were not let off on bail until the accused were let off, after a full month ?

THE KHANOO KHEL DACOITY CASE.

†1931. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Will the Government be pleased to state what are the remarks of the trying Magistrate in the Khanoo Khel (N. W. F. Province) dacoity case, and at what stage of the case the file concerning it was taken from him and why ?

EXEMPTION OF THE KULACHI AND DERA TAHSILS FROM THE OPERATION OF THE FRONTIER CRIMES REGULATION.

†1932. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Will the Government be pleased to state whether it is a fact that the D. I. Khan district especially Kulachi and Dera Tahsils from the point of view of crimes committed by local bad characters is far better than any other district in the province ? If it is so, are the Government prepared to consider the question of exempting this district from the rigours of the Frontier Crimes Regulation and especially of Jirga ?

† For answer to this question, see answer below question No. 1925.

GUARDING OF ROADS IN THE KULACHI TAHSIL.

†1933. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : (a) Is it a fact that in Kulachi tahsil of the D. I. Khan district when any officer comes on a tour riflemen from the town of Kulachi and neighbouring villages are sent by the tahsil authorities to guard the road ?

(b) Is it a fact these riflemen are not paid ?

(c) If so, do the Government propose to pass orders either to pay for such services or not to have recourse to such measures ?

PROVISION BY THE INHABITANTS OF KULACHI OF ARMED ESCORTS FOR OFFICERS ON TOUR.

†1934. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that the tahsil authorities in the Kulachi town require the inhabitants to provide officers on tour with an armed escort of horsemen ; and that in case of delay in complying with their order drastic measures are taken against them ? If so, do the Government intend to take steps to put a stop to this ?

LIBELLOUS LETTER REGARDING THE SUB-ASSISTANT SURGEON OF KULACHI.

†1935. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : (a) Will the Government be pleased to state whether it is a fact that someone had sent a letter to the Deputy Commissioner of D. I. Khan against the character of the Sub-Assistant Surgeon posted at Kulachi town in which forged names were given ?

(b) Is it a fact that the handwriting of some persons was taken and sent to the expert ? If so, what was the opinion of the expert, and what action has been taken in the matter ?

ANONYMOUS COMPLAINT AGAINST KHAN SAHIB SARDAR ASAD ULLAH KHAN.

†1936. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that someone had sent an anonymous complaint to the Superintendent of Police against K. S. Sardar Asad Ullah Khan, son of the late K. B. Nawab Mohammad Afzal Khan, retired Deputy Commissioner, and on it the police took the statements of a few persons concerned and that when the matter was proved false, the said Sardar gave some papers in the handwriting of a suspected person to the Sub-Inspector and D. S. P. ?

KIDNAPPING OF ISA KHAN RANA KHEL OF MADI VILLAGE AND SOME OTHER PERSONS AT GANDI JEE SAHIR.

†1937. *Khan Bahadur Makhdum Syed Rajan Baksh Shah : Is it a fact that last year one Isa Khan Rana Khel of Madi village (N. W. F. P.) and some other men were kidnapped on the road at Gandhi jee Sahib ? What was the initial report and how many changes with what calumnies took place in the statement of Isa Khan Rana Khel before the police ; and what was the statement before the police of K. S. Dildar Khan and his brother Isa Khan ? When K. S. Sardar Asad Ullah Khan applied for the attested copies of the statements before the police in order to bring a case against them, why was he refused the required copies even on payment ?

† For answer to this question, see answer below question No. 1925.

‡ For answer to this question, see answer to question No. 1926.

FINES INFLICTED ON LABOURERS EMPLOYED ON THE CONSTRUCTION OF THE LUNI CANAL IN THE GANDAPURI TRACT.

†1938. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that some years back by the order of Deputy Commissioner of D. I. Khan a canal was being dug in village Luni in the Gandapuri tract, and neighbouring villagers were forced to work on it for eight annas a day and that those who did not come to work on it were fined ? Is it a fact that the Government gave Rs. 800 to the agriculturists ; while they were fined to the extent of Rs. 2,400 ? If so, will the Government please quote authority for inflicting such fines ?

IRRIGATION FROM THE LUNI, NALA NASKORE AND GOMMAL CANAL.

†1939. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the land-owners while providing labour on repair works and dams in river Luni, Nala Naskore and Gommal canal are not given water to irrigate their plots entitled to be irrigated by these canals, and the Kohi lands are cultivated on rain water only ? If so, will the Government please say on what grounds water rates are charged to them ?

MISUSE OF MALBA MONEY IN THE GANDAPUR TRACT.

†1940. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the Malba money in the Gandapur tract is misused and solely spent on items other than the legitimate one ? If so, will the Government please say what are those illegitimate items on which this money is spent ?

CONTROL FOR ROADS IN THE NORTH WEST FRONTIER PROVINCE.

†1941. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the Honourable the Chief Commissioner of the N. W. F. Province issued a demi-official letter to the effect that the contract of roads should be given to those tribes through whose tracts the roads pass and in consequence Abas Ullah Khan Gandapur has been given contract for the Hathala Kulachi road ? If so, will the Government please say how much landed property Abas Ullah Khan Gandapur has ; and on what grounds he is recommended for the contract, what is his financial position, and when was he given a contract of a few miles on the Gazni Khel Darban roads, what remarks were passed against him by the officers in charge of that road ?

FACTIONS AMONG THE GANDAPUR TRIBE.

†1942. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government please say whether there are any factions among the Gandapur tribe, if so how many breaches of law by one faction are made against the other ?

YEARLY LAND REVENUE OF MADI VILLAGE FOR THE LAST SIX YEARS.

†1943. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : What is the yearly land revenue for the last six years of Madi village (N. W. F. P.) and what is the yearly fine on construction of Madi Dam for the last six years ?

† For answer to this question, see answer below question No. 1925.

PROTESTS AGAINST THE LEVY OF FINES ON THE LANDOWNERS OF THE GANDAPURI TRACT.

†1944. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that strong protests in writing of the landowners of the Gandapuri tract against the alleged illegal imposition of nagha (fine) have been made but no heed has ever been paid to them ?

PROVISION OF WATER FROM THE LUNI RIVER FOR LANDOWNERS BY KHAN SAHIB SARDAR ASAD ULLAH KHAN IN MADI VILLAGE.

†1945. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that the kind of land owned by K. S. Sardar Asad Ullah Khan in Madi village is rod Kohi ; but he is not given water and in spite of his repeated protests no heed is being paid ; though in the settlement papers he is entitled to get water from the Luni river ?

CASUALTIES AMONG VILLAGERS IN THE GANDAPURI TRACT OWING TO MAHSUD RAIDS.

†1946. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state how many men in the Gandapuri tract have been killed up to this time, fighting with the Mahsud marauders since 1906 ?

DISTRIBUTION OF GOVERNMENT ADVERTISEMENTS TO NEWSPAPERS.

1947. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government please state :

(a) How many Indian newspapers are on the list of newspapers and periodicals to which Government notices and advertisements are sent, and how many of them are Muslim newspapers ?

(b) Whether " The Muslim Outlook, Lahore." is one of them ; if not, will the Government please state the reasons why its name has been excluded from the list ?

The Honourable Sir Alexander Muddiman : In the distribution of advertisements Government take into account the attitude and circulation of newspapers and their value as advertising media. I am unable to give any further information in the matter.

Diwan Bahadur T. Rangachariar : Will the Government take the counsel of the Publicity Board in this connection ?

The Honourable Sir Alexander Muddiman : I think they do, Sir.

Diwan Bahadur T. Rangachariar : I am afraid not.

The Honourable Sir Alexander Muddiman : Then the Honourable Member knows.

MUHAMMADANS IN THE IMPERIAL AND PROVINCIAL SERVICE OF THE POSTAL DEPARTMENT.

1948. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government please give the number of persons employed separately in the Imperial and Provincial services of the Postal Department ? How many of them are Indians and out of them how many are Muhammadans ?

† For answer to this question, see answer below question No. 1925.

Mr. H. A. Sams : There is no distinction in the Postal Department between Imperial and Provincial. The total personnel of the Post and Telegraph Department is over 1,20,000 of which the greater part pertains to the P. O.

The answer to the second part of the Honourable Member's question would entail an amount of labour which would be disproportionate to the value of the information required.

PILGRIMS TO THE HEDJAZ IN 1880, 1900 AND 1923, RESPECTIVELY.

1949. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Will the Government please state how many Hedjaz pilgrims left India for Arabia during 1880, and what this number was during 1900 and 1923 respectively ?

Mr. J. W. Bhore : No information is available regarding the number of Hedjaz pilgrims who left India in 1880. The figures for 1900 and 1923 are 2,268 and 24,459, respectively.

IMPORT OF LIQUOR INTO INDIA.

1950. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Will the Government please state how many gallons of liquor were imported into India during 1869-70, 1899-1900 and 1922-23, respectively ?

The Honourable Sir Charles Innes : The imports of liquors into India during the years to which the Honourable Member refers were 3,108,081, 4,777,147 and 4,603,553 gallons, respectively.

EXPENDITURE ON ERECTION, MAINTENANCE AND REPAIRS OF MOSQUES, TEMPLES AND CHURCHES.

1951. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah :** Will the Government please give the total expenditure incurred from Imperial Revenue on erections or repairs and maintenance of mosques, temples and churches throughout India during the year 1922-23 ?

The Honourable Mr. A. C. Chatterjee : The amount spent by Government on the erection and maintenance of Christian churches is not shown separately in the accounts, and the labour in obtaining it would be incommensurate with its value, but I may say that the amount spent in 1922-23 was roughly between three and four lakhs of rupees.

No money is expended from Central Revenues on temples and mosques beyond what is required to conserve those that have been declared to be protected monuments, and are in the charge of the Archaeological Department. The expenditure on conservation operations cannot be stated with exactness because it is not always recorded separately for each building or each class of building. An idea, however, of what is being done in this direction can be gathered from Appendix A to the Annual Report of the Archaeological Survey for 1922-23, a proof copy of which I shall be happy to show to the Honourable Member.

Mr. M. A. Jinnah : May I know what is the principle on which money is spent for repairs to churches and not to temples and mosques in this country ?

The Honourable Mr. A. C. Chatterjee : I should like notice of that question.

REVENUE FROM INCOME-TAX IN 1922-23.

1952. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government please state what was the total income from income-tax throughout India during 1922-23, and how much of it was realized from non-Indians ?

The Honourable Sir Basil Blackett : For the answer to the first part of his question, the Honourable Member is referred to Account No. 15 of the Finance and Revenue Accounts, 1922-23, copies of which he will find in the Library. There are no statistics showing the tax paid by Indians and that paid by non-Indians separately nor would it be practicable to compile such statistics.

TOTAL POPULATION OF PROVINCES FOR CERTAIN CLASSES.

1953. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government please say what is the total population in each province of India for the following classes :

- Hindus.
- Mohammadans.
- Jains.
- Sikhs.
- Others.
- Europeans and Anglo-Indians.
- Native Christians.
- Jews.
- Parsis.
- Other foreign nations.

The Honourable Sir Alexandar Muddiman : The Honourable Member is referred to Tables VI and XV on pages 40-44 and 184 of Part II of Volume I of the Census Report of India, 1921.

RATES OF PAY OF INDIAN AND BRITISH SOLDIERS.

1954. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government please throw light as to why the question of payment of emoluments to the Indian and English forces in India is treated on an unequal footing ?

Mr. E. Burdon : Since British and Indian officers of equal status receive equal pay, I presume the Honourable Member is referring to the rates of pay of the British and Indian private soldier. If that is so, the answer is that the British soldier, who belongs to the British Army continues to receive, when serving in India, British Army rates of pay. He does not receive anything more but he obviously cannot be given anything less. Indian soldiers receive lower rates of pay than British soldiers merely because such rates ultimately rest on the difference between the market rates for labour in the two countries.

FIRE ON THE PILGRIM STEAMER THE "FRANGESTAN".

1955. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Are the Government aware that during May last, an Hedjaz pilgrim ship the

Frangestan caught fire near Port Sudan. If so, will the Government please say whether it intends to satisfy the public with the cause and consequences of the accident after making thorough inquiries ?

Mr. J. W. Bhoré : The Government of India are aware of the outbreak of fire on "The *Frangestan*." A copy of the report of the Court of Inquiry appointed by the Government of Bombay to inquire into the incident is placed on the table. No further inquiry is contemplated.

Chief Presidency Magistrate's Court, Bombay, 10th May 1924.

Pursuant to Government Resolution, Marine Department, No. 789, dated the 2nd May 1924, appointing Frank Oliveira, Esq., Acting Chief Presidency Magistrate, Bombay, Captain Claude Albert Oakshott, M.B.E., Master, s.s. 'Pasha' and Captain Frederick Sudell, R.D., Commander R.N.R. (Retired), F.R.G.S., Master, s.s. 'Kidderpore' to conduct an inquiry into the circumstances in which the s.s. 'Frangestan' caught fire was abandoned and was subsequently sunk by gunfire in the Red Sea, the Court assembled on May the 7th and 8th, 1924, for the purpose stated.

2. The evidence shows that the s.s. 'Frangestan', a British Steamship, official No. 144619, built at Jarrow by Palmers Shipbuilding and Iron Company, Ltd., was of 8227.69 gross tonnage and 5256.98 registered tonnage. The engines were triple expansion direct acting condensing engines driving a singlescrew. The certificate shows that she was registered at Hong Kong as the s.s. 'Boania' on the 18th July 1922, this name being subsequently changed to 'Frangestan' on the 21st February 1923. The vessel had three steel decks, namely, the upper deck, the shelter deck and the tween deck and she was built of mild steel throughout. Electric light was fitted throughout the ship including the tween deck but excluding the lower holds. She carried the following fire appliances :

- (1) Four mechanical pumps worked by steam from two double ended and two single ended boilers and capable of pumping 15, 20, 30 and 40 tons of water, respectively, per hour. They were provided with sufficient lines of hose.
- (2) Nine steam injectors for injecting steam into the holds and for refrigerating purposes. She had 20 cylinders of carbonic acid gas on board. The vessel was rated A 1 at Lloyds.

3. After receiving the usual Survey Report (Part of Ex. B) that the holds were clean swept and dry and the vessel ready to receive cargo, the 'Frangestan' began receiving cargo at Karachi on the 5th March 1924. Before receiving cargo the electric lights and fuses were removed from the tween decks and the switch in the engine-room cut out. The dead wires were allowed to remain. As the fire originated in No. 2 hold it is necessary for us to deal with the cargo stowed in this hold which is stated to have been capable of carrying 2,800 tons.

4. The cargo plan has unfortunately been lost with the ship and from the facts relating to the quantity and description of the cargo stowed in No. 2 hold and the manner in which it was stowed we have had to rely on the evidence of the witnesses, which is most unsatisfactory and contradictory on these points. At Karachi the 'Frangestan' took the following cargo in No. 2 hold : 350 tons of manganese ore also a quantity of bauxite and chromite. Bales of cotton quantity not known. Bags of linseed quantity not known and bags of rapeseed quantity not known. The manganese ore was located first at the bottom of the hold levelled off and covered with dunnage planks to form a platform on which the cotton bales were then stowed. The rapeseed and linseed bags were then stowed on top of the cotton, odd bags of rapeseed and probably linseed being used to fill up broken stowage. The Chief Officer is unable to say whether linseed bags were used for this purpose but it seems probable that this was done. After receiving Survey Report (part of Ex. B) that the stowage was good and in order the 'Frangestan' came on to Bombay where she loaded the following cargo into No. 2 hold : 3,945 bales of cotton, 4,048 bags of linseed and 993 bags of castor seed. These bales were loaded and overstowed with bags of seed and some of the bags were used for broken stowage, no regard being paid to conditions, which, by the nature of the cargo loaded, might lead to fire by spontaneous combustion.

5. The usual Survey Reports (Ex. C.) that the stowage was good and in order being received, the s.s. 'Frangestan' left Bombay on 23rd March 1924 for Barcelona, via Kamaran, Jeddah, Port Sudan, Canal Ports and Genoa, under the command of

Captain William Reynolds. The crew consisted of 139 including the Master, 3 deck officers, 5 engineers and 3 wireless operators. She also carried 1,221 Asiatic pilgrims and 15 European passengers. Before leaving, the hatches were battened down and secured with tarpaulins and locking bars. The ship reached Kamaran at 7 A.M. on the 31st March and sailed for Jeddah at 11 A.M. on the 1st April 1924. During her stay in Kamaran the hatches of the holds were in no way interfered with, but the pilgrims were disembarked and their quarters and effects disinfected before re-embarkation. It might here be mentioned that the Captain has stated in his evidence that he had considerable apprehension of fire in the cargo he was carrying and although his fears were allayed by the fact that the Surveyors who were local experts in the stowage of cargo, had reported all correct, he took additional precautions by (a) directing his officers to make a complete inspection of the ship before coming off watch, (b) holding extra fire and boat drills, and (c) having the pumps and injectors overhauled. All these instructions appear to have been carried out.

6. On the morning of the 2nd April at 3-50 the Second Officer who had the middle watch, was relieved by the Chief Officer and in pursuance of the Master's instructions the Second Officer went round the ship on inspection. He returned to the Bridge at about 4-10 A.M. and reported all correct. The Second Officer states he walked past the ventilator through which the fire appeared later and although he was in bare feet he did not feel or notice anything. At 4-15 A.M. the Chief Officer noticed sparks emerging from the aft ventilator of No. 2 tween deck on the port side and immediately after a living flame burst out. The Master was immediately called and the Chief Officer went and got out the four hoses and had the pumps started, the four lines of hose being inserted into the tween deck through the ventilators. In the meantime the ship's head had been turned and her course set to steam slowly away from the wind. As by 6 A.M. the fire had not abated eight of the nine steam injectors were set to work to inject steam into the hold. At 3 A.M. the Master in consultation with his officers decided to try the effect of CO₂ and as this gas was not carried as a fire appliance, lines of piping were improvised in order to get the gas into the hold. Wireless communication had already been established with the 'Clan MacIver' and she began steaming parallel with the 'Frangestan' at 7-45 A.M. The boats on the port side of the 'Frangestan' were put out as the vessel had taken a list to starboard owing to the quantity of water pumped in. Throughout the day every effort appears to have been made by the use of lines of hose, steam injectors, and CO₂ to put out the fire, the officers in their endeavours to do so being overcome by fumes time and again. At 4 P.M. in view of the serious condition of the ship and the approaching fall of night the transfer of the pilgrims and passengers to the s.s. 'Clan MacIver' which was still standing by began. This operation was carried out by 9 P.M. without a single mishap and, taking into consideration the large number of pilgrims and their panic-stricken state, we consider that this fact reflects very great credit on the Master, Officers and men and on the discipline of the ship. Efforts to extinguish the fire were continued until about 11 P.M. by the officers and men and as about half the ship was then afloat there was no alternative but to abandon her. This was accordingly done, the passengers and pilgrims and crew of the ship proceeding to Port Sudan on the 'Clan MacIver'.

7. The fire on the 'Frangestan' continued and she was still on fire at 11-30 P.M., on April 3rd, 1924, when sighted by H. M.'s Submarine K.-26. The Commander of the Submarine finding her to be burning fiercely and considering her a danger to navigation, wirelessly to the Commander-in-Chief Mediterranean, for permission to sink her. After the usual inquiry by Lloyds Agents whether there was any chance of saving her, K.-26 sank the 'Frangestan' at 1-25 P.M. on the 4th April 1924 by gunfire.

8. The case is a very difficult one to decide in the light of the evidence placed before us and on the point of cause of the fire our decision can only be based on theory.

9. On the question whether the cargo was properly laden and stowed the Court agrees with the opinion of the Assessors that the cargo was not properly laden and stowed. If it is correct that the cargo was stowed according to the custom of the Port, we consider that there is room for considerable improvement in this direction. No attention appears to have been paid at all to the desirability of separating oil-seed from cotton bales. The supervision to stop the stevedore's coolies from smoking or dropping matches in the hold does not seem to have been efficient. A possible cause of the fire would exist here.

10. The question whether there was anything in the cargo which might have caused spontaneous combustion is an extremely difficult one. We have heard Major Higham, the Chemical Analyser to Government, on this point but unfortunately his opinion is based on the facts brought out in the evidence of the Captain and the Chief Officer.

