

8th March, 1924

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



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LEGISLATIVE ASSEMBLY.

Saturday, 8th March, 1924.

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

QUESTIONS AND ANSWERS.

RESERVATION OF BERTHS ON RAILWAYS.

600. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state:

- (a) whether the reserving of berths on Railways is done according to the priority of application?
- (b) if the answer to (a) be in the negative will Government explain why any other system is followed?
- (c) if the answer to (a) be in the affirmative are Government aware that at the Colaba station on the B. B. and C. I. Railway and the Poona station on the G. I. P. Railway lower berths are reserved without reference to the priority of application?
- (d) Do Government propose to take immediate steps to stop the objectionable practice mentioned in (c)?

The Honourable Sir Charles Innes: The matter has been referred to the Railway Administrations concerned and the Honourable Member will be replied to on receipt of their replies.

RAILWAY QUARTERS FOR EUROPEAN AND INDIAN STAFF.

601. ***Khan Bahadur Sarfraz Hussain Khan:** (a) With reference to the reply given on the 11th February, 1924, to starred Question No. 207, are the Government aware that Indian staff railway quarters are built like stables with the minimum of cost?

(b) Are the Government aware that the cost of each unit of the European quarters is nearly 10 times that of an Indian unit?

(c) If the answer to (b) is in the negative, will the Government be pleased to inquire from the Railway Administrations as to the cost of each unit of the two types of quarters?

(d) Will the Government be pleased to state the reasons for such differentiation of treatment between Indians and Anglo-Indians even in matters of their quarters?

The Honourable Sir Charles Innes: (a) The reply is in the negative. With a view to economy the estimates for all quarters whether for Europeans or Indians are carefully scrutinised and kept down to a minimum.

(b) The reply is in the negative.

(c) and (d). Types and costs of quarters vary on the different railways; but on all railways they are based on the same principle, namely, that employees should be provided with quarters suitable for their mode of living and in accordance with the salaries they draw.

ESTABLISHMENT LIST OF THE OFFICE OF THE HIGH COMMISSIONER
FOR INDIA.

602. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the reply given on the 11th February, to starred Question No. 209, will the Government be pleased to lay on the table an establishment list of the office of the High Commissioner for India in London? If not, will the Government be pleased to state the reasons.

The Honourable Sir Charles Innes: The Government do not propose to lay this list on the table as they do not consider that the cost of printing, which that course would entail, is justified, but the list is available in my office for inspection.

ESTABLISHMENT LIST OF THE VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA SECRETARIAT.

603. *Khan Bahadur Sarfaraz Hussain Khan: (a) Is it a fact that establishment lists are printed for each of the different departments of the Government of India Secretariat? If so, will the Government be pleased to lay on the table a copy of each of such lists corrected up to date?

(b) If not, will they be pleased to state the reasons?

The Honourable Sir Malcolm Hailey: (a) The reply to the first part is in the affirmative, and to the second part in the negative.

(b) Establishment lists are intended purely for departmental use and contain departmental details which are not intended for publication.

ESTABLISHMENT ROLL OF RAILWAY STAFF.

604. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to state how long they will take to prepare the establishment-roll of Railway staff which was promised by Government?

Mr. A. A. L. Parsons: I have not been able to discover exactly to what undertaking given by the Government the Honourable Member refers. The latest establishment roll of the East Indian Railway has been placed in the Library in accordance with a reply which I gave to Mr. Joshi's Question No. 449 on the 25th February, 1924.

BRIGADE ORDER *re* VOTING FOR A NON-SWARAJIST CANDIDATE.

605. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the reply given on the 11th February, to unstarred Question No. 91, regarding an alleged Brigade Order in Sialkote, will the Government be pleased to state the results of the enquiry referred to therein?

Mr. E. Burdon: The inquiries which are being made have not yet been completed.

Khan Bahadur Sarfaraz Hussain Khan: When will it be completed, may I ask?

Mr. E. Burdon: I hope in the course of ten days or a fortnight.

PRINTING OF STAMPS IN INDIA.