The fact that the cotton bales were stowed with linseed and rapeseed bags on top of them was not then clearly established. Major Higham is of opinion in regard to the cargo carried in No. 2 hold that linseed was the most dangerous as far as the spontaneous combustion is concerned. Then comes cotton seed, then rapeseed, then castor seed. He states that cotton impregnated with 10 to 15 per cent. of linseed oil would ignite, but he does not consider that this condition would obtain if linseed was stowed in close proximity to cotton. In view of the stevedore's evidence which was given after Major Higham we consider it extremely probable that the stowage without discrimination or separation of bales of cotton with bags of linseed on top of them and the fact that the oil seed bags were used as broken stowage did cause a certain portion of the cotton in the tween deck to be impregnated with a sufficient percentage of oil as to create a condition liable to spontaneous combustion.

11. We agree with the Assessors that proper measures were taken on the voyage to protect the cargo from fire and we consider that the theory that fire may have been introduced to the cargo through the ventilator hatches or other means of access, as untenable. We also consider that nothing occurred at Kamaran which could have caused the fire.

12. On the question whether the Master should have adopted any other method to extinguish or control the fire we decide that the Master, Officers and crew did their utmost to deal with the fire and the Master is deserving of commendation for adopting the method he did in using CO₂ which was not supplied to him as a fire appliance.

13. We also agree that the ship was not prematurely abandoned and we are of opinion that the Master would have been uselessly endangering the lives of his men if he did not abandon the ship when he did. As it was, the Chief Engineer was unconscious when he was removed.

14. The question whether the casualty was due to any want of care, skill or incompetency of the Master, or any other person, having been abandoned by the Public Prosecutor we do not reply to it.

15. The actual cause of the fire cannot be ascertained on the evidence adduced before us but it was possibly caused by the presence among the cargo, of some inflammable materials, i.e., matches or lighted *bidi*s or cigarettes which were left in the hold while the steamer was being loaded or very probably due to spontaneous combustion arising from the conditions produced by the improper stowage we have already referred to in paragraph 10.

(Sd.) FRANK OLIVEIRA,

Acting Chief Presidency Magistrate, Bombay.

(Sd.) C. A. OAKSHOTT,

Master, s.s. 'Pasha'.

(Sd.) F. SUDELL,

Master, s.s. 'Kilderpora'.

GRANT OF SPECIAL PROMOTION TO POSTAL OFFICIALS ON ACCOUNT OF FIELD SERVICE.

1956. *Mr. Chaman Lall : (a) With reference to the answer given to my starred question No. 1482 at the last Simla session of the Legislative Assembly, will the Government be pleased to place on the table a copy of the letter, dated 20th November 1919, which the Director General is stated to have construed as not being of general application but to refer only to the particular case then under appeal ?

(b) Will the Government be pleased to state whether it was their intention when that letter was issued that it was not to be taken as being of general application but applicable only to the case then in hand ? If not, have the Government accepted the explanation given by the Director General, Posts and Telegraphs, as satisfactory ?

(c) Will the Government be pleased to state their reasons for not wishing to consider the claims of affected persons ?

The Honourable Mr. A. C. Chatterjee : (a) A copy of the Commerce and Industry Department letter dated the 20th November, 1919, is placed on the table.

(b) Government intended that the observations contained in the letter in question should be of general application but in the letter this was not specifically stated in the form of an order, and the Director General did not therefore issue a general order on the subject. Government decided to remove all doubts by the issue of a subsequent letter dated the 20th May, 1920, explicitly prohibiting the grant of such special promotion.

The Government of India did not at the time ask for any explanation from the Director General.

(c) I have no reason to believe that any injustice has resulted and I am not prepared to reopen decisions that were taken more than four years ago ; a course that can only lead to further complications.

Copy of a letter No. 218-D., dated Delhi, the 20th November 1919, from the Deputy Secretary to the Government of India, Department of Commerce and Industry, to the Director-General of Posts and Telegraphs.

I am directed to refer to your letter No. 257-S.-Ap., dated the 5th November, 1919, submitting for the orders of the Government of India a memorial, dated the 28th September, 1919, addressed to His Excellency the Viceroy by Mr. A. Angelo, Superintendent of Post Offices, 2nd grade, Dehra Dun Division.

2. In reply, I am to say that the field service of officials of the Post and Telegraph Department is properly recompensed by the special rates of pay which they draw, and that meritorious service in the field is rewarded by the grant of honours. The Government of India do not consider that field service should be regarded as a ground for special promotion in the ordinary cadre of the Department.

3. The reasons for Mr. Appleby's promotion to the rank of Deputy Postmaster-General appear to have been misunderstood. Mr. Appleby was not promoted as a reward for his services in East Africa, but because he had given proof of exceptional ability.

4. I am to say that Mr. Angelo's memorial is rejected, and that he should be informed accordingly.

PROPOSED NEW POST OFFICE AT PESHAWAR.

1957. ***Mr. Chaman Lall :** (a) Will the Government be pleased to state whether it is a fact that in providing the very necessary increased accommodation for the Peshawar Head Office a site has been selected far removed from the business quarters where nine-tenths of the postal traffic is received ?

(b) What is the proposed new Post Office going to cost ? Cannot the existing building be extended and enlarged at a lower figure than is ear-marked for expenditure on the proposed building ?

(c) If it is considered that there is not sufficient land where the Post Office is at present to accommodate also the Telegraph Office have any efforts been made to acquire the land adjoining the Post Office to meet the erection of additional buildings ?

(d) Is it a fact that the Postal Department has had to pay about Rs. 8,000 to the Military Department for the land selected on Jheel Road as the site for the new building and has at a further outlay of about Rs. 75,000 erected, in another quarter, buildings for the Military Department in lieu of the buildings now located on the site purchased ? With an additional expenditure for demolishing the buildings on the acquired site will not preliminary expenditure amount to something in the vicinity of one lakh of rupees ?

(e) Was the A. C. R. E. (Civil) Peshawar who is in charge of Civil Government buildings in the station consulted in the matter of adapting the present building to modern and present day requirements? If so, with what result?

(f) Is it a fact that the Railway Authorities are desirous of acquiring the site now purchased for the new Post Office for its requirements? Are the Government prepared to make over this with building on it to the Railway and to utilise the amount thus realised towards enlarging the existing Post Office?

Mr. H. A. Sams : (a) The suitability of the site selected has already been explained in the reply given to paragraph (e) of the Honourable Member's Question No. 1555, of the last meeting of the Assembly.

(b) Detailed estimates have not yet been prepared.

With regard to the second part of this question, the Honourable Member's attention is invited to the reply to paragraph (e) of the question No. 1555, already cited.

(c) No. Even if land were available, the cost of acquisition would be prohibitive.

(d) The answer is in the affirmative.

(e) No.

(f) The answer to the first part is in the affirmative, and to the second part in the negative.

LOSS ON CERTAIN POST OFFICES IN THE NORTH WEST FRONTIER PROVINCE.

1958. ***Mr. Ohaman Lall :** (a) Is it a fact that the following Post Offices are not self-supporting offices:

(a) Under D. I. Khan, H. O. :

(1) Darazanda (2) Kaur (3) Khirgi (4) Moghul Kot Sherani
(5) Mulazai (6) Murtaza (7) Sararogha (8) Yarik (9)
Zam (10) Gomal.

(b) Under Bannu, H. O. :

(1) Ahmedzai (2) Datta Khel (3) Khajuri.

(c) Under Kohat, H. O. :

(1) Alizai (2) Bahadar Khel (3) Gurgari (4) Sadda ?

(b) If the reply to the above is in affirmative, will the Government be pleased to state if these Post Offices are opened on the N. W. F. on political grounds?

(c) Will the Government be pleased to state the net annual loss to the Postal Department by keeping these offices open for military requirements?

(d) Are the Government prepared to debit the loss sustained by the Postal Department to the Military Department?

Mr. H. A. Sams : (a) Yes, except the post office at Khirgi.

(b) Yes, military and political.

(c) Rupees 2,147.

(d) The question of debiting against the Departments for whose benefit these offices are maintained the loss sustained by the Post and Telegraph Department is under consideration.

CASE OF MR. HARBHAGWAN DAS, POSTAL CLERK, UMBALA.

1959. *Mr. Chaman Lall : (a) Is it a fact that Mr. Harbhagwan Das, postal clerk, Umbabla, was in the case alluded to in unstarred question No. 150 Delhi Session 1924, reinstated in his post by the Director General of Posts and Telegraphs, on appeal ?

(b) Is it a fact that Mr. Harbhagwan Das and Mr. Amin Chand, Assistant Postmaster, the postal officials concerned in the case, were each made to pay one-fifteenth of the total loss as a punishment for their neglect of duty ?

(c) Is it a fact that it was proved in the law court that the insured letter was lost out of the possession of the Assistant Postmaster and not of clerk Harbhagwan Das, and that the responsibility for loss rested more with the Assistant Postmaster than the clerk ?

(d) Is it a fact that Harbhagwan Das, clerk has been dealt with, by being deprived of his pay for the period he remained out of employ ?

(e) Is it a fact that the loss of the pay to Mr. Harbhagwan Das for the period from 11th April 1923 to 6th March 1924, means an approximate loss of Rs. 600, which, if added to the Rs. 100 recovered from him as a punishment, comes to Rs. 700 ?

(f) Are the Government prepared to reconsider the decision and order the period the official remained out of employ to be treated as leave or suspension on full pay ?

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

(b) to-(f). Government have no information regarding the case, about which they have received no appeal.

Mr. Chaman Lall : Are Government prepared to consider this case if an appeal is sent up ?

The Honourable Mr. A. C. Chatterjee : I always give the closest attention to any appeal sent to me.

RESPONSIBILITY FOR THE SAFETY AND CUSTODY OF MAILS IN TRANSIT.

1960. *Mr. Chaman Lall : (a) Is it a fact that according to the terms of lease executed between a mail contractor and the Government, the contractor is solely and wholly responsible for the safety and custody of mails during transit, namely, between a post office and post office, or between a post office and a railway station, or Railway Mail Service Mail Office, and *vice versa* ?

(b) Is it a fact that a Postal or R. M. S. Mail Clerk, who may accompany mails according to any local orders (unauthorised by rules) with the object of examination of condition and number of bags received and delivered at both ends, cannot be held responsible for the safety of mails during transit when mails are in charge of mail contractor's men according to the terms of the lease ?

(c) If the replies to above be in the affirmative, are the Government prepared to reconsider the case of Dyal Ram, clerk, Peshawar, with a view to exempt him from the payment of Rs. 200 ordered to be recovered from him as punishment ?

The Honourable Mr. A. C. Chatterjee : (a) and (b). The answer to these questions must depend on the terms of the contract entered into with the mail contractor in each individual case.

(c) The Government of India have not seen the contract entered into with the mail contractor in the case in question. If Mr. Dyal Ram has a grievance, he is at liberty to appeal through the usual channel.

APPEAL OF MR. RAMJI DAS, CLERK, PESHAWAR POST OFFICE, REGARDING HIS PROMOTION.

1961. ***Mr. Chaman Lall :** (a) Is it a fact that Mr. Ramji Das, clerk, Post Office, Peshawar, acted as Assistant Postmaster, Peshawar, in the 145—170 selection grade for fourteen months ?

(b) Is it a fact that not a single unfavourable report was ever made by his superior officers against his work as Assistant Postmaster during the time he held charge of the 145—170 selection grade ?

(c) Is it a fact that Mr. Ramji Das proceeded on leave immediately after his making over charge of the Assistant Postmastership ?

(d) Is it a fact that while on leave Mr. Ramji Das in reply to his two applications was given assurances twice by the Postmaster General, Punjab and N. W. F. Circle, of his acting and permanent promotions to the 145—170 selection grade ?

(e) Is it a fact that Mr. Ramji Das was declared unfit for the 145—170 grade in reply to his third application while still on leave ?

(f) Is it a fact that during the period between the dates of his relinquishing charge as Assistant Postmaster and unfitness orders by the Postmaster General, the official was on leave and that his practical work as Assistant Postmaster was never declared unsatisfactory ?

(g) Is it a fact that the official has submitted an appeal to the Director General, Posts and Telegraphs, India, praying for his long over-due promotion ?

(h) If replies to the above be in the affirmative, are the Government prepared to give a chance to Ramji Das to prove his fitness for the 145—170 selection grade which he has already held for 14 months ?

The Honourable Mr. A. C. Chatterjee : Government have no information on the subject, except that they understand that an appeal has been received by the Director-General from Mr. Ramji Das and is now under consideration.

PROMOTION OF POSTAL SUBORDINATES IN THE PUNJAB POSTAL CIRCLE.

1962. ***Mr. Chaman Lall :** (a) Will the Government be pleased to state separately the number of appointments of Rs. 50 and 60 grade vacant on 23rd September 1920, in the Punjab Postal Circle, which were not filled up before the introduction of the time-scale of pay from the same date ?

(b) Will the Government be pleased to state the names of the postal officials who could be promoted to the vacant appointments referred to above ?

(c) Will the Government be pleased to state separately the salaries which the officials alluded to in (b) above could draw to-day by virtue of their promotions ?

(d) Is it a fact that the Financial Adviser, Posts and Telegraphs, has been pleased to decide in his letter No. 65-P.T., dated the 4th March 1924, a similar case of Mr. Munshi Ram, clerk, Simla, allowing the official to draw higher pay Rs. 106, with effect from 1st June 1924 ?

(e) Are the Government prepared to consider similarly the cases of all other postal officials referred to in (b) above who could similarly get promotions had the posts been filled up ?

The Honourable Mr. A. C. Chatterjee : (a), (b) and (c). The information asked for is not available.

(d) Yes.

(e) No. The circumstances indicated are hypothetical and I am not prepared to decide individual cases without full consideration of the facts in each case.

STOPPAGE OF INCREMENTS OF CERTAIN PUNJAB POSTAL OFFICIALS.

1963. ***Mr. Chaman Lall :** (1) Is it a fact that increments of the following Punjab postal officials were stopped for the periods noted against them :

<i>Name.</i>	<i>Designation.</i>	<i>Period.</i>
(a) Amir Chand ..	S. P. M., Lachi (Derajat Division).	For 6 months.
(b) Behari Lal ..	S. P. M., Sadda (Derajat Division).	For 1 year.
(c) Udhe Bhan ..	Clerk, Hangu (Derajat Division)	For 6 months.
(d) Bhaim Sain ..	Clerk, Kohat (Derajat Division)	For 2 months.
(e) Qadir Bakhsh ..	Clerk, Kohat (Derajat Division)	For 3 months.
(f) Abdul Aziz ..	Postmaster, Campbellpore ..	For 3 months.

(2) Is it a fact that the punishment detailed in part (1) above was ordered to affect all future increments of the said officials ?

(3) Will the Government be pleased to state the cumulative effect of stoppage of increments in each case separately ?

(4) Do the Government propose to reconsider all the cases with a view to remit or reduce the punishments ?

The Honourable Mr. A. C. Chatterjee : Government have no information. If the individuals referred to have any grievance, they are at liberty to appeal in the usual manner.

ARREARS OF PAY OF R. M. S. OFFICIALS OF " D. " DIVISION.

1964. ***Mr. Chaman Lall :** (a) Will the Government be pleased to state reasons for which officiating and temporary services rendered by the R. M. S. officials of ' D ' Division could not be accounted for and arrears of pay could not be paid up till now, ?

(b) Is it a fact that the R. M. S. officials concerned are not the party at fault for delay in disbursement of arrears of pay ?

(c) Is it a fact that according to the latest orders of the Government the arrears of pay were due to these R. M. S. officials with effect from the year 1921 as in the case of other officials ?

(d) Will the Government be pleased to state reasons on the strength of which these R. M. S. officials can be debarred from their dues from the date they were paid to other Postal and R. M. S. officials ?

(e) Do the Government propose to order immediately disbursement of the arrears of pay from the date they actually fell due ?

Mr. H. A. Sams : (a) The " D " division was created in October, 1919, and a portion of its personnel was transferred to it from other divisions. The verification of the temporary and officiating service of this personnel therefore necessitated references to other divisions and took some time to complete.

(b) Yes.

(c) No—in some cases arrears of pay were due to the officials of the " D " division R. M. S., from March 1921, while in other cases they were due from March, 1924, according as each individual case was covered by the conditions governing the application of the concessional orders.

(d) The R. M. S. officials in question are not being debarred from their dues.

(e) Of a total of 180 claims, 173 have already been admitted and forwarded to the Deputy Accountant-General, Posts and Telegraphs, Delhi, for pre-audit. The 7 remaining claims will be settled shortly.

VENTILATION AND HUMIDIFICATION IN COTTON MILLS.

1965. **Mr. Chaman Lall :** (a) Will Government explain the delay in giving effect to the recommendations made by Mr. T. Maloney in regard to the question of ventilation and humidification in cotton mills ?

(b) Have Government received replies from Local Governments regarding this question ?

(c) Did Mr. Maloney come to the general conclusion that it is significant that the physique of the average cotton operative is much lower than that of workers of similar castes and wage-earning capacity in other trades, and that weight decreases after a few months' continuous service ?

(d) Are Government prepared to expedite legislation in regard to the question ?

The Honourable Mr. A. C. Chatterjee : (a) and (b). Local Governments have been addressed on the question and have been asked to reply before 1st November 1924. No replies have yet been received.

(c) Mr. Maloney's views are set forth in his report which has already been published.

(d) Until replies are received from Local Governments, it will not be possible to decide on the measures to be adopted.

Sir Purshotamdas Thakurdas : Will Government be pleased to state who this Mr. T. Maloney is ?

The Honourable Mr. A. C. Chatterjee : He was an expert on the subject who was brought out to India by the Government of India to investigate into the matter.

Sir Purshotamdas Thakurdas : Did the investigation originate with the Government of India or was there any recommendation for the investigation from somewhere else ?

The Honourable Mr. A. C. Chatterjee : The recommendation originated from the Bombay Government but the Government of India warmly took up the investigation.

VARIOUS CLASSES OF OFFICERS EMPLOYED ON RAILWAYS IN INDIA.

1966. ***Mr. Chaman Lall :** (a) Will Government be pleased to state the total number of the following officers on Railways in British India :

- (1) Agents, (2) General Managers, (3) Managers, (4) Traffic Managers, (5) General Traffic Managers, (6) Traffic Superintendents, (7) Chief Traffic Managers, (8) Chief Traffic Superintendents, (9) Chief Engineers, (10) Superintendents of Ways and Works, (11) Engineers in Chief, (12) Engineers, Ways and Works, (13) Loco. and Carriage Superintendents, (14) Carriage and Wagon Superintendents, (15) Chief Mechanical Engineers, (16) Chief Electrical Engineers, (17) Loco. and Carriage Running Superintendents, (18) Controllers of Stores, (19) Superintendents of Stores, (20) Chief Store Keepers, (21) General Store Superintendents, (22) Store Keepers, (23) Colliery Superintendents, (24) Chief Store Superintendents.

(b) Will Government be pleased to state how many of these officers were British Indian subjects on the 1st July 1924 ?

(c) Will Government be pleased to state how many Indian officers there are now out of the total number employed in the Railway Department in the Railway Board Headquarters, also in the following Departments :

1. Indian Railway Conference Association.
2. Traffic Committee.
3. Loco. and Carriage Superintendents Committee.

Mr. A. A. L. Parsons : (a) and (c). Details will be found in the Railway Board's Classified List of Establishment, the latest copy of which is available in the Members' Library.

(b) If it is desired to know the number of Indians, this information is also available in the above publication. If, however, the question refers to subjects of British India as distinguished from subjects of Indian States, Government have not the information.

Mr. Chaman Lall : May I ask the Honourable Member, Sir, whether it is not possible for him to tell us offhand as to how many Indians are employed in the various offices mentioned by me in this question ?

Mr. A. A. L. Parsons : No, Sir, I am afraid my memory is not so encyclopaedic.

Mr. Chaman Lall : Is the Honourable Member prepared to give a statement on these lines ?

Mr. A. A. L. Parsons : No. The Honourable Member can already obtain the information from the copy of the Railway Board's Classified List of Establishment which is in the Library.

Mr. Chaman Lall : Am I to understand that there is not a single Indian employed in the offices mentioned by me in this question ? Am I further to understand that it is very inconvenient for the Honourable Member to lay the facts before us at the present moment ?

Mr. A. A. L. Parsons : The answer to both the Honourable Member's last two supplementary questions is in the negative.

Mr. Chaman Lall : May we know the reasons why the Government do not place the facts before us ?

VISIT OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS TO ISLAMABAD.

1967. ***Mr. Chaman Lall :** (a) Are Government aware that in reply to a question of mine in the May session of the Assembly it was stated that the Director General of Posts and Telegraphs visited Islamabad for purposes of inspection ?

(b) Are Government aware that Islamabad in Kashmir has a small Sub-Post Office run by two clerks ?

(c) Will Government state the urgent business which necessitated the Director General's visit to Islamabad ?

Mr. H. A. Sams :

(a) No such statement was made.

(b) Yes, in addition to the Sub-Postmaster.

(c) therefore does not arise.

Mr. Chaman Lall : Do I understand that.....

Mr. H. A. Sams : May I ask the Honourable Member to repeat his question ?

Mr. Chaman Lall : May I ask whether the Director General visited Islamabad ?

Mr. H. A. Sams : The question was :

" Are Government aware that in reply to a question of mine in the May session of the Assembly it was stated that the Director General of Posts and Telegraphs visited Islamabad for purposes of inspection ? "

I have replied to that question. That question related to the Postmaster General and not to the Director General.

Mr. Chaman Lall : Did the Postmaster General visit Islamabad ?

Mr. H. A. Sams : He did.

Mr. Chaman Lall : Did he visit Islamabad for the purposes of inspection ?

Mr. H. A. Sams : Yes.

Mr. Chaman Lall : Is it correct that Islamabad is a small sub-post office with a staff of only two clerks.

Mr. H. A. Sams : No, Sir. It is an important sub-office, at the end of an important mail line.

Mr. Chaman Lall : Is it in Kashmir ?

Mr. H. A. Sams : It is in Kashmir.

Mr. Chaman Lall : Was it a pleasure trip ?

Mr. H. A. Sams : No, Sir.

CONTRACT RATES FOR THE SUPPLY OF VEGETABLES AT MURREE AND RAWALPINDI CANTONMENTS.

1968. ***Mr. Chaman Lall :** Will Government be pleased to state (a) whether the contract rate for the supply of vegetables for Murree and Rawalpindi is Rs. 5-12 and 4-12, respectively, (b) whether last year the rate was Rs. 3-8 and Rs. 1-15 respectively, (c) whether any public tenders were called for ?

Mr. E. Burdon : (a) The contract rates for the supply of fresh vegetables at Murree and Rawalpindi Cantonments in 1924-25 are Rs. 5-12-0 and Rs. 4-8-0, per 100 lbs., respectively.

(b) The rates per 100 lbs. in 1923-24 were as follows :—

	Rs.
Murree Cantonment . .	3 14 6
Rawalpindi Cantonment	1 15 2

(c) No.

Mr. Chaman Lall : Why were not public tenders called for ?

Mr. E. Burdon : I have made inquiries on that point, Sir, and I find that it is a very easy matter to obtain tenders for the supply of vegetables at much lower rates than those which have been accepted, but in all cases the quality of the vegetable is exceedingly bad. It is quite an easy thing to get cheaper vegetables, but they are always bad : and fresh vegetables are such an important article of diet for the soldier that it was decided to make this alternative arrangement. It is giving satisfactory results.

Mr. Chaman Lall : Is the gentleman connected in any way with the Aman Sabha ?

Mr. E. Burdon : What gentleman, Sir ?

Mr. Chaman Lall : The contractor. Is he connected with the Aman Sabha, Rawalpindi ?

Mr. E. Burdon : I really do not know.

PROHIBITION OF THE ENTRY OF SYED HABIB SHAH, EDITOR, "SIASAT", INTO THE N. W. F. PROVINCE.

1969. ***Mr. Chaman Lall :** Is it a fact that Syed Habib Shah, Editor, "Siasat," Lahore, was recently prohibited from entering the N. W. F. Province ?

Mr. Denys Bray : Yes, Sir.

Mr. Chaman Lall : What were the grounds for prohibiting the entry of Syed Habib Shah into Peshawar ?

Mr. Denys Bray : That is a more substantive question than the question to which I have replied.

The position, as I understand it, was this. This gentleman visited Peshawar two or three years ago and had unfortunately to be asked to leave. A few weeks ago he asked if there was any objection to his

return. The matter was put under inquiry, and the gentleman was so informed. Unfortunately, this *ad interim* reply seems to have hurt the gentleman, for he sent a letter through his Secretary to say :

“ The undersigned is further instructed to inform the Deputy Commissioner, Peshawar, not to take more action in the matter, as, whatever the decision, Syed Habib Shah shall pay a visit to Peshawar after Ramzan as soon as necessary and possible.”

It was on that and as a result of the inquiries that had been made into his conduct on the previous occasion that an order was issued to say that his presence was not desirable.

RUSSIAN ROUBLE NOTES.

1970. **Mr. Chaman Lall** : Will Government be pleased to state whether they have made any representation to the Secretary of State for India regarding the subject of Russian rouble notes in the possession of Indian traders which they were made to deposit in Government Treasuries ?

The Honourable Sir Alexander Muddiman : The matter was brought to the notice of the Secretary of State for India in 1922, but His Majesty's Government considered that it was not possible to claim any compensation in respect of rouble notes held by Indian merchants.

Mr. Chaman Lall : May I ask that when the matter is being discussed with the Russian Government, the matter will be reopened and a representation will be sent up by the Government of India in this connection ?

The Honourable Sir Alexander Muddiman : The Secretary of State, as I have told the Honourable Member, decided that nothing could be done in 1922. I have no reason to suppose that he has changed his attitude.

Mr. Chaman Lall : May I remind the Honourable Member that 1922 is not 1924 and that an Anglo-Soviet Treaty has been entered into ?

The Honourable Sir Alexander Muddiman : If there is anything which can be done in the matter, I am sure His Majesty's Government will do it.

TAXATION OF LAND VALUES.

1971. ***Mr. Chaman Lall** : Have Government instructed the Taxation Committee to consider the question of the taxation of land values ?

The Honourable Sir Basil Blackett : The terms of reference are comprehensive and special instructions of the kind suggested would appear unnecessary.

TRANSFER OF CLERKS AND ACCOUNTANTS OF THE MILITARY ACCOUNTS DEPARTMENT.

1972. **Mr. Chaman Lall** : 1. Will Government be pleased to state what amount of money was paid in the Military Accounts Department Office in a lump sum to the accountants in giving retrospective effect to the “ next below rule ” in the case of accountants ?

2. Will the Government be pleased to state how many clerks with pay varying from Rs. 50 to Rs. 100 p. m. were transferred from the office

of the Controller of Military Accounts, P. & A. District Calcutta, to various other offices of the Military Accounts Department in the Punjab, Quetta, Karachi, etc., from April 1920, and how many accountants with pay varying from Rs. 150 to Rs. 500 were transferred to the Calcutta office and what reason was there to transfer small paid clerks away from their hearth and home and to retransfer well paid Accountants to Calcutta ?

The Honourable Sir Basil Blackett : The information is being obtained and will be furnished to the Honourable Member on receipt.

UNSTARRED QUESTION AND ANSWER.

LIQUIDATION OF THE ALLIANCE BANK OF SIMLA.

349. **Mr. B. Venkatapatiraju :** Will the Government be pleased to state what steps the Government propose to take against the perpetrators of fraud if any in the matter of the bankruptcy of the Alliance Bank, Simla ?

The Honourable Sir Alexander Muddiman : I invite the Honourable Member's attention to the reply given by me to Mr. Bhubanananda Das's starred question No. 1869 on the 15th September 1924.

RIOT AT KOHAT.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : May I ask the Foreign Secretary whether he has received any further information about the Kohat riot, and whether he has perused the articles I sent up to him, and whether he has any information to give on those articles ?

Mr. Denys Bray (Foreign Secretary) : I have perused the articles that the Honourable Member very kindly sent to me. They of course do not wholly bear out all the reports which have reached me, but they confirm the reports to a great extent, and I now propose to read to the House a series of telegrams which I have received from Kohat during the last two days.

Mr. N. M. Joshi (Nominated : Labour Interests) : May I ask whether the Government of India have got any information about the exodus of coolies from the Assam tea gardens to

Mr. President : The Honourable Member must not interrupt the Foreign Secretary who has not yet finished.

Mr. Denys Bray : This telegram is from the Chief Commissioner now in Kohat :

" On the 2nd September copies of a pamphlet printed in Rawalpindi were circulated in Kohat under the auspices of the Sanatan Dharma Sabha, which contained a poem in which occurred a couplet telegraphed separately. The rest of the poem is also objectionable."

I do not propose, Sir, to read that couplet to the House ; it strikes myself as bordering on desecration and would be regarded by Muslims as a blasphemous outrage ; and I do not wish to give it further currency than need be.

" Feeling at once ran high, and the leaders were called on for security by the Assistant Commissioner, Mr. Ahmed Khan, on the 3rd September. The Deputy Commissioner returned to Kohat that day and found that Jivan Das, the Secretary of

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the Sabha, had been already arrested by the Assistant Commissioner. On the 4th the Deputy Commissioner saw the leaders of the Hindus, who had organized a partial *hartal*, and also the leaders of the Muhammadans. He said that he considered the pamphlet insulting and would deal with it. The leaders seemed satisfied and went away. The Assistant Commissioner was meantime inquiring into the case and reported in favour of an application for sanction of the Local Government to prosecute under sections 153A and 505, Indian Penal Code. The Deputy Commissioner gave a written order to the police to investigate the case. On the 8th, Jivan Das was released on bail on condition of his leaving the district until sent for. The hearing of the security case was fixed for the 11th. On the 9th, the Muhammadans to the number of fifteen hundred hearing of his departure waited on the Deputy Commissioner to protest. The Deputy Commissioner ordered the police in the Hindu quarters to be reinforced and then interviewed the crowd, and explained the reasons for sending Jivan Das away, adding that he had heard that the villagers had been urged to collect and attend the Court on the 11th and that he feared a breach of the peace, as after disposal of the case under section 107, Jivan Das would have to be released from the lock-up.

They expressed themselves satisfied but asked for assurance that the case under 153A and 505 would really be taken up. This was given, and the Assistant Commissioner began his investigations, the crowd following to his court. The Deputy Commissioner returned to his office and ten minutes later had a telephone message that shots were being fired in the city. The crowd of Muhammadans was still outside; so the gates were closed. The Hindus apparently had become panic-stricken and fired on a crowd of shouting boys in the main bazaar, a Muhammadan boy being hit in the chest by a revolver bullet said to have been fired by a Sikh or Hindu pleader."

In reading out this telegram, Sir, I am omitting names as the case of course will be one for judicial inquiry.

"News spread rapidly and the Muhammadan crowd managed to re-enter the city. The Hindus retired to the roofs of the houses and began firing indiscriminately on the crowd and on the police coming to their rescue, three police being hit. No Muhammadans were seen with firearms in the city on the 9th, and on that day nearly all the casualties were Muhammadans, about 10 being killed and 20 wounded. The military arrived at about 1 P.M. and 9 shots were fired to silence the fire from the roofs. The police also fired into the air and at three houses from which the principal firing was coming. The troops first occupied the main bazaar and the Hindu Mohalla, and fires were then started in both places. The troops had to be withdrawn, and drew a cordon round outside. The police then cleared the bazaars, and the night was quiet, except for fires and looting. On the morning of 10th large crowds of Muhammadan villagers, many armed, collected; and many had succeeded in entering the city in dribblets by digging holes in the walls, etc., during the night, intent on murder and looting in the Hindu Mohalla, where firing began again, and many Hindu casualties occurred, roughly 10 killed and 20 injured. The Deputy Commissioner then entered the Hindu Mohalla alone, and persuaded them to stop firing; and was then able to drive out the mob with the police and frontier constabulary. Firing all ceased by the afternoon of the 10th. Hindus, in spite of the posting of guards, insisted on leaving the city and all entered the cantonments, where they were temporarily accommodated, and they have now left for the Punjab except about 300. About 800 Muhammadans have so far been arrested. Damage not yet estimated, but may amount to 50 lakhs, as two-thirds of the Hindu Mohalla and the main bazaar have been burnt; so far the probabilities point to the cause of trouble being the undoubtedly provocative Hindu pamphlet, and the riot being apparently started by the Hindu pleader....."

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-official) : Why apparently, Sir ?

Mr. President : Order, order. The Honourable Member knows that the Foreign Secretary is dealing with a very important matter and he naturally chooses his words with care.

Mr. Denys Bray :

".....started by the Hindu pleader, shooting a Muhammadan boy in a fit of panic. The old Kohat Hindus....."

—and I may say that this explains to myself at any rate part of what happened, because I know the old Kohat Hindu families well and

can say that they are a very shrewd and sober set of men ; it unfortunately appears that the Sanatan Dharm Sabha had passed from their hands into the hands of Hindus who knew Kohat and the conditions of Kohat less—

“ The old Kohat families were not involved at the outset and only slightly afterwards and will no doubt soon return. Arrangements for preventing trans-border men from approaching city were successful and they took no part in the disturbances.”

And here again, Sir, I would like to mention that this is in contradiction to and in supersession of a Communiqué issued by the Army Department, I think, on Saturday. Of course in a matter like this, the civil authorities are the better judges of who are trans-frontier and who are cis-frontier men.

“ Trouble has so far not spread to other Hindu bazaars in District, though the situation has been threatening in Hangu, Thall, Lachi, Teri, Shakardarra and Latammar, where arrangements, believed adequate, have been made.”

A supplementary telegram reads thus :

“ The Hindu version of the origin of Kohat riots is as follows. The Muhammadans were annoyed over proposed construction of new bathing tank for Hindu females and the pamphlet referred to in previous telegrams was merely a pretext. Loot of all Hindu shops was resolved on at a meeting held in a mosque on the night of 8th and started at the time fixed on the following morning. No Hindu fired until the temples were attacked. Accusations are made against Ahmad Khan, Assistant Commissioner.”

Thus far the Hindu version. Mr. Bolton proceeds :

“ I have been all over the city and the damage is undoubtedly very great. Fires are still burning in many places. Some Hindu houses are untouched but all temples have apparently been rifled and images broken. Some few Hindus have never left their houses and a few others have returned there. I have appointed a special European Superintendent of Police and a European Magistrate for inquiry.”

On these telegrams, I asked Mr. Bolton a few questions, and his answer runs as follows :

“ Few copies of pamphlet available as most were burnt. I will post one. Title page says ‘ Printed at Lakshmi Art Steam Press, Rawalpindi, and published by Jivan Das, Secretary, Sanatan Dharm Sabha, Kohat ’.”

Apparently the Sabha admits this.

“ I have not yet seen it reproduced in the press.”

I had asked that question with reference to the possibility of my having to make public the couplet which I have said I would prefer not to make public.

“ Thirteen holes were found in the city wall by which the villagers are said to have entered but how they escaped notice of police and military pickets remains a mystery. Allegations against Assistant Commissioner are vague but he is accused of concealing preparations of Muhammadans, indifference to looting of Hindus, and general partiality. Definitely ascertained casualties are Police 3 wounded, Muhammadans 10 killed and 20 under treatment in civil hospital, Hindus 10 killed and 1 wounded in civil hospital. Also 8 wounded chiefly Hindus are reported under treatment in military hospital and some Hindus are believed to have been taken to Rawalpindi.”

A telegram which I got from Mr. Bolton the first thing this morning says :

“ All is now quiet in Kohat. Fire extinguished and shops re-opening.”

In answer to a telegram to the Deputy Commissioner which I drafted yesterday with the kind help of an Honourable Member who is not here present to-day, I have received this :

“ Practically all the Hindus have left Kohat for Punjab in reserved train accommodation. Guards were furnished for trains. Probably not more than 150 Hindus remain here. Refugee camp has been provided for them by military authorities

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within cantonment limits. Those wishing to return to the city are encouraged to do so. Ample accommodation in Government school has been selected for housing those returning to the city who are temporarily homeless. Medical provisions for wounded who are few are ample. Eight are being treated by military medical officers in cantonment and one or two in civil hospitals. About 20 with minor injuries have been treated. Feeling appears to have subsided entirely in the city. It is anticipated that many refugees will return to the city within a few days. Food supplies are being arranged and will be adequate. Seva Samiti, Peshawar, has been asked to provide Hindu shopkeeper to supply Hindus. Two or three workers will be very welcome to assist in directing people to food shop, etc."

Diwan Bahadur T. Rangachariar : May I ask the Honourable Member if he has seen the statement in the newspaper which I gave him that the writer openly apologised for that pamphlet ? Is there any information to confirm it or to repudiate it ?

Mr. Denys Bray : The Honourable Member presumably asks me whether I can confirm the fact that the pamphlet was *apologised* for.

Diwan Bahadur T. Rangachariar : Yes.

Mr. Denys Bray : I have not yet received that information but that is one of the points on which I am telegraphing to Kohat.

Diwan Bahadur T. Rangachariar : Has the Honourable Member's attention been also drawn to the fact that before the riots began, a meeting was held in the Town Hall by the Muhammadans and it was after this meeting that the riots began ?

Mr. Denys Bray : I may inform the Honourable Member at the outset that I was very grateful to him when he sent over the newspaper cutting. I have already said that, as far as I could within the limited time at my disposal, I have given the information in the public press as much care as I could. Out of those newspaper reports various points arise and are bound to arise on which I have already made up my mind to ask the local authorities for full and formal information. I would just like to drive it home again to the Honourable Member that these reports which I have read out are provisional reports supplied by our officials, not, of course, with an eye to publication or for reproduction in the Assembly here. They have been sent in order to put Government in possession of such facts as the local authorities have so far collected. It is quite obvious that, when the full report comes in, many other points will be dealt with, such as that which the Honourable Member is putting to me now. When the judicial inquiry is complete, I have not the slightest doubt that many matters which are still very obscure to myself will be made clearer.

Nawab Sir Sahibzada Abdul Qaiyum : May I ask, Sir, how the Hindus came in possession of the firearms in the city unless they had made previous arrangements for them ?

Mr. Denys Bray : I would really be grateful to the Honourable Member if he would refrain from putting to me searching and leading questions at the present juncture. I do assure the House that the Government view these happenings at Kohat as most tragic and I think it would be most unwise to attempt to elicit from Government at the present moment information which might serve further to exacerbate feelings which are already very bitter.

Baba Utagar Singh Bedi (Punjab : Landholders) : May I know, Sir, whether the houses which are said to have been set fire to belonged to the Muhammadans or to the Hindus ?

Mr. Denys Bray : I had I hoped, made a clear statement from which surely it must have emerged that the houses burnt are, if not entirely, almost entirely, those of Hindus.

Mr. Bhubanananda Das (Orissa Division : Non-Muhammadan) : May I ask, Sir, whether the Government will be able to arrange for a few Members of this House from amongst the leaders including the Political Secretary himself to go to Kohat and make inquiries about this accident on the spot ?

Mr. Denys Bray : I am sure Government will welcome such a visit from the leaders of this House

Mr. Mahmood Schamnad Sahib Bahadur (West Coast and Nilgiris : Muhammadan) : Will the Honourable Member be pleased to state whether any inquiry was held and whether as a result of that inquiry it was found that a Muhammadan boy was shot and killed on account of panic ?

Mr. Denys Bray : I cannot assure the Honourable Member that there has already been an inquiry in the sense in which presumably he is using the term. The Deputy Commissioner and the Chief Commissioner are personally conducting such inquiries as are possible in the circumstances. The judicial inquiry was not instituted when these telegrams were sent off. I have no doubt that that inquiry either must have started by now or will start as soon as practicable.

(Mr. Mahmood Schamnad rose to ask another question.)

Mr. President : We had better postpone any further questions on this subject till to-morrow.

EXODUS OF LABOURERS FROM THE ASSAM TEA GARDENS.

Mr. N. M. Joshi (Nominated : Labour Interests) : Will Government be pleased to give to the House information about the exodus of labourers from the Assam tea gardens ?

The Honourable Mr. A. C. Chatterjee (Industries Member) : Sir, the facts as stated in a telegram from the Assam Government dated the 11th instant are as follows : During August an exodus took place from Lakhimpur of about two hundred labourers who had recently been recruited from Madras Districts. These labourers were mostly repatriated. Following that, about 850 labourers, who had recently been recruited from the same area, left their gardens in Sibsagar district and marched to Jorhat, where an inquiry was held by the Commissioner and the Deputy Commissioner with the assistance of the Superintendent of the Tea Districts Labour Association, through whom the labourers had been recruited. The labourers made no complaints of irregular recruitment or of ill-treatment on the gardens, and their reasons for leaving the gardens were stated to be dislike of the Assam climate and some sickness amongst them. An offer to repatriate them after three months' work was refused and without warning the labourers left Jorhat and proceeded on their march to Jakhlabandha in the Nowgong district. Six deaths and two births occurred on the march. The causes of the deaths are not known, as the leaders of the party refused to allow the sick to stay behind for treatment. Food and medical attendance were supplied to the labourers. I have just received another telegram stating that all the labourers referred to were repatriated on the 12th instant by the Tea Districts Labour Association.