606. *Khan Bahadur Sarfaraz Hussain Khan: With reference to the reply* given on the 6th September, 1922, to starred Question No. 58,

* *Vide* pages 47 and 48 of L. A. Debates, Vol. III.

regarding the printing of stamps and stamped papers in India, will the Government be pleased to state whether they have come to any decision in the matter? If so, will the Government be pleased to state the decision arrived at.

The Honourable Sir Basil Blackett: I refer the Honourable Member to my reply to Dr. Gour's Question No. 178, dated the 5th February, 1924.

EXPIRATION OF THE PRESENT CONTRACT FOR PRINTING OF STAMPS.

607. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to state the date on which the present contract for printing of stamps will expire?

The Honourable Sir Basil Blackett: The existing contract is terminable on the 31st December of this year.

INTER CLASS ACCOMMODATION ON THE UP AND DOWN PUNJAB MAILS.

608. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state the number of first class, second class and inter class carriages attached to the 1 Up and 2 Down Punjab Mails?

(b) Have the Government fixed any minimum number of inter class carriages that are to be attached to the above mentioned Mails?

(c) Is it a fact that the number of inter class carriages to be attached to those Mails are left to the discretion of the Station Superintendents of the starting stations, that is, Howrah and Kalka; if so, are the Government aware that generally these Station Superintendents curtail the number of inter class carriages in order to provide more first and second class accommodation?

(d) Will the Government be pleased to state whether they propose to introduce the system of reserving berths for inter class passengers travelling over long distances, like that prevailing for the first and second class passengers, by those Mails?

The Honourable Sir Charles Innes: (a) The number of first, second and inter class carriages on the East Indian Railway Nos. 1 Up and 2 Down Punjab Mails is as under:

1st and 2nd composites—Four bogies.

2nd class—One bogie.

Inter class—One bogie.

(b) and (c). The answer to both question is in the negative. The load of the Up and Down Mails is standardised and the Station Superintendents at the terminal stations are not authorised to alter the composition of these trains.

(d) The Government do not propose to introduce the system of reserving berths for inter class passengers as lying down accommodation is not provided for these passengers.

Mr. K. Ahmed: Do Government propose for the benefit of the country to enlighten this Assembly from time to time on any questions of this nature or of a similar nature without the intervention of the Agents in question, so that we may be in a position to get an answer direct from the Honourable Member in charge?

The Honourable Sir Charles Innes: As far as I know, I did not mention the word "Agent" in the reply I have just given. When Honourable Members ask questions, I endeavour to give them any information that lies in my power.

INCOME-TAX ASSESSMENTS.

600. *Mr. K. Rama Aiyangar: Will the Government be pleased to lay on the table a statement showing the number of income-tax assesseees, the number of objection petitions on assessments made and their disposals one way or the other (confirmed, modified or rejected) (a) in each of the presidency towns and (b) the mofussils in the several provinces in British India for the years 1921-22, 1922-23 and 1923-24?

The Honourable Sir Basil Blackett: The precise information required by the Honourable Member is not given in the annual returns. To collect and compile it in this form would involve an amount of trouble incommensurate, I think, with its value.

A statement is however laid on the table giving for the year 1922-23, the number of assesseees and the number of appeals filed, (1) in the Presidency Towns of Bombay and Calcutta (separate figures not being available for Madras), (2) in the mofussil in the Provinces of Bombay and Bengal, and (3) in each of the remaining Provinces—respectively,—and showing how many of these appeals were successful and how many were unsuccessful. The Government are not in possession of the same information for 1921-22, and information for 1923-24 is not yet available, that year, as the Honourable Member is aware, not yet having closed.

Province.	No. of assesseees.	APPEALS UNDER SECTION 30(1).		APPEALS UNDER SECTION 32(1).	
		No. successful.	No. unsuccessful.	No. successful.	No. unsuccessful.
Bombay—					
City	30,719	1,610	1,790	1	...
Mofussil	28,396	2,182	2,808	2	3
Bengal—					
Calcutta	26,016	269	277	1	...
Mofussil	17,663	391	660	4	7
Madras	35,281	1,420	2,453	1	16
United Provinces	26,511	657	913	7	20
Punjab	24,683	1,037	4,528	...	2
Burma	16,385	198	375	...	...
Bihar and Orissa	12,089	250	839	11	50
Central Provinces	9,881	215	362	1	1
Assam	4,551	42	173	1	...
North-West Frontier Province	3,074	169	381	...	...
Baluchistan	159	...	...	...	2
Ajmer-Merwara	449	11	11	1	...
Coorg	127	1	7	...	...
Delhi	2,308	37	55	...	...

PROPAGANDA WORK IN AMERICA BY MR. RUSTOMJI.

610. ***Mr. Bhabendra Chandra Roy:** With reference to the reply given on the 11th February to starred Question No. 214, will the Government be pleased to state the head under which this expenditure is included in the demands for grants? Will the Government be pleased to state under what rule this or such other expenditure has been or is made non-votable?

The Honourable Sir Malcolm Hailey: The head of expenditure under which this item is included is Secret Service Contingencies, which will be found at about page 49 of last year's demands for grants. The rule under which it has been made non-votable is section 67A (4) of the Government of India Act.

Mr. K. Ahmed: What are Secret Services?

The Honourable Sir Malcolm Hailey: Secret, Sir.

Mr. K. Ahmed: Will the Honourable the Home Member satisfy?

The Honourable Sir Malcolm Hailey: I am amply satisfied.

GOVERNMENT SERVANTS AND MEMBERSHIP OF THE ANGLO-INDIAN
EMPIRE LEAGUE AND THE ANGLO-INDIAN ASSOCIATION.

611. ***Mr. Bhabendra Chandra Roy:** (a) With reference to the reply given on the 11th February will the Government be pleased to state whether the Anglo-Indian League and Anglo-Indian Association are political bodies for the purposes of rule 23 of the Government Servants Conduct Rules? If so, will the Government be pleased to state why Anglo-Indians are not debarred from being members of those associations?

(b) Are the Government aware that there are Government servants and State Railway servants who are members of such political bodies? If not, will the Government be pleased to inquire into the matter and state how many members of such political bodies are Government servants?

(c) Is it a fact that office bearers of such political bodies are also Government servants? If so, will the Government be pleased to state the reasons of such anomalies and differentiation between the Indian and the Anglo-Indian political bodies?

The Honourable Sir Malcolm Hailey: I presume the Honourable Member is referring to the Anglo-Indian Association and the Anglo-Indian Empire League. There had been previous contrary decisions by the Government of India, but the final orders were contained in a letter of the 26th May 1919. The Honourable Member will perhaps better realise the position taken by the Government of India in the matter if I quote the actual words contained in that letter. The Government of India then said:

"It is not intended to relax or depart in any way from Rule 21 (now Rule 23) of the Government Servants' Conduct Rules; nor is there any intention of placing the Anglo-Indian community in a specially favourable position in the matters of the relations of Government servants to political movements. But the Government of India, after further consideration, consider that the rule does not prohibit membership by a Government servant of a society which has for its main purposes the moral and material

progress of a community, as apart from politics, provided he abstains from taking part in any political agitation or movement. The Government of India are satisfied that hitherto the main purpose of the Anglo-Indian Associations and the Anglo-Indian Empire League has been the moral and material progress of the Anglo-Indian community, although these bodies have at the same time interested themselves in certain political matters"

The conclusion of the Government of India then was:

"The Governor General in Council is pleased to direct that so long as the Anglo-Indian Association and the Anglo-Indian Empire League continue to devote themselves mainly to the moral and material progress of the Anglo-Indian community, a Government servant may be a member provided he takes no part in any movement of a political nature. This, it should be noted, is on the understanding that if in future the character of any such association changes, the Government may have to warn its servants that they can no longer belong to it."

LAND REVENUE LEGISLATION IN THE MADRAS PRESIDENCY.

612. ***Mr. A. Rangaswami Iyengar:** (a) Have the Government of India received the reports referred to in answer to my Question No. 55 of the 5th instant regarding Land Revenue Legislation in the Madras Presidency? If so, will the Government of India be pleased to make a statement on the actual existing position in regard to the bill relating to Land Revenue Legislation in Madras for carrying out the recommendations of the Joint Parliamentary Committee of 1919?