Mr. Chaman Lall (West Punjab : Non-Muhammadan) : May I know, Sir, what were the causes of these six deaths ?

The Honourable Mr. A. C. Chatterjee : The Assam Government had no means of ascertaining the cause of these deaths.

Mr. Chaman Lall : Will the Honourable Member find out from the hospital ?

The Honourable Mr. A. C. Chatterjee : I cannot find out when the Assam Government were unable to find out themselves.

Mr. Chaman Lall : Have they said so ? Have they said that they are unable to find out the causes of these deaths ?

The Honourable Mr. A. C. Chatterjee : Yes. I have just stated that causes of the deaths were not known as the leaders of the party refused to allow the sick to stay behind for treatment.

SEPARATION OF RAILWAY FINANCE FROM GENERAL FINANCES.

REPORT OF THE COMMITTEE LAID ON THE TABLE.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I beg to lay on the table the Report of the Committee appointed by the Legislative Assembly on the 3rd of March to examine the proposals for the separation of railway from general finances.

Report of the Committee appointed by the Legislative Assembly on the 3rd of March to examine the proposals for the separation of railway from general finances with instructions to report as soon as possible after the beginning of the autumn session (vide Legislative Assembly debates of the 8th March 1924).

The proposals were examined by the Committee in the following order :

- (i) The amount and form of the contribution to be paid by the railways to general revenues, if railway finances are separated from general finances.
- (ii) The control of the Assembly over railway finances and policy, if railway finances are separated from general finances.

The Committee unanimously recommend that the contribution from railway to general revenues should be based on the capital at charge and working results of commercial lines only, and should take the form of a percentage of the capital at charge of commercial lines plus a small share of surplus profits.

2. The non-official members of the Committee recommend that the amount of the contribution to general revenues should be 1 per cent. of the capital at charge of commercial lines plus one-fifth of surplus profits, subject to the proviso that if the amount available for transfer to the railway reserve after the payment of the contribution exceeds in any year three crores of rupees only two-thirds of the excess over three crores shall be transferred to the railway reserve and the remaining one-third shall accrue to general revenues. They are of opinion that this arrangement should be subject to periodic revision but that it should be provisionally tried for at least three years.

The official members of the Committee reserve their opinion on this recommendation, but are prepared to submit it to the Government of India.

3. The Committee are unanimously of opinion that with the adoption of the following recommendations the control now exercised by the Legislative Assembly under the Government of India Act over railway finance and policy will not be in any way reduced by the acceptance of the proposals of Government for separating railway from general finances :

- (i) The Assembly should be assured that the proposed method of keeping the accounts of the depreciation fund is practicable ; and that a satisfactory system of valuing stores from year to year is in operation.
- (ii) The form the budget should take after separation, the detail it should give, and the number of demands for grants into which the total vote should be divided should be considered by the Railway Board in consultation with the proposed Standing Railway Finance Committee with a view

to the introduction of improvements in time for the next budget, if possible.

- (iii) A Standing Finance Committee for Railways should be constituted consisting of two nominated official members of the Legislative Assembly one of whom should be Chairman, and ten members elected by the Legislative Assembly from their body. The members of the Standing Finance Committee for Railways should be *ex-officio* members of the Central Advisory Council ; which should consist, in addition, of not more than two further nominated official members, five non-official members selected from a panel of eight elected by the Council of State from their body and five non-official members selected from a panel of eight elected by the Legislative Assembly from their body.

4. The Committee note that all sums passed into and out of the Depreciation Fund and the Reserve Fund will require the vote of the Assembly.

5. The Committee further recommend that the railway year should be changed as soon as possible, and that the railway budget be presented in the September session so as to allow at least six days for its discussion.

6. The following members of the Committee, *viz.*, Mr. Venkatapati Raju, Sir Purshotamdas, Mr. Neogy, Mr. Rama Aiyangar, Mr. Ghose, Mr. Ghulam Bari, Mr. Ramchandra Rao, Mr. Joshi, and Pandit Madan Mohan Malaviya make the following further recommendations :

- (i) that Indians should be fairly represented on the Railway Board ;
- (ii) that no railway should be handed over to a private company without the prior approval of the Legislative Assembly ;
- (iii) that the Railway Services should be rapidly Indianised.

7. Mr. B. C. Pal and Dr. L. K. Hyder were not present at the deliberations of the Committee and have not signed the Report.

(Sd.) C. A. INNES.
 ,, BASIL P. BLACKETT.
 ,, CLEMENT D. M. HINDLEY.
 ,, *PURSHOTAMDAS THAKURDAS.
 ,, *K. C. NEOGY.
 ,, *B. VENKATAPATI RAJU.
 ,, S. C. GHOSE.
 ,, GHULAM BARI.
 ,, M. RAMCHANDRA RAO.
 ,, DARCY LINDSAY.
 ,, W. S. J. WILLSON
 ,, *N. M. JOSHI.
 ,, *K. RAMA AIYANGAR.
 ,, H. S. GOUR.
 ,, BABA UJAGAR SINGH BEDI.
 ,, *M. A. JINNAH.
 ,, *M. M. MALAVIYA.

8th September, 1934.

* Subject to minute of dissent.

I think if the Central Advisory Council is to be of some use, the following provisions must be accepted :

- (1) The Chairman shall place on the agenda any matter regarding the working of the Indian Railways on the request of any five members.
- (2) The Chairman shall call a meeting of the Council within a reasonable period, if requested by any five members to do so.
- (3) The Central Advisory Council shall make a report of the work done by it during the year, to the Legislative Assembly..

(Sd.) N. M. JOSHI.

SIMLA :

The 10th September, 1934.

1. The 1 per cent. of the capital at charge and the interest payable by the railway to calculate the surplus on commercial lines shall be calculated on the capital at charge at the end of the penultimate year as worked out by Mr. Parsons on the last sheet of his note, dated 27th August 1924.

2. I am of opinion that the Financial Commissioner for Railways should work under the Finance Member as a full-timed officer of Railways attending to the financial side of all schemes from their inception but without taking part by voting for the decisions of the Board.

(Sd.) K. RAMA AIYANGAR.

SIMLA :

The 10th September, 1924.

With regard to paragraph 3 of the report, it is not correct that the Committee expressed its unanimous opinion. We cannot agree with the view that the control now exercised by the Legislative Assembly under the Government of India Act over Railway Finance and policy will not in any way be reduced by the acceptance of the proposals of Government for separating Railway from General finances.

M. A. JINNAH.

M. M. MALAVIYA.

B. VENKATAPATI RAJU.

On further consideration I also agree to this note.

K. RAMA AIYANGAR.

The 13th September, 1924.

We are of opinion that the ten members of the Finance Committee, mentioned in para. 3 (ii), should be elected by the non-official members only; and further that the five non-official members of the Central Advisory Council should be elected directly by the non-official members of the Assembly, and not selected from a panel.

M. M. MALAVIYA.

M. A. JINNAH.

PURSHOTAMDAS THAKURDAS.

B. VENKATAPATI RAJU.

K. RAMA AIYANGAR.

K. C. NEOGY.

The 15th September, 1924.

We think that the recommendations mentioned in paragraph 6 should be agreed to by Government, before the Assembly should accept the proposals of Government.

M. M. MALAVIYA.

PURSHOTAMDAS THAKURDAS.

M. A. JINNAH.

B. VENKATAPATI RAJU.

K. RAMA AIYANGAR.

K. C. NEOGY.

The 13th September, 1924.

THE WORKMEN'S BREACH OF CONTRACT (REPEALING) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move for leave to introduce a Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law.

Sir, this is in response to a pledge given by my predecessor on a Resolution moved by my Honourable friend Mr. K. C. Neogy. An enactment of

this kind has been considered for some time to be out of place in the general law of the country, although it is possible that it may be wanted in some out of the way places. And if that be the case, it should be provided for by the local Legislatures and not by the general law. The reason why the repeal is not being effected at once and is going to be effected on the 1st April 1926 is that notice must be given in order that the local Legislatures may have time to enact anything that may be necessary and also employers and employed may have time to consider their own position when this law is gone.

When we consulted Local Governments regarding the Workman's Compensation Act we also took the opportunity of consulting them regarding two cognate sections of the Indian Penal Code, sections 490 and 492. Section 490, as the House knows, deals with breach of contract in regard to service during a voyage or journey. Section 492 deals with breach of contract in regard to service in distant places. There is no doubt that in the conditions in India when the Penal Code was enacted there was justification and probably ample justification for inserting these provisions in the law ; but we think that that time is past and opportunity should be taken at the same time when dealing with the Workmen's Breach of Contract Act to repeal these two provisions also. I think that explains the position sufficiently to the House, and I now move for leave to introduce the Bill.

Mr. President : The question is :

“ That leave be given to introduce a Bill to repeal certain enactments whereby breaches of contract by labourers are made punishable under the criminal law.”

The motion was adopted.

The Honourable Sir Alexander Muddiman : Sir, I introduce the Bill.

THE INDIAN SOLDIERS (LITIGATION) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move :

“ That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, as passed by the Council of State, be taken into consideration.”

Sir, special protection in regard to these matters was first given by Ordinance during the war. This was replaced by an Act passed in 1911 and again re-enacted and amended by the Indian Soldiers' (Litigation) Act of 1918. Now those Acts applied and gave protection to soldiers who were serving under war conditions or on other service which is declared by the Governor General in Council to be service under war conditions. It has been suggested on several occasions that this protection should be extended ; that it is required just as much, or nearly as much, by Indian soldiers serving overseas and also in certain areas in India. We consulted Local Governments regarding the working of the existing Act, and they told us that the Act was a real benefit to the Indian soldier, and they also told us that it did not cause any appreciable inconvenience to the general public. The Bill therefore extends the

[Sir Alexander Muddiman.]

protection in the manner I have explained. The particular places which are specified in the Bill itself where this protection is given, are :

“ at any place in Persia, Tibet, Afghanistan, Kashmir, Nepal or China, or with any unit the headquarters of which are situated at any place in Chitral, Waziristan, the North-West Frontier Province or British Baluchistan which is more than fifty miles distant by road from the nearest railway station.”

I think that the clause explains itself. It is most desirable that when you have men serving in those circumstances that they should get the protection to which this Bill refers.

One other point, Sir. The Bill, while extending the protection in the respects I have mentioned also restricts it in other particulars. It restricts it in regard to suits, applications or appeals to enforce a right of pre-emption, and also restricts it where the soldier's interests are adequately represented by such other party. Those are the main provisions of the Bill which I now ask the House to take into consideration.

There is one other point which was raised last session by my Honourable friend, Sardar Bahadur Captain Hira Singh, who asked me why the Bill we passed that session should not be made retrospective. I had inquiries made and am told that the only suits that were dismissed were six suits all relating to pre-emption. These are suits which are expressly excluded from the Bill.

I move that the Bill be taken into consideration.

Mr. President : The question is :

“ That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, as passed by the Council of State, be taken into consideration.”

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : I beg to move :

“ That the Bill be referred to a Select Committee under Rule 88 of the Manual of Business.”

I do so not because I have developed any special partiality for the procedure of reference to a Select Committee, but because I foresee certain difficulties with regard to the wording of the provisions of this Bill, which I am afraid cannot possibly be satisfactorily dealt with if the Bill were considered at this stage. For the purpose of this motion I am obliged to go into some of the provisions of this Bill to show what the difficulties are which require reference to a Select Committee.

Let me first of all draw the attention of the House to the fact that there are certain amendments of which notice has been given by some Members of the House already. There is something in some of those amendments, though not in all ; but before I go into the subject of those amendments I will refer to one or two other matters connected with the provisions of this Bill.

In clause 7 of the Bill reference is made to cases where a postponement of the proceedings *as against the soldier* is necessary in the interests of justice. *Prima facie*, those words contemplate a case of a proceeding *against* a soldier as defendant ; but having regard to clauses 5 and 6 of

the Bill, it is clear that the Bill contemplates not merely cases where the soldier is a defendant but also cases where the soldier is a plaintiff. He might have filed a suit and left the country under orders of demobilization. It may be necessary then to postpone the proceedings. Even in that case possibly it may be said that the words "proceeding as against the soldier" should be interpreted so as to cover all proceedings as regards a soldier.

Then again as regards clause 10, some of its provisions are unnecessary and economy of drafting might be attained by the omission of sub-clauses (3) and (4) as proposed by my friend, Mr. Duraiswami Aiyangar, because those provisions are already contained in the Code of Civil Procedure.

It is in regard to clause 11 that I find some difficulty. Clause 11 relates to the exclusion of the period during which a person has been under this special disability, and it refers only to cases in which the plaintiff, appellant or applicant is or has been an Indian soldier. Now, there may be cases in which there is only one plaintiff and he is under disability, and there may be cases in which there are several plaintiffs, all being under disability, and cases in which there may be more plaintiffs than one, some being under disability, and others not. It may be construed so as to cover cases of a single plaintiff under disability or a plurality of plaintiffs all under disability. But it does not refer to the cases where, of several plaintiffs, some are under disability and others are not. The sort of provision which ought to be made in connection with a case like that is something on the lines of section 7 of the Limitation Act, where one of several plaintiffs, jointly entitled to sue, is competent to give a discharge in respect of the right or claim. In such a case there is no stoppage of limitation, but in other cases there would be. Section 7 of the Limitation Act itself would not apply to such cases, because it refers to cases of specific disabilities like minority and idiocy. The new disability which is created or recognised by this Bill and provided for, is one which is not contemplated by the Limitation Act. I therefore think it would be desirable to introduce some provision on the lines of section 7 of the Limitation Act to meet the cases of a plurality of plaintiffs or appellants, of whom some are under disability and some are not.

Then, Sir, with regard to some of the amendments which have been suggested, they deserve examination. Some of them deserve to be accepted and others probably are of a controversial character and may not perhaps be acceptable. I do not wish to make any further remarks upon the amendments of which notice has been given by my friends here, but I propose that the Bill be referred to a Select Committee under Rule 88 of the Manual of Business.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I am in entire sympathy with the provisions which have been embodied in this Bill. It is perfectly proper that provisions for the safeguarding of the interests of soldiers employed on military duty should be made. I am sorry to observe that in the Council of State, when the matter came up for discussion, some suggestions were made that in some cases the soldier might purposely go out in order to avoid a decree. I can hardly think of a case where a man, for the sake of avoiding a small debt, would incur the risk of his life and

[Mr. C. Duraiswami Aiyangar.]

go to military duty. Barring these suggestions, I do not believe that the real difficulties of the provisions which have been made under this Bill were considered by the Council of State. I thought I would be too late if I asked for a reference of this Bill to Select Committee, and that it might be thought that it was a dilatory motion, but I am glad the Honourable Sir Sivaswamy Aiyer has taken that function on himself and I entirely support the motion. In doing so I shall also briefly refer to the reasons why I gave notice of certain amendments, without entering into the details of them at this stage. Sir Sivaswamy Aiyer has already made reference to the amendments I have put in, and also said why I wanted the omission of sub-clauses (2), (3) and (4) of clause 10 of this Bill. It is because they are otherwise provided for in the Civil Procedure Code, and there would be no need to expand the legislation unnecessarily. But I might also add that sub-clause (2) of clause 10 in this Bill gives liberty to the soldier who has returned from duty to apply for setting aside any decrees which might have been passed against him, but the time limit which is given here might perhaps not be so favourable to him as the time limit which is given to him in article 64, Schedule II of the Limitation Act. Perhaps in some cases that might give him a wider scope of coming to the court to make an application, and I thought that might be a matter for discussion in Select Committee whether that privilege can be retained for him, or whether this restricted privilege in sub-clause (2) of clause 10 may alone be embodied in this Bill. Sir Sivaswamy Aiyer has also made a reference to the principle on which the computation for the period of limitation has to be made. The computation has to be made under clause 11. In this connection I may refer to section 13 of the Indian Limitation Act, which makes it possible for the plaintiff also to wait without filing a suit so long as the defendant is out of British India, and in moving this amendment to this Bill, the point I wished to place before this Assembly was that the amendment proposed is beneficial to the defendant who is a soldier as well as to the plaintiff. The fact is that if a plaintiff comes to court and files a suit for say, Rs. 10,000 against a defendant who is a soldier, the mere fact that he has filed a suit will not enable him to get a decree, but he will have to wait till the soldier returns. It may be that when the soldier returns it is found that he was always willing to pay up the amount, and the question of who is to bear the cost of the suit will have to be considered by the Court. If it falls on the soldier, we are not protecting his interest. If it falls on the plaintiff, then also we are not benefiting either party to the suit. Therefore I wanted, in making this provision, that the time during which the soldier has been employed on military duty shall be excluded from the period of limitation and the benefit may be given both to the plaintiff who has to file the suit as well as the defendant against whom the suit is to be filed. That is the principle on which I make this suggestion. I also concur with the observations of Sir Sivaswamy Aiyer on the other amendment of mine that cases in which the soldier is to be the sole plaintiff or the sole defendant are the cases which properly require protection, and the cases in which there are other persons to safeguard the soldier's interest, as other parties to the suit, may be left alone. If by chance or by collusion the other persons who are expected to support his interests do not do so, but collude with the opposite party, or neglect the conduct of the

claim the law is perfectly clear ; the man who has been defrauded by such a procedure can come to court to have the decree set aside. Therefore this Bill requires slight modification in Select Committee. There may be cases in which a landlord may be put to loss by delaying the suit for rent against the defendant, who might become a soldier. There might also be cases in which his property might have to be kept under attachment so that no alienation may take place pending any decree which may eventually be passed. Such points are proper for a Select Committee to consider, and if these facts are considered by a Select Committee and put in proper shape, it will be easy for an Assembly like this to consider the suggestions put forward by the Select Committee. With these few remarks I heartily support the motion made by Sir Sivaswamy Aiyer.

The Honourable Sir Alexander Muddiman (Home Member) : With reference to Sir Sivaswamy Aiyer's motion, I am quite unable to say that the matter is of an urgent character, and if the House desires a Select Committee, there is no reason why it should not have it. I should like to have passed the Bill this session. I do not quite agree with all that my friend opposite (Mr. Duraiswami Aiyangar) has been saying ; I think there are several things to be said on the other side too ; but if he too wants a Select Committee, I have no objection.

Mr. President : The original question was :

“ That the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions, as passed by the Council of State, be taken into consideration.”

Since when an amendment has been moved :

“ That the Bill be referred to a Select Committee.”

The question I have to put is :

“ That the Bill be referred to a Select Committee.”

The motion was adopted.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I beg to move :

“ That the Report of the Select Committee on the Bill to amend the Imperial Bank of India Act, 1920, be taken into consideration.”

This Bill has emerged from the Select Committee very much in the form in which it went to it. There are two amendments down, one in my name, which I propose to deal with when we come to consideration of the Bill, and I will confine myself now to moving the motion.

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, the amendment which stands in my name is :

“ That in clause 2, in the proposed section 13-A, for the words ‘ any company which is a banking company within the meaning of section 13 and of which the capital is divided into shares ’ the following be substituted, namely :

‘ any banking company as defined in section 13 having a share capital which is expressed in rupees in its memorandum of association ’.”

[Sir Basil Blackett.]

When this Bill was introduced I stated that the Bill applied only to Indian companies with rupee capital. It is my belief that the Bill as it stands applies only to Indian companies with rupee capital. The Honourable Pandit Motilal Nehru in a minute on the Select Committee's Report expresses his opinion that this is the case but that it is well to make clear that the Select Committee in recommending the measure have only companies in view which are Indian companies with rupee capital. I have found it extremely difficult to get a final authoritative statement as to what the present position is, but I have recently received, since I put this amendment down, an opinion from the Solicitor to the Government of Bengal addressed to the Registrar of Joint Stock Companies in Bengal, in which he says that although there is no express provision in the Indian Companies Act as to the particular currency to be adopted, it is assumed that the law and conditions apply to companies registered with rupee currency and that all references in the Act and in the Schedules are references to British Indian currency, and any application to register a company with the capital of any other currency than British Indian would, he thinks, be rightly rejected. That is to say, that in the opinion of the best authority that I have been able to approach, it would not be possible to register a company under the Indian Companies Act except in rupee capital. But that is a matter that could only finally be decided by a law court. In order that I may redeem the pledge that I gave in connection with the Select Committee that this Bill should apply only to companies with rupee capital I desire to move the amendment which stands in my name. It will, I think, not alter the actual position, but it will make it quite clear and beyond doubt that the Bill applies only to companies with rupee capital.