(b) Will the Government be pleased to state whether having regard to the delay involved, they have considered the advisability of instructing the Government of Madras to suspend giving effect to resettlement schemes made on the old basis?

Mr. M. S. D. Butler: (a) The Government of India have now received the proceedings of the Madras Legislative Council referred to. The position is that the Local Government have submitted a Bill for the previous sanction of the Governor General and that the matter is under the Governor General's consideration.

(b) The question is one for the Local Government to decide. The attention of the Honourable Member is invited to the statement made by the Honourable Sir Arthur Knapp on this subject in his speech on December 13th last.

Mr. A. Rangaswami Iyengar: May I know, Sir, to what extent the Government of India, apart from the Governor General, possess the power of revising this Bill?

Mr. M. S. D. Butler: I explained to the Honourable Member or to another Honourable Member the other day that the Government of India possess certain powers of general direction and control. "Broadly speaking" I said "control is exercised over the general and recognised principles of assessment and no departure therefrom can be made by a Local Government without sanction."

Mr. A. Rangaswami Iyengar: May I know, Sir, if under the question of recognised principles Government will permit legislation which restricts the maximum percentage of enhancements at re-settlements or the period of a revision settlement?

Mr. M. S. D. Butler: I have already explained that there are no definite rules on the matter and that the exercise of general powers of direction and control is a matter for the discretion of the authority in which such powers are vested, and it is hardly possible in reply to a question to define the extent to which such powers are or will be utilised.

Mr. A. Rangaswami Iyengar: I may state, Sir, that the other day, the Honourable Member in charge of Land Revenue stated here that he would consider the advisability of placing on the table the instructions or the regulations that the Secretary of State has made in regard to the exercise of control over land revenue matters in the provinces.

Mr. M. S. D. Butler: I think it was explained that there were no definite rules, but I will look into the matter.

Diwan Bahadur M. Ramachandra Rao: May I ask, Sir, whether this matter came up before the Government of India before this Bill was submitted—whether, as a matter of fact, this has been continuously under consideration as between the Government of India and the Local Government during the last three years.

Mr. M. S. D. Butler: A Bill has just now been submitted for the first time for the Governor General's sanction.

Diwan Bahadur M. Ramachandra Rao: May I ask, Sir, in view of the delay that has taken place in formulating legislative proposals, whether the Government of India would consider the advisability of instructing the Local Government to suspend the operation of all the settlement schemes that have been brought up? In fact, there were three schemes during the last three years which have been brought into operation while this Bill has been kept pending.

Mr. M. S. D. Butler: The matter is one for the Local Government to decide. The attention of the Honourable Member is invited to the statement made by the Honourable Sir Arthur Knapp on the 13th December last when he dealt with this question.

Diwan Bahadur M. Ramachandra Rao: I am asking the question whether the Government of India would exercise their powers of supervision and control in directing the Government of Madras not to proceed with settlement schemes till this legislation is put through. In fact, it has been pending for the last three years.

Mr. M. S. D. Butler: No, Sir. It is extremely unlikely that the Government of India would agree to that.

TRIKANNAD RAILWAY STATION.

613. ***Mr. Mahmood Schamnad Sahib Bahadur:** (1) Will the Government be pleased to state:

- (a) when the Trikannad station (on the South Indian Railway) was opened as a trial station?
- (b) what has been the annual net income from the station after its opening till now?
- (c) whether the station still continues as an experimental station?
- (2) Are the Government aware that there is great inconvenience to the travelling public, especially women and children, as there is neither platform nor waiting rooms nor anything worth the name of a station, there now?

Will the Government be pleased to state whether it is proposed to construct a *pucka* station there in order to avoid inconveniences and accidents to women and children?