The motion was adopted.

Maung Tok Kyi (Burma : Non-European) : Sir, the principle of the Bill has received almost universal approval, but I think its scope should be a little more extended than is proposed by the Select Committee. I think the benefit proposed to be given by the Bill should not be confined to the banking companies registered under the Indian Companies Act. It should be extended also to co-operative banks established under the Co-operative Societies Act, 1912. The Bill, as it stands, Sir, will not be of material use to Burma, or, for the matter of that, to any province in India except perhaps the United Provinces and the Punjab. Only these two provinces can boast of a number of Indian Joint Stock Banks. In Burma practically no such bank exists, but there are a dozen or so of co-operative banks run by Burmans. I think these co-operative banks should be benefited by this measure, and undoubtedly other provinces which can boast of only co-operative banks but not of joint stock banks, would want to be benefited by this measure also. Let me quote the opinion of the Registrar, Co-operative Societies, Madras. He says :

“ The object of the Bill is to make it possible for the Imperial Bank to intervene effectively where it considers it desirable, in order to prevent or mitigate the consequences of a banking or financial crisis. The proposed amendment restricts the contemplated intervention of the Imperial Bank to the case of banking companies as defined in the explanation to section 13 of the Imperial Bank of India Act, 1920. The proposal is, I consider, a step in the right direction, but I do not see why co-operative societies should be excluded from the benefit of the amendment.”

Then he goes on to say :

“ The Imperial Bank is already interested to a large extent in the co-operative movement and has sanctioned overdrafts to various co-operative Central banks in the Presidency amounting in all to Rs. 42.4 lakhs. There is no likelihood of any financial crisis in the co-operative movement in this Presidency, but it is extremely desirable that if any such financial crisis should unfortunately occur, the Imperial Bank should be in a position to intervene effectively so as to avert or facilitate the winding up of any of our financing banks or other large co-operative societies.”

Now, Sir, this opinion is supported by the Government of Madras itself. I think the co-operative banks or People's banks, if I may call them so,—should in a time of financial crisis get help or assistance from the Imperial Bank. In fact I think they have a better claim to it than the banking companies registered under the Indian Companies Act.

Sir, I beg to move my amendment which runs as follows :

“ That in clause 2 in the proposed section 13-A, as amended, after the words ‘ in its memorandum of association ’ the following be inserted, namely :
‘ or a co-operative bank established under the Co-operative Societies Act, 1912 ’.”

Mr. President : Amendment moved :

“ That in clause 2 in the proposed section 13-A, as amended, after the words ‘ in its memorandum of association ’ the following be inserted, namely :
‘ or a co-operative bank established under the Co-operative Societies Act, 1912 ’.”

The Honourable Sir Basil Blackett : Sir, this amendment was considered in the Select Committee and was not adopted. I should be the last person to do anything to hamper or refuse to do anything that would assist the growth of the co-operative movement in India. In my opinion it is one of those movements which bears within it the germs of very great things for India, in that it is one of the means by which the habit of small savings and the investment of small savings is being encouraged, and by which the small man in India, in particular the agriculturist, is being protected against his age-long enemy, the money-lender. If therefore I thought that this amendment would in any way assist the movement, I should be the last person to offer any opposition. But I think the amendment is really rather outside the proper scope of this measure. This measure is a measure of a very restricted character, designed to enable the Imperial Bank to intervene effectively not for the benefit of any bank in particular or the shareholders of any bank or the depositors of any bank but, if it can do so, to prevent the occurrence of a financial panic or to mitigate its consequences. It is therefore not very germane to this subject that the question of the co-operative banks should be brought into connection with the Bill. The co-operative banking system is not liable to suffer from the sort of general panic that this Bill has in mind. It is more in a case of famine or something of that sort that the co-operative banks might find themselves in need of some kind of assistance. Now co-operative banks are registered under special Acts ; they are not registered under the Indian Companies Act, and they have as a rule a special relation to Government ; and although I do not for a moment desire to arouse a controversy with Sir Sivaswamy Aiyer as to whether it is ever proper for Government to prevent a financial panic or to assist a bank, I do think that if co-operative central banks or a particular co-operative bank found itself in trouble in connection with famine or some visitation from Heaven of that sort, it would be for the Government to consider intervention rather than for the Imperial Bank of India to come in and to come in under circumstances in which it would, though probably not to a very large amount, have to lock up its assets in rather doubtful security. The

[Sir Basil Blackett.]

co-operative movement will not I think lose anything by being left outside of this Bill. I have a further reason for not desiring to accept the amendment which is moved, and that is that Co-operative Societies is a Provincial subject. All the Provincial Governments have been consulted on this Bill. The Government of Burma, from which province the Honourable the Mover of the amendment comes, does not support this amendment, and only the Government of Madras supports it, but the other Provincial Governments do not do so. We could hardly therefore I think agree to this amendment without going back to the provinces and asking them specifically.....

Maung Tok Kyi : Have the Government of Burma been consulted on this point ?

The Honourable Sir Basil Blackett : The Government of Burma were consulted, as were all the other Governments, on the general question of this Bill. The question of Co-operative Societies was raised only by the Government of Madras. The Government of Burma presumably considered when they were considering this Bill whether or not they should suggest the inclusion of Co-operative Societies, but I would suggest that the Government of Madras in making this proposal were really considering something that is not quite within the original intention of this Bill, and that we should do better to confine the measure to joint-stock banks and the kind of banking to which the Government intended it to apply and not introduce the somewhat extraneous question of assistance to the co-operative movement.

Kumar Ganganand Sinha (Bhagalpur, Purnea and Santhal Parganas : Non-Muhammadan) : I rise on a point of information. I want to know whether the attention of the Select Committee has been drawn to the opinion of the Honourable Mr. Justice Kumaraswamy Sastri the last paragraph of which runs as follows :

“ A question arose in a recent case before me as to how far the order and disposition clause of the Insolvency Act applied to cases where the Imperial Bank lent monies on the security of the assets of a limited Company which went into liquidation but possession was not taken. I was of opinion that the section would not apply. I think it much better to make this clear.”

In the Report submitted by the Select Committee I do not find any mention of this point, and I want to know.....

Mr. President : Order, order. Do I understand that the Honourable Member is referring to this amendment, regarding co-operative banks ?

Kumar Ganganand Sinha : No, Sir.

Mr. President : Then the Honourable Member is not in order on this amendment. He can make those remarks at the stage when the question “ that the clause stand part of the Bill ” is put.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna : Non-Muhammadan Rural) : Sir, I am not quite sure whether the Honourable the Finance Member's reasons for not accepting this amendment are quite correct. I see from what he stated that the Government of Madras has put forward a proposal supporting this amendment. I may say, Sir, that in Madras central co-operative banks and banking units do a great deal of business with the Imperial Bank. They keep their reserves with the Imperial Bank, and they have very large overdrafts amounting to several lakhs of rupees, and the growth of the banking units in districts is very largely dependent now on the

security which they have in funding their reserves with the Imperial Bank. Sir, knowing to some extent that the growth of this movement is dependent very largely upon the security involved in the relation of the co-operative central banks with the Imperial Bank, I submit, Sir, that the amendment is perfectly sound. I do not see why my Honourable friend proposes to give the benefit of this amendment only to banks which are registered under the Indian Companies Act. Co-operative banks do banking business and help the masses and are equally banking institutions, though of a specialised character. Therefore I think this distinction which is sought to be drawn between banking societies which have been registered under the Indian Companies Act and those registered under the Co-operative Societies Act does not seem to me to touch the question. A co-operative central bank is equally a bank and there may be difficulties from which it is necessary to relieve it. So in these circumstances, looking at the fact that the Government of Madras, which knows something about the co-operative movement in that part of the country, have supported the proposal, I submit, Sir, that, unless the Honourable the Finance Member is willing to point out any difficulties in regard to this matter, we should support this amendment.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I am afraid there is a little misapprehension in this matter and especially with regard to the points of view urged by my Honourable friend, Mr. Ramachandra Rao. As the Honourable the Finance Member pointed out in the course of his remarks, the primary interest in co-operative banking is the interest of provincial Governments and in case of any contingency of the nature indicated by my Honourable friend, Mr. Ramachandra Rao, it would be for the provincial Government to have the affairs of any such co-operative banking institution examined by the Registrar, Co-operative Societies who is specially, my Honourable friend will realise, retained by the provincial Government for the purpose of watching the operations of co-operative institutions. On that being done and adequate security being put before the Imperial Bank, I do not think that the necessity of inclusion of co-operative banking in this Bill would arise at all. I submit, Sir, that co-operative banking institutions do not suffer in the least by not being included in the amendment Bill under consideration ; and I go further and say that even if co-operative banking institutions were so included, the Imperial Bank could do nothing without the Local Government coming to the help of a co-operative banking concern in a province and moving the Imperial Bank to render such help as may be necessary. The Honourable Diwan Bahadur has himself said that the Imperial Bank at present have large dealings with co-operative banking institutions. Indeed, as local director of a branch of the Imperial Bank I know how much interest the Imperial Bank takes in the development of co-operative banking. That does not necessarily make it incumbent on this Assembly to include the co-operative banks in this amendment Bill, because the underlying principle on which the Government have introduced this Bill is to my mind somewhat as follows, it is for banks, joint stock banks registered under the Indian Companies Act, which have no other banking except their own capital and whose credit, if at all shaken, may lead to other results, which it is the intention of the Government of India to prevent. I submit, Sir, that if that principle is accepted by this House—and it has been already accepted—co-operative banking institutions do not come within the purview of the results which the Government

[Sir Purshotamdas Thakurdas.]

of India wish to avoid by this amendment, if passed, and I therefore hope that the House will not press this amendment. I will only say that this point was very fully discussed in the Select Committee at the instance of one of my esteemed friends from Madras, Diwan Bahadur Rangachariar, and it was resolved then not to include this point after full satisfaction of my friend and of others who think along with him. I may say further that if I felt myself in the slightest degree that co-operative banks would benefit in the least by this inclusion, I would have been the first to include this point in the Select Committee.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, as one who has had a great deal to do with the management of the Central Bank in Madras, I put forward this suggestion in the Select Committee whether it would not be useful if we extended the protection to central co-operative banks. But it was pointed out on the Select Committee that co-operative banks are worked altogether on a different method and under effective supervision and assistance of Government. It was pointed out, for instance, that liquidation proceedings under the Co-operative Societies Act are done altogether on a different style from the ordinary liquidation proceedings applicable to joint stock banks ; and there are Government Inspectors who go about inspecting the work of these banks. Government have frequent consultations and there is a Registrar of Co-operative Societies who frequently calls conferences of the various co-operators and these matters are carefully considered. In fact, the co-operative movement is worked on the personal credit of the people. In fact it is on the unlimited credit of the people. Having regard to these principles in view, the question we considered was whether it was necessary to include this movement within the scope of the Bill, not as my Honourable friend would have it, whether it would do any harm if we included the Societies. The question was whether it was necessary that they should have the protection afforded by this Bill. On full consideration, we came to the conclusion that it was not necessary. At any rate, there will be various co-operative conferences held in the next few months and this question has been started and I am sure if really there is a need they will consider this as one of the points in the co-operative conference ; if there is a volume of opinion coming forward that the protection afforded by this Bill should extend to them also, I am sure then that the Government would consider the advisability of amending the Act. For these reasons, Sir, I consider the amendment as unnecessary, and if necessary, it may be brought forward later on.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : Sir, the reasons which have been given by my Honourable friend, Sir Purshotamdas Thakurdas and Diwan Bahadur T. Rangachariar, fail to convince me that the amendment is undesirable. They have said that co-operative institutions specially enjoy the favour and protection of the Local Governments and that there is hardly any need for giving any protection to them under this Bill. Now, it is quite conceivable that there may be cases where a co-operative central bank may require financial aid and it is also quite likely that the Imperial Bank may go to the help of a co-operative bank in need of financial help. Merely because the Local Government is likely to assist the co-operative banks or the Imperial Bank is likely to assist, it does not follow that a provision enabling the Imperial Bank to assist a co-operative bank is superfluous or mischievous or undesirable. No argument has been brought forward to show that the help of the

Imperial Bank in some crisis affecting a central co-operative bank would do any harm. What has been said is that the purpose of this Bill is that it should be confined to those institutions which cannot look to any other bank or cannot look for assistance to other institutions. But is that a very rigid or definite test? Can you say of any bank that it has no backing at all or that it cannot possibly look for help to any other bank? The mere fact that co-operative banks enjoy to some extent the protection of the Local Government is really no reason at all for not including them within the purview of this Bill. I am, therefore, in favour of accepting this amendment.

Mr. Jamnadas M. Mehta (Bombay Northern Division : Non-Muhammadan Rural) : Sir, I also am inclined to oppose the amendment of my Honourable friend, Maung Tok Kyi; not because I am not in sympathy with co-operative banks, nor because I do not like to give them the protection that may be necessary, but because there seems to be a misapprehension that as a result of this amendment of the Imperial Bank Act, the ordinary power of the bank to lend money on other securities is taken away. Let there be no such misunderstanding. The Imperial Bank retains all its powers to lend money on other securities and the co-operative banks can still take advantage of the normal provisions of the Imperial Bank Act to get financial assistance whenever they require. There is nothing to prevent them from doing so under this Bill. What is contemplated in this amending Bill is this. These co-operative banks are not subject to the same amount of crises to which ordinary banking institutions are. The co-operative banks cater for a particular class under certain well recognised limitations. They do not do the ordinary banking business which other banks do. They are not liable to the same risks to which these banks are exposed; and even when they are in difficulty, there is not likely to be a financial crisis, as when an ordinary Bank is in difficulty. That is the basis of this Bill, not a desire to exclude the co-operative banks, but to extend the measure only to those banks which are liable to a crisis of the kind described above and which is associated with the Alliance Bank of Simla. Co-operative banks cannot possibly be exposed to a risk of that character and the normal powers of the Imperial Bank are there available for all those who require assistance and can give securities of the kind which the Imperial Bank Act requires. Therefore, there is no necessity of extending this Bill to co-operative banks, not because co-operative societies are in any sense regarded as institutions not deserving of public support, but because they cannot possibly require any support of this character. Therefore, no good can be done by extending this Bill to the co-operative banks and it will be an unnecessary extension of the scope of the Bill to do so. The original provision is all right as it stands. In conclusion, I might say, Sir, that the Honourable Sir Basil Blackett was not right in describing the *sahukar* as the age-long enemy of the *raiyat*. The enemy of the *raiyat* is the Government. I am not a *sahukar* myself, but I know that the real trouble of the *raiyat* has been the over-assessment with which the Government is associated and not the *sahukar*.

Mr. Darcy Lindsay (Bengal : European) : I move, Sir, that the question be now put.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely : Non-Muhammadan Rural) : Sir, I am one of those who have been connected with the co-operative movement ever since its inception in Madura and

[Mr. K. Rama Aiyangar.]

therefore it would not be right on my part not to take part in this discussion. The points that have been urged by the Honourable Sir Basil Blackett are, no doubt, true. I know that in Madura in respect of the Kallar Societies about a lakh and a half had been locked up. In fact, the Government examined the whole position and appointed a Kallar officer, themselves took charge of the dues of the Kallar Societies and paid the bank the whole of the amount, about Rs. 1,35,000 or so. There is no doubt that the co-operative banks are in a peculiarly good position. But what is being done now is that the Government want to retrace and, as far as possible, transfer the burden wholly to the non-official agencies. The co-operators also feel that in course of time that ought to be so and it will not be well for them to depend very much upon the Government, except in respect of audit and to take upon themselves the whole burden and see that they get on all right. It is not likely that the banks will really come to any crisis. But the question is whether a similar situation as had arisen in the case of the Kallar Societies in Madura might not arise again. In fact, the ordinary period for which loans are now being dispersed range from one to five years and it has been suggested that there should be long-term loans, given to enable the poor *raiyats* to redeem themselves fully from the clutches of the moneylender and, this cannot be done until long term loans ranging from 7 to 10 years are given. It is just likely that the Imperial Bank will have the occasion, if not to redeem them from insolvency, to actually help them, at least to get over the crisis where the members by adversity of seasons delay payment. It may be that they just enable them to keep on. It has been suggested, and it might well be argued whether that power of the Imperial Bank is taken away by this Bill. But there is no force in the argument that this is outside the scope of the Bill. In fact, the original Imperial Bank Act is now being amended and a particular provision is being added to it in order to give power to the Bank for a certain purpose. Why should it not be extended to the Co-operative Banking Unions also is the only point that arises. What is the harm that is done by it? I do not think that the principle of amending the Act will not include such amendments as will also include assistance to Banking Unions, which, as I said, must in course of time get the help which is now being rendered by the Government. I, therefore, think that on the whole no harm is done by adding this provision.

Mr. M. S. Aney (Berar Representative) : Sir, it is no use arguing this matter with great care, for they—my Honourable friends from Bombay—have always enjoyed the credit that they are business men. In the present case, at any rate, Mr. Jamnadas Mehta has tried to make a distinction between co-operative banks and other banks to which the benefit of this Bill is going to be extended for the purpose of excluding the Co-operative banks from this Bill; but I fail to find if there was any real point of distinction at all. If there is a crisis in the commercial banks or agricultural banks, the Imperial Bank is empowered to extend its assistance to them. Because the agricultural banks, for the time being, are under certain control of the official Government, that fact ought not to stand in the way of the Imperial Bank to help these agricultural banks. Had the principle been that the relief to be extended is only meant for such banks over which the Imperial Bank has certain control, these distinctions would have had some ground. But that is not the principle. The principle is to encourage banking and allow the banks to carry on their

work without coming to a crisis. The bank which exclusively concerns itself with the business amongst the agriculturists ought to get benefit along with other banks and therefore there is absolutely no reason to reject the amendment.

Mr. President : The original question was :

“ That clause 2 do stand part of the Bill.”

Since which an amendment has been moved :

“ That in clause 2 in the proposed section 13-A, as amended, after the words ‘ in its memorandum of association ’ the following be inserted, namely :

‘ or a co-operative bank established under the Co-operative Societies Act, 1912 ’.”

The question I have to put is that that amendment be made.

The Assembly divided :

AYES—46.

Abdul Karim, Khwaja.
 Abhyankar, Mr. M. V.
 Abul Kasem, Maulvi.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Afimuzzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Badi-uz-Zaman, Maulvi.
 Chaman Lall, Mr.
 Das, Mr. Bhubanananda.
 Das, Mr. Nilakantha.
 Dutt, Mr. Amar Nath.
 Fleming, Mr. E. G.
 Gazzanfar Ali Khan, Raja.
 Ghulam Bari, Khan Bahadur.
 Gour, Dr. H. S.
 Govind Das, Seth.
 Hans Raj, Lala.
 Jeelani, Haji S. A. K.
 Joshi, Mr. N. M.
 Kartar Singh, Sardar.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.

Kelkar, Mr. N. C.
 Lohokare, Mr. K. G.
 Mahmood Schammad Sahib Bahadur, Mr.
 Malaviya, Pandit Madan Mohan.
 Misra, Pandit Shambhu Dayal.
 Misra, Pandit Harkaran Nath.
 Nambiyar, Mr. K. K.
 Narain Dass, Mr.
 Nehru, Pandit Shamlal.
 Patel, Mr. V. J.
 Ramachandra Rao, Diwan Bahadur M.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Shafee, Maulvi Mohammad.
 Shams-uz-Zoha, Khan Bahadur M.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.

NOES—45.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Ahmad Ali Khan, Mr.
 Ahmed, Mr. K.
 Ajab Khan, Captain.
 Akram Husain, Prince A. M. M.
 Bhore, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chalmers, Mr. T. A.
 Chatterjee, The Honourable Mr. A. C.
 Cocks, Mr. H. G.
 Crawford, Colonel J. D.
 Duval, Mr. H. P.
 Ghose, Mr. S. C.
 Gidney, Lieut.-Colonel H. A. J.
 Hezlett, Mr. J.
 Hira Singh, Sardar Bahadur Captain.
 Holme, Mr. H. E.
 Hudson, Mr. W. F.
 Hussanally, Khan Bahadur W. M.
 Innes, The Honourable Sir Charles.
 Lindsey, Mr. Darcy.

Lloyd, Mr. A. H.
 Mehta, Mr. Jarnudas M.
 Moneriff Smith, Sir Henry.
 Muddiman, The Honourable Sir
 Alexander.
 Mutalik, Sardar V. N.
 Nag, Mr. G. C.
 Neogy, Mr. K. C.
 Parsons, Mr. A. A. L.
 Purshotamdas Thakurdas, Sir.
 Raj Narain, Rai Bahadur.
 Rangachariar, Diwan Bahadur T.
 Rushbrook-Williams, Prof. L. F.
 Sams, Mr. H. A.
 Sastri, Diwan Bahadur C. V. Visvanatha.
 Setulvad, Sir Chimanlal.
 Singh, Rai Bahadur S. N.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Tottenham, Mr. G. R. F.
 Vishindas, Mr. Harchandrai.
 Webb, Mr. M.
 Wilson, Mr. R. A.

The motion was adopted.

Mr. President : The question is :

“ That clause 2, as amended, stand part of the Bill.”

The motion was adopted.

Mr. President : The question is :

“ That clause 1 do stand part of the Bill.”

The motion was adopted.

Mr. President : The question is :

“ That the Title and Preamble of the Bill do stand part of the Bill.”

The motion was adopted.

The Honourable Sir Basil Blackett : Sir, in view of the amendments that have been made I do not desire to move at the moment that the Bill be passed.

THE INDIAN SOLDIERS (LITIGATION) BILL.

Sir P. S. Sivaswamy Aiyer (Madras : Nominated Non-Official) : I beg to move :

“ That the Select Committee to consider the Bill to consolidate and amend the law to provide for the special protection in respect of civil and revenue litigation of Indian soldiers serving under special conditions do consist of the following members :

The Honourable Sir Alexander Muddiman,
Mr. C. Duraiswami Aiyangar,
Captain Ajab Khan,
Sardar V. N. Mutalik,
Mr. K. C. Neogy,
Mr. Harbilas Sarda,
Captain Hira Singh, and
myself,

and that the number of members necessary to constitute a meeting of the Committee shall be four.”

The motion was adopted.

The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

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

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move :

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, as passed by the Council of State, be taken into consideration.”

Sir, I think it will be unnecessary for me to detain the House for long in explaining the provisions of this very simple measure which has been passed by the other House. Under the provisions of sub-section (2) of

section 11 of the Motor Vehicles Act, Local Governments have power to make rules to provide, amongst other things, for the registration of motor vehicles, and further for the area in which certificates of registration shall be valid. The Bill proposes, Sir, to extend this provision so as to enable Local Governments also to prescribe the periods for which such certificates of registration shall be valid. It will, of course, if this Bill becomes law, be possible for Local Governments, having regard to the circumstances prevailing in particular areas, or to the nature of different motor vehicles to prescribe different periods for different cases. As far as the principle of the Bill is concerned, I take it that the House will agree that it is very desirable, in the interest of the control of traffic in the large cities of India, that we should have power to secure the re-registration of motor vehicles. Let me inform the House of the report which we received from the Commissioner of Police in Bombay on this subject.

For the period from about 1915 to 1923, there was a rule in force in Bombay which required annual re-registration of motor vehicles. In regard to this rule the Commissioner of Police reports :

“ Prior to the introduction of this rule, the department had no means of ascertaining where cars were, and on the introduction of the rule over 2,000 entries of cars on the register had to be cancelled as they could not be traced. This Department's registers were therefore absolutely unreliable. If a certain motor vehicle was involved in an accident, and it was decided to prosecute the owner or the driver, it was no uncommon occurrence to receive a reply from the registered owner, on being asked for the name and address of the driver, that he had sold the car years or months ago ; that he knew neither the name nor the address of the present owner. This caused a considerable amount of correspondence and delay, and in many cases, prosecutions had to be dropped altogether owing to the delay or the fact that the motor vehicle could not be traced.”

Well, Sir, in Calcutta at the present time there is a rule in force under which heavy motor vehicles and taxi-cabs are required to be re-registered annually. There is a similar rule with regard to particular classes of motor vehicles in Madras. So far as I am aware the legality of the rule has never been questioned in Madras, and it certainly has not been questioned in Calcutta. In Bombay on the other hand in the case referred to in the Statement of Objects and Reasons it was held by the Bombay High Court that the rule was *ultra vires* of the Local Government. It is, this defect, or at any rate what we regard as a defect, which we propose to remedy by this Bill. Sir, I make the motion.

The motion was adopted.

Mr. President : Clause 2 : the question is that clause 2 stand part of the Bill.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammedan Rural) : I think, Sir, the Honourable Member would have received the amendment which I sent in in connection with clause 2.

Mr. H. Tonkinson : I received this amendment at about 12 o'clock to-day. I therefore desire under Standing Order No. 46 to take objection.

Mr. President : The Honourable Member wishes to take objection on the ground of notice ?

Mr. H. Tonkinson : Yes, Sir.

Mr. President : On that ground I must uphold the objection.

Mr. C. Duraiswami Aiyangar : If the Honourable Member will hear the nature of my amendment, perhaps he will see whether it is necessary

[Mr. C. Duraiswami Aiyangar.]

to take objection. The simple amendment which I suggested was that as the difficulty occurs in large cities like Calcutta, Bombay and Madras, this provision should not be extended to small mofussil stations, where there is a population of less than one lakh of people. I suggested that in cities with a population not exceeding one lakh according to the latest census, vehicles once registered in a particular area need not be re-registered in that area. I do not think the Government will be particular in taking objection to this if they can provide for such small exceptions in small stations.

Mr. H. Tonkinson : Sir, I thought it advisable in order to shorten the proceedings, to take objection under Standing Order 46. I think, Sir, it is quite impossible to accept the amendment which has been moved by Mr. Duraiswami Aiyangar. This is a matter which, as I explained in moving that the Bill be taken into consideration, Local Governments would be quite competent to deal with under the Bill as proposed, and I do not imagine that they are likely in very small places to require re-registration.....

Mr. President : The Honourable Member is now proceeding to deal with the merits of the amendment which has not yet been moved. I understood that, on grounds of shortness of notice, he was not prepared to deal with the amendment, but if he proceeds on these lines, I shall have to allow Mr. Duraiswami Aiyangar to move.

Mr. C. Duraiswami Aiyangar : According to the ruling of the Chair, I beg to move an amendment to clause 2 by adding a proviso to it :

“ Provided that in the case of cities with a population not exceeding one lakh according to the latest census, vehicles once registered in a particular area need not be re-registered in that area.”

I submit, Sir, that in the case of persons who want to go to the luxury of a motor car it would not be proper for me to plead for any exemption at all, whether it is in a small or a big area. Of course it is a tax which falls upon rich people and I dare say it is not only a measure for the purpose of securing traffic but also in a way a revenue measure. But whatever it may be, I would be the last to object to any tax being laid on rich people ; at the same time, considering the hardships which owners of motor cars in small stations have to go through, namely, so many prosecutions, two of which I have myself experienced so far as my chauffeur was concerned, prosecutions based on several circumstances, if this additional encumbrance is also added to them, I think, Sir, that it is a matter which ought to appeal to this Assembly. In small places with a population of less than a lakh, with say, 40 or 50 thousand inhabitants, there is no difficulty in securing the safety of traffic. I would therefore appeal to the Government Member himself to accept this amendment. I think it is better, instead of leaving it to Local Governments for regulating this matter by their own rules, that this Assembly should recognize that such cases deserve special treatment, and declare that in cases where the car is one registered in a particular area it need not be re-registered in that particular area unless there is any change of owners. I think that all interests will be safeguarded in that case, and there is ample room in the Act itself for making the provision that if there is a change of owner both the seller and purchaser must intimate the fact to the local authorities, the Superintendent of Police, etc., so as to ensure there being no difficulty in finding the owner of a particular car.

Therefore I appeal to this Assembly and the Government Member particularly that these small places at least should be exempted by a provision in the Act itself.

Mr. President : Amendment moved :

“ To clause 2, the following proviso be added :

‘ Provided that in cities with a population not exceeding one lakh according to the latest census, a motor vehicle once registered in that area shall not be re-registered ’.”

The question is that that amendment be made.

The motion was negatived.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. H. Tonkinson : Sir, I move that the Bill be passed.

The motion was adopted.

THE INDIAN CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move :

“ That the Report of the Select Committee on the Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, for the purpose of affording greater protection to persons under the age of eighteen years, be taken into consideration.”

Sir, there are two main points in the Report of the Select Committee which is now before the House. The first is that by which the Bill as introduced has been deprived of two clauses, 6 and 7, which it was proposed to insert in the Code of Criminal Procedure. Those clauses contained provisions enabling Magistrates to rescue minor girls and make them over to suitable guardians. The Select Committee, before I was a member of that Committee, had decided that these clauses would be inappropriately placed in the Criminal Procedure Code. I agree in that view and the Committee have reported as follows :

“ We think that adequate and satisfactory provision could only be made by a separate measure containing provisions similar to those of the English Children Act of 1908, and we strongly recommend that a Bill on those lines should be presented to the Legislature.”

That is my own personal view also. The history of these provisions is a very long one. I think it was nearly 10 years ago that I myself drafted a Bill over which my Honourable friend the Pandit and I fought for many days, I think on these very same or very similar provisions. Once those provisions are omitted the actual Bill before the House for consideration is a very short one. I will call the attention of the House only to two points.

The most important I think is the question of the *Explanation* which saves certain irregular unions which do not amount to legal marriages from the operation of the law. The Committee came to the conclusion that the test they should apply was that the union in question should be recognized by the personal law or custom of the communities, or where the persons concerned belong to different communities that it should be recognized by the personal law or custom of both communities. That is one important point.

[Sir Alexander Muddiman.]

The other point is the insertion in sections 372 and 373 of the words "at any age". The object of the insertion of those words is so obvious that I need not have drawn the attention of the House to the fact.

There remains the question whether the amendment in section 552 of the Criminal Procedure Code, which Honourable Members are aware gives power to a District Magistrate to direct the restoration of a girl to suitable custody, should be further widened. The present age specified in that section is 14. The Committee proposed to make it 16. It leaves the position much as it was before. The age under the main clauses of the Bill which was 16 has been raised to 18. The age under section 552 was 14 and we propose to raise it to 16. I notice that there is an amendment on the paper by a member of the Committee that we ought to go further and raise it to 18. It is said in his minute that we are only following an anomaly in the law as it stands which makes a difference of two years between these sections. That is to say, having raised the first to 18 we should bring the second into line and put it up to 18. My personal view is that I do not desire District Magistrates to have more of these cases to try than necessary. The more we raise the age the greater the number and the greater the difficulty. Cases of this sort would normally in other countries probably be dealt with by suits for restitution of conjugal rights. I am not myself in favour of police court proceedings being made the usual remedy. I should therefore prefer to keep the age as the Committee have done, at 16. There is another point. The Children's Bills, the Madras Children's Bill and I believe the Bombay Children's Bill also lay down 16 as the age for court custody in these cases, and I think that is also a point that should be borne in mind.

I do not think there is any other point of importance in the Report. I will leave the Honourable Members who have set down amendments to develop the other questions they raise. I would merely say that the Bill seems to me to go as far as it ought to in this respect. We have to be cautious in these things and we cannot press them too far.

I make the motion, Sir.

The motion was adopted.

Clause 2 was added to the Bill.

Khan Bahadur Ghulam Bari (West Central Punjab : Muhammadan) : Sir, before I discuss this question I want to lay before the House an omission due to a slip of my pen for which the press is not responsible. In my amendment No. 3 I wanted to amend section 373 of the Indian Penal Code as well as the *Explanation* under clause 4, but by a slip the words "section 373 of the Indian Penal Code" were left out. All these amendments are so closely connected as to make the same one whole and moreover one amendment follows the other and really they are the same in principle. I laid this matter before the Honourable the President and he allowed me to discuss that omission as well, as if it was there. So in that way my amendment No. 3 would run :

"In section 373 of the Indian Penal Code, and in clause 4, *Explanation 1* to section 373 of the Indian Penal Code, after the word 'hires' the words 'engages in service' should be inserted."

I beg to submit with regard to the main question that the object of this Bill is patent enough. Everybody knows that immoral people, prostitutes and keepers of brothels manage somehow or other to take hold of underage

girls in order to use them as prostitutes at the proper time. It is the object of this Bill to stop that state of affairs. It is a very noble idea and a very noble object, and I must congratulate the Mover on that. Then the real question to be considered is whether the Bill as framed fulfils the object, and if not, what are the defects, and if it really does not fulfil the objects in view, the Bill if passed would really defeat the very object and would leave the Act a dead letter. I therefore beg to lay before you sections 372 and 373 of the Indian Penal Code. Section 372 runs as follows :

“Whoever sells, lets to hire or otherwise disposes of any minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose of prostitution or for an unlawful and immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose, shall be punished with imprisonment, etc., etc.”

This section refers to people who sell girls ; while the other section refers to those people who purchase girls or take them in that way. Section 373 says :

“Whoever buys, hires or otherwise obtains possession of any minor under the age of sixteen years with intent that such minor shall be employed or used for the purpose of prostitution, or for any unlawful or immoral purpose, or knowing it to be likely that such minor will be employed or used for any such purpose shall be punished with imprisonment, etc., etc.”

Along with these sections I will lay before you the *Explanations* which are proposed to be added to these two sections. The proposed *Explanation* to section 372 runs thus :

“When a female under the age of eighteen years is sold, let for hire, or otherwise disposed of to a prostitute or to any other person who keeps or manages a brothel, the person so disposing of such female shall, until the contrary is proved, be presumed to have disposed of her with the intent that she shall be used for the purpose of prostitution.”

Then *Explanation* 1 to clause 373 runs as follows :

“Any prostitute, or any person keeping or managing a brothel, who buys, hires or otherwise obtains possession of a female under the age of eighteen years shall, until the contrary is proved, be presumed to have obtained possession of such female with the intent that such female shall be used for the purpose of prostitution.”

Now I lay before you another case. You have seen the conditions, the essentials of these sections and these *Explanations*, and the result of these would be that on account of a very big loophole those people would go on with their trade, ostensibly showing that it is simply a case of service. Every person would take the greatest precaution to show by means of bonds, documents, and in every other way possible, that the minor girl which they have obtained, they have obtained simply as a maid-servant, and for no other purpose. So unless we include the case of their taking minor girls as servants with any intent they would continue their trade showing that the girls were their servants and that would be beyond the scope of these provisions. This Bill, if passed without these amendments, would prove to be nothing, and these people would get off scot-free from punishment, and there would be no legal presumption against them as regards their criminal intention. So I propose that in these sections the addition be made of those words which I have given in my amendment so as to include the case of servants also. Some people may be inclined to think that it would be very hard for such people, immoral though they be, to deprive them of the services of maid-servants. But I would submit that we are going to keep young girls away from those immoral, corrupt and contaminating influences ; if you allow, on the other hand, that these immoral people may get

[Khan Bahadur Ghulam Bari.]

young girls as servants, and young girls can be given to them in services, it would be simply defeating the objects of the Bill. We want to deprive them of the recruitment of would-be prostitutes, but if you allow them to obtain them as servants, you would be letting them have the same thing. Moreover, you can look for yourselves,—if you allow minor girls to go into the service of immoral people they can very well take a contract for three years' service, which is valid according to law. After three years' service with these people and after living with them for so long a time, what would they become ? Nothing but prostitutes. It would be objectionable in every case and from every point of view, to allow them service of underage maid-servants, and would be really defeating the objects of this legislation. So my amendment is that we must insert those words which are prescribed in my motion in sections 372, 373 as well as in the *Explanations* which are to be added to these sections. Unless we do that, I think it would be useless trouble to pass this Bill and it would be simply a waste of time. This much I have said for my amendments except the last one.

With regard to the last amendment, I would submit that in sections 372 and 373 of the Indian Penal Code and section 552 of the Criminal Procedure Code, as they existed previously, there was a difference of two years.

Mr. President : Do I understand the Honourable Member is now referring to the change in the age in section 552 ?

Khan Bahadur Ghulam Bari : Do I understand that the Honourable the Home Member accept that ?

Mr. President : I am not concerned with what the Government accept or do not accept, I have allowed the Honourable Member to discuss three amendments together because they raise substantially the same question, but now that he has come to the question of the age in section 552 of the Criminal Procedure Code, he is coming to a different question which he must discuss under his own amendment. He cannot discuss that now. I am merely asking the Honourable Member to reserve his remarks about the raising of the age under that section till the moment when he will be allowed to move that amendment.

Amendment moved :

“ In clause 3, in the proposed *Explanation I* to section 372, after the words ‘ let for hire ’ the words ‘ given in service ’ be inserted.”

Khan Bahadur Sarfaraz Hussain Khan (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : Sir, I rise to support the amendment moved by my Honourable friend Khan Bahadur Ghulam Bari. In my opinion, if the section remains as it is, there will be opportunity for persons disposing of girls to find a loophole. A girl might be disposed of to a person *bona fide*. The section as it stands, reads :

“ When a female under the age of eighteen years is sold, let for hire or otherwise disposed of to a prostitute or to any person who keeps or manages a brothel, the person disposing of such female shall, until the contrary is proved..... ”

The words “ until the contrary is proved ” may give the man some loophole of showing that he sold the girl not for immoral purposes, but for service. But it can very well be understood that if the girl goes and lives

with a prostitute, the immoral surroundings will be such that she cannot but succumb to those influences, and in the end the girl might become a prostitute. I do not think it is at all fair that, when we are legislating in regard to this matter, that legislation should be such as to give this loophole. In all cases, the accused must be given the right to defend himself thus giving him an opportunity of proving his innocence. If you have the words "until the contrary is proved," you will be giving a loophole, and to avoid this, the amendment of my Honourable friend, Khan Bahadur Ghulam Bari, is necessary, so that if a man gives or sells a girl to a prostitute, for whatever purpose it may be, he will be liable to punishment. If that is agreed, then it is necessary to have the words "given in service," also inserted. I hope the House will consider the point that I have raised and I think unless you have the words "given in service," you would not improve matters. The man will find a loophole and the very object of the legislation would be frustrated. With these words, I support the amendment.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I think the amendment proposed by my Honourable friend Mr. Ghulam Bari might well be accepted. He does not propose to deprive these unfortunate women of services of girls above 18 years. On the other hand, it is a fact that if young women under 18 are allowed to be taken into the service of prostitutes they will be exposed to a very insanitary atmosphere, and after all a prostitute might well be able to engage a girl of over 18 instead of engaging one under that age. The hardship in the case of the prostitute will not be half so serious as the danger to which the girl would be exposed by having to work in the atmosphere of a prostitute's surroundings from morning to evening or during all hours of the day. Therefore, as we are extending protection to girls under 18 in other ways, I hope the Government, the Honourable the Home Member, will see his way to accept this amendment. My main point is that the hardship to the prostitute will not be half so serious as the danger to which young women will be exposed by having to work in the house of a prostitute day after day.

The Honourable Sir Alexander Muddiman : I am surprised, Sir, that my Honourable friend, Pandit Madan Mohan Malaviya, who was a member of the Select Committee and did not sign any dissenting minute is supporting this amendment. I assumed that he shared the view of the rest of the Committee. My own feeling about it is that we have already got a presumption of a serious nature against people who have these girls in their houses, and I am personally not inclined to think it is wise to go too far. It is perfectly true that I am in sympathy with the object the Honourable the Mover of the amendment and the Honourable gentlemen who supported him have in view. But his amendment is going beyond anything we have in the law. We have not taken the opinion of Local Governments on that. I should be inclined to advise the Honourable Member to withdraw his amendment ; if not, I am afraid I must oppose it.

Mr. President : The original question was :

"That clause 3, as amended by the Select Committee, stand part of the Bill."

Since which an amendment has been moved :

"That in clause 3, in the proposed Explanation I, to section 372, after the words 'let for hire' the words 'given in service' be inserted."

[Mr. President.]

The question is that that amendment be made.

The Assembly divided :

AYES—27.

Abdul Karim, Khwaja.
 Ahmad Ali Khan, Mr.
 Akram Hussain, Prince A. M. M.
 Badi-uz-Zaman, Maulvi.
 Belvi, Mr. D. V.
 Das, Mr. Nilakantha.
 Dutt, Mr. Amar Nath.
 Gazzanfar Ali Khan, Raja.
 Giulam Bari, Khan Bahadur.
 Hans Raj, Lala.
 Hussanally, Khan Bahadur W. M.
 Hyder, Dr. L. K.
 Isclani, Haji S. A. K.
 Joshi, Mr. N. M.

Mahmood Schammad Sahib Bahadur, Mr.
 Malaviya, Pandit Madan Mohan.
 Misra, Pandit Shambhu Dayal.
 Murtuza Sahib Bahadur, Maulvi Sayad.
 Narain Dass, Mr.
 Nehru, Dr. Kishenlal.
 Patel, Mr. V. J.
 Ray, Mr. Kumar Sankar.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Shafec, Maulvi Mohammad.
 Sinha, Mr. Ambika Prasad.
 Sinha, Kumar Ganganand.
 Tok Kyi, Maung.

NOES—60.

Abdul Qaiyum, Nawab Sir Sahibzada.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Ajib Khan, Captain.
 Aney, Mr. M. S.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Burdon, Mr. E.
 Calvert, Mr. H.
 Chalmers, Mr. T. A.
 Chaman Lall, Mr.
 Chatterjee, The Honourable Mr. A. C.
 Cocke, Mr. H. G.
 Crawford, Colonel J. D.
 Datta, Dr. S. K.
 Duval, Mr. H. P.
 Fleming, Mr. E. G.
 Goswami, Mr. T. C.
 Gour, Dr. H. S.
 Hezlett, Mr. J.
 Hindley, Mr. C. D. M.
 Hira Singh, Sardar Bahadur Captain.
 Holme, Mr. H. E.
 Hudson, Mr. W. F.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jinnah, Mr. M. A.
 Lindsay, Mr. Darcy.
 Lloyd, Mr. A. H.

Lohokare, Mr. K. G.
 Misra, Pandit Harkaran Nath.
 Moneriff Smith, Sir Henry.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Mutalik, Sardar V. N.
 Nag, Mr. G. C.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Parsons, Mr. A. A. L.
 Piyare Lal, Lala.
 Purshotamdas Thakurdas, Sir.
 Ramaachandra Rao, Diwan Bahadur M.
 Raj Narain, Rai Bahadur.
 Rangachariar, Diwan Bahadur T.
 Rushbrook-Williams, Prof. L. F.
 Sams, Mr. H. A.
 Sarda, Rai Sahib M. Harbilas.
 Sastri, Diwan Bahadur G. V. Visvanatha.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Tottenham, Mr. G. R. F.
 Venkatapatiraju, Mr. B.
 Vishindas, Mr. Harchandrai.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.
 Yusuf Imam, Mr. M.

The motion was negatived.

Dr. H. S. Gour (Central Provinces Hindi Divisions : Non-Muham-
 madan) : Sir, I beg to move :

“ That in clause 3, *Explanation II*, for all the words from the words ‘ though not amounting to a marriage ’ to the end of the *Explanation*, the words ‘ amounts to marriage ’ be substituted.”

Honourable Members will find that I had fully set out my reasons before this Bill went to the Select Committee in favour of this amendment. The *Explanation* is :

“ For the purposes of this section ‘ illicit intercourse ’ means sexual intercourse between persons not united by marriage or by any union or tie which, though not amounting to a marriage, is recognised by the personal law or custom of the community to which they belong or, where they belong to different communities, of both such communities, as constituting between them a quasi-marital relation.”

Honourable Members will find that, when this clause was under discussion before it went to the Select Committee, I pointed out that the Legislature is now trying to introduce into the words of the Indian Public Acts a new phrase "quasi-marital relation". Now, I wish to ask what is a quasi-marital relation. Unless we are quite clear as to the meaning of this legal concept introduced for the first time in this *Explanation* and of which no satisfactory explanation is forthcoming, I think it is liable to abuse and misconstruction. The clause that I suggest is a simple clause. It says: "Delete the whole of this and substitute 'amounts to marriage'." That is to say, the position that I take up is that either it is a marriage or it is concubinage. There is no intermediate legal position known to the law. Therefore we must either draw the line after the marriage ceases and call all other irregular relationships between a man and a woman concubinage, or we let in the language of the Legislature—a quasi-marriage—which is neither a marriage, pure and simple, and which the Legislature recognises in this clause as not amounting to concubinage. I, therefore, submit, Sir, that there is no legal justification—indeed no justification upon any ground—for the introduction of these words. I would, therefore, ask the House to support my amendment.

Mr. President : Further amendment moved :

"That in clause 3, *Explanation II*, for all the words from the words 'though not amounting to a marriage' to the end of the *Explanation*, the words 'amounts to marriage' be substituted."

Khan Bahadur Sarfaraz Hussain Khan : Sir, I rise to support the amendment so ably moved by my friend, Dr. Gour. I am sorry to take objection to this *Explanation* as it is much more objectionable than *Explanation I*. It encourages concubinage to a great extent. There must be legislation only when there is necessity for it. We must be fully justified in our action in taking away liberty, inasmuch as all legislation means the taking away of individual liberty. When marriage is recognised in different forms in different societies, I do not quite see why so many words and sentences should be used which give one the impression that the law gives more loopholes to evade the law. My objection therefore is as to why so many words should be used for the expression of one simple idea. Among the Muhammadans, for instance, there is *Muta* and *Nikah*. Among the Shiahhs there is a sort of marriage which is called *Muta*, which is a temporary marriage. It may remain in force only for a week or even less. But whatever it may be, it is a marriage, and a *Muta* wife although she cannot get a right in the immovable property of the deceased husband still her issues by the deceased can have a share. So there are marriages of different kinds and forms in different societies. But I do not understand what is meant by "quasi-marital relations". I hope the Honourable the Home Member will accept the amendment of my friend that in clause 3, *Explanation II*, for all the words from the words "though not amounting to a marriage" to the end of the *Explanation*, the words "amounts to marriage" be substituted. I accordingly wholeheartedly support my friend, Dr. Gour.

Mr. H. Calvert (Punjab: Nominated Official): Sir, Dr. Gour wishes to be informed as to what is meant by the phrase "quasi-marital relations." I would like to give a simple instance of this. In a little tract north of Simla there are two small cantons, Lahul and Spiti, where polygamy is recognised and generally adopted. It is more or less a universal practice forced upon them by the poverty of the country. I think this *Explanation*

[Mr. H. Calvert.]

is directly designed to meet the case of those people. I therefore oppose Dr. Gour's amendment.

Mr. Ahmad Ali Khan (Assam : Muhammadan) : Sir, in legal phraseology there is no such phrase "*quasi-marital relations*". The union is either marriage or nothing but an illicit union. I think the difficulty can be got over by deleting that phrase "though not amounting to a marriage, etc." and substituting for it the phrase "amounts to marriage". The word "marriage" will have to be interpreted by the Court according to the circumstances of the case and the customs of the parties to the union. That is my reason for supporting the amendment of my friend Dr. Gour.

The Honourable Sir Alexander Muddiman : Sir, I sympathise with the high moral intentions of the Honourable Member who brought forward these amendments, but unfortunately the position is this. There are in various provinces in India, notably in Burma, Assam and the United Provinces, and also very close to Simla, marital unions which are in no sense marriages, but which are in accordance with the customs of the people in those parts. It would be almost impossible to treat as criminal offenders those who resort to these temporary ties of a *quasi-marital* nature. You must educate the people and they will give these practices up themselves. We cannot make people entirely moral by Act of Parliament. I therefore oppose this amendment.

Dr. H. S. Gour : I would like to reply . . .

Mr. President : Order, order. I do not give the Honourable Member the right to reply. Maung Tok Kyi.

Maung Tok Kyi (Burma : Non-European) : Sir, I rise to support my Honourable friend, Dr. Gour. The Bill as it comes out of the Select Committee is I think only a half measure. In the matter of social reforms we should be as thorough-going as possible. The amendment made by Dr. Gour is, I think, a simple and thorough one and should be adopted. I should like to say a few words with reference to a letter from the Government of Burma on this subject. The other day an Honourable Member of this House brought this letter to my notice. It was written as long ago as 1914. I am sorry that the then Government of Burma saw it fit to make a scandalous assertion against my people. The actual words written were these :

"Pre-marital intercourse in Burma is not considered worthy of grave reprobation. When a marriage between two parties is so definitely fixed that it is looked upon as being certain, intercourse frequently takes place between the parties."

This, Sir, to say the least, is not founded on actual fact. I lay my humble claim that I know the customs and manners of my people better than any member of the Government of Burma, and I deny from my place in this House the statement made in the letter, publicly and openly. I admit there is a recognised custom of concubinage and there is also another custom—polygamy. Though these customs were well recognised in times of old, the trend of modern Burmese opinion is against such practices. I think girls under 18 years of age should be protected. Only after that age should they be allowed to do what they like. They are then in a position to think for themselves and to take care of themselves. But I have strong objection to their becoming either prostitutes or concubines before that age.

Sir, with these words I support the amendment moved by my Honourable friend, Dr. Gour.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muhammadan Urban) : Sir, I am afraid the question before the House has not been properly appreciated. The question is, are we going to create an offence ? In considering the question whether we are going to create an offence, we have to see what the community for whose benefit you are making laws, consider about the proposed acts which you want to convert into an offence. If the community to which the parties belong are prepared to treat them as husband and wife without any sense of their doing anything wrong, is it right that we should make it an offence out of our zeal for reform ?

Mr. N. M. Joshi (Nominated : Labour Interests) : Where is such a community ?

Diwan Bahadur T. Rangachariar : If my Honourable friend Mr. Joshi professes knowledge of the whole of India, I think he is on the high road to omniscience.

Mr. N. M. Joshi : I asked for information.

Diwan Bahadur T. Rangachariar : There are communities and communities, backward communities who consider quite proper a mere union between man and woman and receive them as husband and wife and their children are allowed to inherit, although the law may not recognise it as marriage. The Hindu personal law allows children to inherit in certain cases, and if you are going to convert that union into an offence I think you shut your eyes to facts. For instance there was considerable doubt as to whether *sambandan* in Malabar constituted a valid marriage or not. Eminent Judges in the Madras High Court held for a long time that it did not, and it was on that ground that Sir Sankaran Nair, when he was a Member of the Madras Council, brought in a Bill enabling parties to contract marriage under civil law as it were. The community regard it I know as a correct union although the parties are at liberty to divorce each other. When this Bill speaks of *quasi* marriage it refers to such cases, where among the community the union is regarded as a lawful union. Now you want to make it not only unlawful but a crime. You are really going to legislate to do that. I want you to look at it from that point of view, and I think this clause is very carefully worded, having regard to facts which exist and not to theories which social reformers want to try and put down the throats of the people.

The motion was negatived.

Mr. President : The question is :

“ That clause 3, as amended by the Select Committee, stand part of the Bill.”

The motion was adopted.

Clause 4 was added to the Bill.

Khan Bahadur Ghulam Bari : In dealing with my forth amendment to clause 4....

Mr. President : Order, order. I may point out to the Honourable Member that when his original motion was defeated, that defeat carried

[Mr. President.]

with it all the other amendments of the same character. What I am going to ask him to do now is to move his amendment to clause 5.

The question is :

“ That clause 5 stand part of the Bill.”

Khan Bahadur Ghulam Bari : In moving this amendment* I am going to deal with a question where I see an anomaly, an inconsistency, and so a mistake. Previously section 372 and section 373 of the Indian Penal Code fixed the age of protection at 16. That is the age at which the law meant to protect minor girls from falling into corrupting and demoralising circumstances. At the same time under section 552, the Criminal Procedure Code, authorising magistrates to restore minor girls who had been detained for unlawful purposes fixed the age at 14. I should say this was an anomaly and I would call it a mistake. I do not see any reason why that discrepancy was allowed, and now, while dealing with the present Bill, the same anomaly has been maintained and kept up. It was said that there was already a difference of two years and so we should even now keep up the same difference ; while keeping the age limit 18 under sections 372 and 373, of the Indian Penal Code, we must keep the age limit under section 552 of the Criminal Procedure Code as 16. But I can see no reason for that. If the object of the legislation is to protect minor girls under a certain age from falling into bad circumstances or from being taken into an atmosphere which may be corrupting and demoralising, then I do not see why there should be any difference. On the one hand, Sir, those two sections of the Indian Penal Code mean to protect minor girls from going into the hands of prostitutes and for that purpose they say they are going to protect them up to the age of 18. In the case of minor girls who fall into the hands of other persons than their rightful guardians and are being detained for an unlawful purpose, the proposal of the Bill is that we should protect them only up to the age of 16. I am quite unable to understand the philosophy of this difference. If we are at all bent on giving such protection, then the age limit must be the same. I may submit as well that “ detention for unlawful purposes ” may mean anything. Detention for an unlawful purpose may be for the commission of any crime. When a minor girl is subjected to such serious circumstances where any offence may be committed in connection with her, then I say, Sir, we must not hesitate in fixing the same age limit in clause 5.

[At this stage Mr. Deputy President (Diwan Bahadur T. Rangachariar) took the Chair.]

Dr. H. S. Gour : Sir, I have also given notice of a similar amendment. Honourable Members will find that the amendment is almost consequential upon the clauses that have been acceded to by this House. We have now decided to protect all minors under the age of 18, and in the previous clauses you will find, Sir, that clause 4, *Explanation I*, deals with persons below the age of 18 ; that is if persons below the age of 18 are corrupted in the manner explained in the *Explanations* appended to those sections, by any persons, such persons are liable to punishment. Under section 552 of the Criminal Procedure Code the magistrate possesses certain summary jurisdiction of restoring minors below a certain age, if detained for an unlawful purpose and so on, to their lawful guardians,

* In clause 5, for the word “ sixteen ” the word “ eighteen ” be substituted.

and we suggest that, as you are punishing a person for corrupting a person below the age of 18, you are in logic equally bound to restore a child below the age of 18 to its lawful guardian if a girl is detained for one of those purposes which you know very well. Now, Sir, I wish to ask, why a girl between the age of 16 and 18 should not receive magisterial protection if she is unlawfully detained for an illicit and immoral purpose. That is a question which I submit cannot be answered except in the manner I have indicated. And on previous occasions I have submitted to the Honourable Members of this House, and I wish to do so once more in this connection that ever since the passing of the Indian Majority Act it has been the declared policy of the Indian Legislature that all persons until they complete the age of 18 are not *sui juris* competent to think and to act for themselves. In other words, they are minors. Now, Sir, it is a well known principle of law that minors are entitled to the protection of law, and I venture to ask what justification there is for the proposition that a girl between the age of 16 and 18, if unlawfully detained by a person other than the natural or appointed guardian for an illicit and immoral purpose, should not receive the same protection as, let us say, a girl below the age of 16. Can you endorse that? Can you support it? Can you justify the policy which entitles a magistrate to restore to a lawful guardian a girl who is one day short of 16 and not a girl who is one day over 16? Both are equally incompetent to think for themselves. Both are minors; both are entitled to the protection of law, and offences committed upon them in the manner described in the previous clauses of this Bill are punishable under the Indian Penal Code. I beg to ask, why there should be a discrepancy between the clauses which punish and the clause which prevents the commission of an offence? I submit, Sir, there is no logical foundation for it. I think the sooner the Legislature adopts the principle which has been upon the Statute-book for nearly 50 years, that all minors below a certain age are incompetent to take care of themselves and are therefore entitled to the protection of the State, the better I submit it would be for the purity of society and, I further submit, for the benefit of the minors. I therefore submit, Sir, that the substitution of the age of 18 for 16 cannot be resisted in logic or in principle, and I have no doubt that this House will carry the amendment which stands in the name of the Honourable the Mover, who has just spoken and also in my own name.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I have very great respect for Dr. Gour and I was therefore very much surprised to find him confusing the whole issue. I hope the House will do me the honour of following the wording of the section that we are about to amend. Section 552 of the Code reads thus :

“ Upon complaint made to a Presidency Magistrate or District Magistrate on oath of the abduction or unlawful detention of a woman, or a female child under the age of fourteen years, for any unlawful purpose, he may make an order for the immediate restoration of such woman to her liberty, or of such female child to her husband, parent, guardian or other person having the lawful charge of such child, and may compel compliance with such order, using such force as may be necessary.”

There are, therefore, the House will observe, two objects in this section. The principal object is to rescue a girl from illegal detention; the secondary object is to fix the age up to which girls on being rescued shall be made over to specified guardians. It is therefore incorrect to say, as Dr. Gour stated, that magisterial protection has been denied to girls over the age of 16. So far as the principal object of this section

[Mr. K. C. Neogy.]

goes, a woman, or a female, whatever be her age, is entitled to the protection laid down herein ; and the other question as to the subsequent custody of the girl I submit has very little to do with the provisions of the Bill that we are now considering. It will be observed that the age limit that was fixed by the Code of 1898 was 14, and the framers of this Bill have very properly raised it to 16, so as to correspond to the age limit fixed in section 361 of the Indian Penal Code which is the abduction section. Now, Sir, the House will observe that there is another section in the Code which somewhat corresponds to this, and that is the section relating to Habeas Corpus. Section 491 reads thus :

“ Any High Court may, whenever it thinks fit, direct ”

I come to clause (b) :

“that a person illegally or improperly detained in public or private custody within such limits be set at liberty.”

Now, Sir, there is no provision in the English law, so far as I am aware, corresponding to section 552 of the Code of Criminal Procedure. The remedy there lies by way of Habeas Corpus, and I therefore turn to the English case law under Habeas Corpus to find out as to what principle has been so long followed by the English law in regard to this matter, and I find that the principle as laid down by numerous cases under the English law may be stated thus : When an infant is brought before the Court by Habeas Corpus if he be of an age to exercise a choice the Court leaves him to elect where he will go, and if he be not of that age and want of direction will only subject him to dangers and seductions, the Court must make an order to place him in proper custody. That is the principle in English law, and the age of discretion in this matter in regard to girls has been fixed at 16 ; and although a father is entitled to the custody of his daughter during minority, a girl over 16 has the right to elect where she will go.

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : May I ask the Honourable Member, Sir, if the girl of 16 happens to be married, will the husband have any chance of going to Court or to a magistrate to get possession of his wife ?

Mr. K. C. Neogy : The Honourable Member should have read the section before he interrupted me. It does not make any difference as to whether a girl is married or not. She will be set free under section 552 irrespective of her age. The only question which we are discussing is whether the Court shall make her over to either husband or father or other legal guardian that may be specified by the magistrate, or whether she will be free to elect her residence after being rescued under the provisions of this section. Now, Sir, I find that in a leading case Chief Justice Cockburn states the law thus :

“ Although a father is entitled to the custody of his children till they attain the age of 21, the Court will not grant a Habeas Corpus to hand a child which is below age over to its father provided that it has attained an age of sufficient discretion to enable it to exercise a wise choice for its own interests.”

As I said, the Code of 1898 fixed this age at fourteen for India, and by this Bill we are merely raising that age to sixteen. The Honourable Member referred to the Indian Majority Act, and made it a grievance that all the other Acts which refer to the ages of minors for various purposes have not been brought into line with the Majority Act. I would refer him to the Guardians and Wards Act, section 17. There he will find

that it is laid down that if the minor is old enough to form an intelligent preference, the Court may consider that preference.

Dr. H. S. Gour : For what purpose ?

Mr. K. C. Neogy : For the purposes of appointment of a guardian.

Dr. H. S. Gour : That is quite a different thing.

Mr. K. C. Neogy : I would also remind him that in a decision of the Madras High Court it has been laid down that a male child over fourteen and a female above sixteen will not ordinarily be compelled to remain in the custody to which they object, and in the case of younger children, if old enough to form an intelligent preference, their wishes will form one of the elements for consideration. Does the Honourable Doctor mean to say that, while the case law under the Guardians and Wards Act gives this discretion, admits that sixteen is quite high enough for the purpose of enabling a girl to make her choice in this matter, he should interfere with her choice while we are discussing the amendment of section 552 for quite another purpose ?

Dr. H. S. Gour : Sir, what reference is the Honourable Member making to the Guardians and Wards Act ? He will find that all that it lays down is that a girl or boy may choose, and the Court may act upon it. But the order is passed by the Court.

Mr. K. C. Neogy : Exactly so, and if the Doctor had only followed me when I read out the principle as laid down by the Madras case he would have seen that it has been laid down very clearly that if a girl over sixteen does not desire to remain in the custody of a particular guardian, her wishes will be respected. Dr. Gour's quarrel is not with me but with the case law that has been established by the different High Courts. Now, Sir, what I beg to submit is that so long as the age limit in the abduction section remains at sixteen, it would be illogical to raise the age to eighteen in this particular section.

I was a little surprised to find my Honourable friend, Khan Bahadur Ghulam Bari, supporting this amendment as vehemently as he did, because I remember that in the last Delhi session an Honourable Member of this House raised the objection that, having fixed the age for the purpose of the abduction section at sixteen, the Legislature had interfered with the Muhammadan religion, and he pointed out that the age of discretion as recognized by the Muhammadan law was fifteen in any case, if not earlier. I am sorry that my Honourable friend is absent from the House to-day. If he were here, he would have probably raised an objection to the amendment which has now been proposed by the Honourable Khan Bahadur and supported by Dr. Gour. I therefore hope that the House will not be misled by the eloquent advocacy of the Honourable Member from Nagpur, but will turn down this amendment.

Mr. M. A. Jinnah (Bombay City : Muhamadan Urban) : Sir, I had no desire to take part in this debate. I can understand the Honourable Khan Bahadur Ghulam Bari desiring to raise the age. As a man of the world, he takes a commonsense view, and I can quite appreciate that. But I was really surprised to hear Dr. Gour, a Doctor of Law, insisting upon his amendment in the manner in which he did. I can only excuse him on one ground, that he is such a great enthusiast for the moral reform of this country that he does not stop short of even striking at the root of one of the greatest principles of law, and I shall explain that very

[Mr. M. A. Jinnah.]

shortly. Section 552 has got two provisions in it, and I would like Dr. Gour to analyze those two provisions briefly.

Dr. H. S. Gour : I have not had a chance to do so.

Mr. M. A. Jinnah : I will do it for him, Sir, and I hope, before I sit down, I shall be able to convince him, because I know he has got a judicial mind and I know that it would be very simple for me to convince him. Section 552, Sir, runs as follows :

“ Upon complaint made to a Presidency Magistrate or a District Magistrate on oath of the abduction or unlawful detention of a woman of any age or of a female child under the age of fourteen for any unlawful purpose..... ”

He has got to do two things. In the case of a woman of any age, he may make an order for the immediate restoration of such a woman to her liberty. That is proposition No. 1. Proposition No. 2, which applies to a minor child, a minor female, enables such female child to be made over to her husband, parent, guardian or other person having the lawful charge of such child and can compel compliance with such order, using such force as may be necessary. Now, Sir, in the case of a minor female child the Magistrate will have the power to hand over the custody of that child to the lawful guardian, whoever that may be. If you now accept the amendment of Dr. Gour, it will entitle the Magistrate to hand over the custody of a female child of 18 years of age to her lawful guardian. Dr. Gour knows the well-known case—I think it is reported in 16—Bombay—Sabitri Bai's case, which has dealt with all the authorities that bear on the subject, and has been followed throughout the High Courts in India. And it lays down this, that it does not matter who the guardian may be—the lawful guardian is not entitled to the custody of a girl who is sixteen years of age. She is free to go anywhere she likes, although she may have a lawful guardian. I think he will accept the proposition that this is so. Now, if you make this amendment in this Bill, you will revolutionize the fundamental principle which lays down that any female of sixteen years of age is free to choose her own abode, a legitimate lawful abode, and you will be interfering with that. You will make an allegation against this girl, and you will make a complaint under this section, and the Magistrate would be bound to hand over that girl to her guardian, although she is above sixteen and although she is not doing anything wrong at all.

Pandit Shamlal Nehru : May I ask the Honourable Member also to explain why it is necessary to change the age from 14 to 16 ?

Mr. M. A. Jinnah : That I can understand perfectly well. The raising of the age from 14 to 16 does not conflict with the fundamental principle which I have tried to explain to the House, because up to the age of 16 the guardian is entitled to the custody, and therefore, if the girl is taken away for any immoral purpose, it will be open to the guardian to get back the custody of that child.

Dr. H. S. Gour : I am very sorry to interrupt the Honourable Mr. Jinnah, but I think, in fairness to us all, he should admit that the guardian is *prima facie* entitled to the custody of a minor up to the age of 18.

Mr. M. A. Jinnah : No. .

Dr. H. S. Gour : Under the Guardian and Wards Act, a minor remains a minor even up to the age of 21.

Mr. M. A. Jinnah : No, Sir. That is the exact confusion under which Dr. Gour is labouring. Under the Guardian and Wards Act, no doubt you are the guardian of a minor female up to the age of 18. That is correct. But the guardian cannot insist upon holding her in his custody. That is the distinction. And here, if you make this amendment, you will strike at the root of that fundamental principle. The guardian will be entitled not only to claim that he is a guardian, but he will be entitled to have possession of that child. That is a distinction. I certainly, Sir, appeal to this House not to adopt this amendment because it will revolutionise a very important principle of law which has been recognised for years and years.

The Honourable Sir Alexander Muddiman : Sir, the case for the clause as it stands has been put so very clearly by my Honourable friends, Mr. Neogy and Mr. Jinnah, that I really do not think that I should detain the House further on this point. They have convinced me that the Bill as it stands is right, and, therefore, I oppose the amendment.

Mr. Deputy President : The original question was :

“ That clause 5 do stand part of the Bill.”

Since which an amendment has been moved :

“ That in clause 5, for the word ‘ sixteen ’ the word ‘ eighteen ’ be substituted.”

The question is that that amendment be made.

The motion was negatived.

Clause 5 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Alexander Muddiman : Sir, I move that the Bill, as amended by the Select Committee, be passed.

Mr. Deputy President : The question is that the Bill, as amended by the Select Committee, be passed.

The motion was adopted.

THE OBSCENE PUBLICATIONS BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move :

“ That the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, as passed by the Council of State, be taken into consideration.”

Sir, the history of this Bill is well known to the House. It is based on a Resolution which was passed in the Assembly on the 8th of March 1924. A similar Resolution was passed by the Council of State two or three days later, and the Bill is to give effect to these Resolutions. The Resolution was that India do ratify the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications and that legislation should be undertaken in this Legislature in accordance with the provisions of the Convention. Now, in order to do that, it was necessary to examine and extend the scope of sections 292 and 293 of the Indian Penal Code and also to amend the provisions of the Criminal Procedure Code to enable these obscene publications to be searched for. The Bill also gives effect to the recommendation that the offence should be held to have been aggravated in the case of a minor, and the question has been discussed as to what should be the age at which that part of the law should be applicable, and the age that has been inserted in the Bill

[Sir Alexander Muddiman.]

is 20. That provision was made after consulting the Local Governments and it is to some extent a compromise between conflicting opinions. Now, this Bill has been before the House for a considerable time. I have received no notice of any amendments of substance, and therefore I take it that the Bill is generally approved by the House.

I move, Sir, that the Bill be taken into consideration.

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I remember to have sent an amendment to the effect that this Bill be referred to a Select Committee, and I think the Honourable the Home Member is in receipt of that amendment.

The Honourable Sir Alexander Muddiman : Yes, Sir. I had no amendments on points of substance in the Bill. That is a dilatory motion that I received.

Mr. C. Duraiswami Aiyangar : Sir, before I move the amendment, I wish it to be known clearly that I am in entire support of the provisions of the Bill so far as they go and the object for which this Bill has been brought before this House. Even when this question came before this Assembly on the 8th of March in the Delhi Session, I gave my entire support to the Resolution as it was framed. But nobody expected that so soon after that there would be an attempt to change the present provisions of the Indian Penal Code, sections 292 and 293, and also section 98 of the Code of Criminal Procedure. Sir, I have not the slightest objection to these provisions being amended so as to suit the articles of the Convention which has been adopted by the League of Nations ; but, at the same time, I should like that when a change is made in an existing provision of a criminal law, some time must be given to it and the Members of the Assembly must also have an opportunity of discussing it first in the Select Committee and then before this Assembly. You will find, Sir, from the extracts that have been supplied to the Members of this Assembly of opinions collected from various quarters, from various Governments, that there has not been unanimity of opinion. But, on the other hand, a very responsible and very influential number of Judges as well as others have given various views with reference to the provisions that are now sought to be introduced into the criminal law. I might analyse it by saying that there are several Judges who have held the view that the present provisions of sections 292 and 293 are quite sufficient for the purpose. Among those, there are three Judges of the Madras High Court, while the other Judges of that Court did not express any opinion. There are five Judges of the Allahabad High Court who hold that the provisions of sections 292 and 293 are quite sufficient for the purpose. Further, the High Court Vakils' Association of Bihar and Orissa and **Raj Bahadur D. N. Chaudri** of the Central Provinces who has also been consulted in the matter are all of opinion that the present sections 292 and 293 are quite sufficient for the purpose. Then, Sir, there is another question about which there has been a diversity of opinion, that is, with regard to the *Exception* to section 292 of the present Indian Penal Code and also the *Exception* which has been retained in the new Bill. I am aware that the *Exception* to the original section 292 is retained intact, but when we go in for a new legislation, for a revised legislation, on this question it is absolutely essential that we must make the *Exception* itself perfect or more satisfactory than it originally stood. It may be said that this *Exception* has worked no hardship and no cases have been put before the Court, which

have not been really deserving cases of obscene publication and propaganda. But, at the same time, I wish to draw the attention of this Assembly to the fact that, inasmuch as the League of Nations has taken up this question seriously, more attempts might be made in the future for launching prosecutions, although hitherto they might not have been so attentive to the provisions of section 292. There have been persons to whom the matter has been sent for opinion and who have held that works of art should be excluded from the operation of the main section. There are persons who have expressed their opinion that classical literature and also religious books must be specifically included in the *Exception* to section 292. As it is, you will find, Sir, that in the *Exception* to section 292 there is no reference at all either to works of art or to books of a religious nature. It is possible that there may be several cases of religious books and also books of classical literature which may appear to a foreigner as a matter of obscene publication, whereas to the man concerned with that religion it is a matter purely of a religious nature. Those Honourable Members who are lawyers are not unaware of an Editor of a Muhammadan journal who has been prosecuted and convicted for reproducing certain portions from religious literature in order to impress upon the people of his sect that during the month of Ramzan they should observe fasts and avoid certain vices. He only enumerated in his journal those vices which should be avoided and still he was prosecuted, for the simple reason that, although his intention was all right, the effect produced upon non-Muhammadans was different. Sir, similar cases might occur even as regards the religious books of the Hindus. Passages from Hindu religious books which may be very sublime and may be of a great reverential nature might not appeal to a non-Hindu. Therefore, in a country like this, one cannot be too careful about making provisions with reference to literature. I am also aware, and some of you also may be aware, of the fact that in Madras one Telugu author who reproduced and republished a work of a great poet, who lived three hundred years ago, was charged with having published obscene literature and was convicted. Sir, the classical work which he reproduced is classified as one of the highest works of literature, and yet when he reproduced and republished it, he was charged and convicted. That case is reported in the 22 Madras Law Times. Sir, I made all these references even on the previous occasion when this question came up before this Assembly. At that time when Sir Malcolm Hailey was pointing out to me in the course of my speech the *Exception* to section 292 from his seat on the other side of the House, I had thought that he would also recognise that if a fresh legislation was to be undertaken, such things as I was referring to at that time would be excluded from the operation of the main section. But unfortunately I find that it is only the *Exception* to section 292 that has been reproduced intact, but no provision has been made to extend even the scope of the *Exception* in order to include works of art, classical literature and religious books. In this matter, Sir, I am supported by the opinion of the Bar Library of Allahabad, by the Patna Vakils' Association and by Sir G. M. Chitnavis, K.C.I.E. Sir G. M. Chitnavis says, and I am sure we will respect his authority :

“ In case there are any such publications which are likely to affect the religious tendencies of people of any caste, the matter should be referred to a Committee consisting of one or two persons of the religion affected and action taken after due consideration of the views therein expressed.”

[Mr. C. Duraiswami Aiyangar.]

Even such a high authority says that there may be cases when publications will be of a doubtful nature and when differences of opinion may arise between the Judge and the accused. In such cases it is possible that the Judge might misunderstand the facts and the real purport of the published book and then the law will work a hardship. I would therefore suggest in this connection the desirability of giving an opportunity to a person accused of an offence of having made any publication like that to choose his own forum, to choose whether he should be tried by a Sessions Judge with a jury or only by a first class Magistrate. But all the same it will be absolutely necessary that in such cases either prior to the launching of the prosecution or after the prosecution has been launched, opinion must be taken of such persons as are authorities on that publication and the accused must also be given an opportunity of taking his case over to the Sessions Court where he may be tried by a jury of his own countrymen.

With reference to section 98 of the Criminal Procedure Code, which is sought to be amended in order to bring it into line with the other amendments that have been proposed, several authorities, to whom this matter has been referred, have distinctly made us understand that immense safeguards are necessary. The amendment of section 98 of the Criminal Procedure Code would authorise any police officer with a warrant probably only from a Sub-divisional Magistrate to go and search the house of anybody. He may happen to be a respectable person, but all the same the power is given to the police officer to go and institute a search in his house if any obscene picture is suspected to be found there. Therefore, several people have suggested that in such cases the authority must be at least that of a District Magistrate and not that of the subordinate Magistrates. I would even add that in prosecutions like these, the previous sanction of the Government or some other proper authority might also be required. This is also the opinion which has been expressed, I think, by the Government of Bengal. Now, the Central National Muhammadan Association of Calcutta. The Government of the United Provinces, the Bar Library of Allahabad and an Additional Judicial Commissioner in the Central Provinces have all emphasised the fact that section 98 of the Criminal Procedure Code should not be made to work any hardship in cases relating to such literature, and they all want that proper safeguards must be made by enacting that at the very least the authority of a District Magistrate must be produced by the police in order to make a search in the house of any man who is suspected to have such things. Under these circumstances, Sir, I think it proper that we should introduce this Bill into this Assembly after it has gone through an operation in the Committee Room.

Secondly, it will not be a dilatory motion because evidently there cannot be much urgency about thus rushing through this Bill, because, as I have already pointed out to the House several Judges of the High Courts have stated that the present provisions themselves are quite sufficient. If you will look at the proceedings of the Council of State you will find that the Honourable Mr. Crerar, who introduced it there, has also stated that the present provisions of sections 292 and 293 are no doubt sufficient, but to bring them into accord with the Convention some more provisions may be necessary. Therefore, I think, much harm will not be done if this measure is put before the Select Committee.

The Honourable Mr. Crerar said :

“ Our law in this matter was, for most purposes, adequate to the requirements of the Convention but there were one or two points in which it fell somewhat short.”

Therefore, as it is only somewhat short, we may take a somewhat short time to make this provision complete and thus place before the Assembly a Bill which is properly considered by a Select Committee of this Assembly.

Mr. Deputy President : Has the Honourable Member moved his motion ?

Mr. C. Duraiswami Aiyangar : Yes, Sir.

Mr. Deputy President : The original motion was :

“ That the Bill be taken into consideration.”

Since which an amendment has been moved :

“ That the Bill be referred to a Select Committee.”

Pandit Shamlal Nehru (Meerut Division : Non-Muhammadan Rural) : Sir, I support my Honourable friend, Mr. Duraiswami Aiyangar's amendment. My reason, however, is quite different from Mr. Duraiswami Aiyangar's. I find that the Bill has an *Exception* which reads thus :

“ This section does not extend to any representation sculptured, engraved, painted or otherwise represented on or in any temple, or on any car used for the conveyance of idols, or kept or used for any religious purpose.”

My main object in asking for a Select Committee is to have this *Exception* reviewed and to have it dropped altogether. If you have this *Exception*, Sir, I think that it will be vilifying the Hindu religion. No religion teaches us to exhibit obscene engravings or pictures. In the south there are a large number of temples in which you will find most objectionable carvings. I will have those carvings screened off from the public gaze. That is my main object and I therefore support Mr. Duraiswami Aiyangar's amendment.

Mr. K. V. Reddi (Guntur cum Nellore : Non-Muhammadan Rural) : Sir, I support my Honourable friend, Mr. Duraiswami Aiyangar's amendment to refer the Bill to Select Committee. I submit, Sir, that the Bill as placed before this House, does not wholly serve the purpose for which it is intended, because in clause 2, sub-clause (a) the provision reads :

“ sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, or for purposes of sale, hire, distribution, public exhibition or circulation makes, produces or has in his possession any obscene book, pamphlet, paper, drawing, painting, representation or figure or any other obscene object whatsoever.”

Suppose a man has in his possession some obscene paintings keeps them in his house and shows them freely to men of all ages, that man cannot be brought under any of the sections. I am fortified in this view by the following opinion given by the Advocate-General of the Madras High Court, who says :

“ Exhaustive as the first article of the Convention may look, it is doubtful if it does wholly avert the mischief and eradicate all sources of it. . . . purchased and is keeping obscene pictures and shows them freely to men of all ages does not seem punishable by the language of the first Article. A person who makes them but not for trade, or for distribution or public exhibition, may allow them to be seen freely without bringing himself under the clutches of the law. Nor does it

[Mr. K. V. Reddi.]

appear clear from the language of Article 5 whether these obscene pictures can be searched for or destroyed if they are not made or produced or had in possession for the purposes referred to in Article 1 ; clause 1."

This objection holds good to the provisions of the Bill before us.

My second reason for asking that the Bill be referred to a Select Committee is that the word "obscene" is not defined in this Bill. There are many works of art and literature that may be brought within the scope of this Bill, so it is better that the word "obscene", which is so wide in its meaning, should be defined in this Bill. For these reasons I support my friend Mr. Duraiswami Aiyangar's amendment.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevelley : Non-Muhammadan Rural) : May I ask the Honourable Home Member whether he has any objection to the Bill being referred to a Select Committee ?

The Honourable Sir Alexander Muddiman : I must confess that I was a little bit surprised by this 11th-hour motion for reference to Select Committee. Not a single amendment had been put into this Bill and there is nothing that has been raised in my friend's speech that could not have been discussed on a definite amendment or amendments. If the House wants a Bill to be referred to Select Committee, they should put in amendments to that effect so that I may have notice. Hardly anything has been raised beyond a small matter of drafting. I am not prepared to say that the rapid passage of this Bill is a matter of such urgency that I should go contrary to the wishes of the House. If it likes to refer the Bill to Select Committee I will not oppose their wish, but let it remember that reference to Select Committee means delay till next Session. In these circumstances, I will leave it to the House to decide whether it will refer the Bill to a Select Committee.

Mr. Deputy President : The original motion was :

"That the Bill to give effect to certain articles of the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, as passed by the Council of State, be taken into consideration."

Since which an amendment has been moved :

"That the Bill be referred to a Select Committee."

The question I have to put is that that amendment be made.

The motion was adopted.

THE IMPERIAL BANK OF INDIA (AMENDMENT) BILL.

The Honourable Sir Basil Blackett (Finance Member) : Sir, I desire to make a motion that I was unable to make before lunch, that the Bill to amend the Imperial Bank of India Act, 1920, be passed.

My reason for not making this motion before lunch was that I knew that the amendment which had been passed by the House was from the draftsman's point of view unsatisfactory, and that the draftsman desired the opportunity to prepare some slight change and possibly consequential amendments which I understand Sir Henry Moncrieff Smith will be in a position to move after I have made this motion. I should like to say further with regard to the extension of this Bill to co-operative banks that I had not taken the amendment very seriously, in view of the fact that the Select Committee had not regarded it as really relevant. I do not think it has any particular relevance to the Bill. If it has a

serious effect I must reserve to the Government the possibility of moving in another place for a change in the Bill as it now stands. If, however, as I believe to be the case, the amendment will be entirely inoperative and inoffensive, I have no objection to the Bill remaining as it stands.

There is just one other point. We are passing a Bill which will, I hope, enable the Imperial Bank to take suitable action, if necessary, in conjunction with other banks, for dealing with financial crises or panics. I think that is a bit of legislation that will be very valuable to India, but legislation cannot do everything, and if banking in India is to progress, and if danger of crises is to be avoided and crises are to be kept from occurring frequently, private initiative and private enterprise are required, and in particular the spirit of co-operation and effective habits of co-operation between the leaders of finance and industry. I hope that this Bill will be regarded as merely a small contribution by legislation to the solving of a big problem for whose complete solution private action in the direction of free and habitual co-operation between the big banking and commercial interests of the country will be required.

I move that the Bill be passed.

Sir Henry Moncrieff Smith (Secretary, Legislative Department) : Sir, in the amendment passed by the Assembly this morning, on the motion of the Honourable Maung Tok Kyi, there was a reference to co-operative banks established under the Co-operative Societies Act. The Co-operative Societies Act does not refer to co-operative banks, and in any case they are not established under that Act. I therefore move :

“ That for the words ‘ or a co-operative bank established ’ the words ‘ or any society registered ’ be substituted.”

The motion was adopted.

Sir Henry Moncrieff Smith : I also move :

“ That, after the words ‘ any such company,’ and after the words ‘ such company ’ in both places where they occur, the words ‘ or society ’ be inserted.”

These are consequential amendments.

The motion was adopted.

Mr. Deputy President : The question is :

“ That the Bill, as amended, be passed.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 16th September, 1924.