- (8) Are the Government aware that the present site of the said trial station being on the sea shore only a few fathoms from the sea, is exposed to stormy winds during the monsoon, and being in the midst of guana factories, is filled with nauseating smells emanating from the factories during the fishing season and consequently the public are put to great hardships?
- (4) If the answer to the above is in the affirmative, will the Government be pleased to suggest the shifting of the site of the *pucka* station, proposed to be constructed, a few furlongs to the north of the present site so as to be free from the danger of stormy winds and unhealthy smells?
- (5) Will the Government be pleased to state whether it is a fact that the people have been petitioning and counter-petitioning; the authorities for abolishing this station and opening another some 3 miles away, and also to the contrary?
- (6) If so, will the Government be pleased to state what has been decided in the matter of these petitions?

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

THROUGH MAIL TRAIN BETWEEN MADRAS AND DELHI.

614. ***Mr. Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state whether they propose to run a through mail train from Madras to Delhi in order to avoid delay and inconvenience?

The Honourable Sir Charles Innes: It is doubtful whether the number of passengers travelling between Madras and Delhi would warrant the running of a through mail train between these two places, but the matter will be brought to the notice of the railway administrations concerned.

AMALGAMATION OF COORG WITH THE MADRAS PRESIDENCY.

615. ***Mr. Mahmood Schamnad Sahib Bahadur:** (a) Will the Government be pleased to state whether they propose to amalgamate Coorg with the Madras Presidency?

(b) If the answer to the above is in the negative, will the Government be pleased to state whether they will bring the administration of Coorg into line with the neighbouring districts of the Madras Presidency?

The Honourable Sir Malcolm Hailey: The answer to both parts of the question is in the negative.

NOMINATION PAPERS OF CANDIDATES FOR ELECTION TO THE LEGISLATIVE ASSEMBLY.

616. ***Mr. W. S. J. Willson:** (a) Is it a fact that certain candidates for election to this Assembly were rendered ineligible by reason of Government's refusal to accept signature to Nomination Papers by their duly constituted attorney?

(b) Do the Government propose to amend the Rules so as to permit of candidates unavoidably absent from their constituency at the time of their nominations signing their consent and standing for election by a letter duly signed and delivered by their agent to the Returning Officer?

(c) Are Government aware that the existing rule has given rise to the practice of signing such Nomination Papers in blank in advance in case they may be wanted, and will Government consider the admission of signature either under special letter of authority or by duly constituted attorney?

Sir Henry Moncrieff Smith: (a) The acceptance or rejection of a nomination rests not with Government but with the Returning Officer of the constituency concerned. Government are not aware of any case in which a nomination was rejected for the reason to which the Honourable Member refers. His attention is, however, invited to the terms of sub-rule (8) of rule 11 of the Legislative Assembly Electoral Rules.

(b) The existing provision was introduced as the result of a recent and exhaustive overhauling of the Electoral Rules. Government see no sufficient ground for re-opening the question at the present stage, but will be prepared to reconsider the matter when a general revision of the Electoral Rules is next undertaken.

(c) Government have no information regarding the existence of the practice to which the Honourable Member refers. The second part of the question is covered by the reply to (b).

Mr. K. Ahmed: In view of the fact that a large number of desirable candidates were unsuccessful in the last election, do Government propose for the benefit of the country to make the nomination form more simple so that it may serve the purpose for which the rules were drafted last year, namely, to afford facilities.

Sir Henry Moncrieff Smith: Government are not aware that large numbers of desirable candidates were excluded from election by rejection of nomination papers, but if the Honourable Member will indicate to Government the directions in which the rules regarding nominations can be simplified, the matter will receive consideration.

Mr. K. Ahmed: First, in writing out the names of Muhammadan electors in the voters list, a Muhammadan name Khan Sahib Maulvi Kadir Baksh, for instance, is written "Kedar Box," a Hindu name. Will the Government be pleased for the benefit of the country to employ a sufficient number of Muhammadan officials to draft them and write out the names of the Muhammadan electors so that Muhammadan candidates may not be victims by their nominations being thrown out?

Mr. President: I do not think that arises out of this question.

Mr. Shambhu Dayal Misra: Would the Honourable Member kindly state what he means by the words "desirable candidates?"

Sir Henry Moncrieff Smith: I meant, Sir, exactly what the Honourable Mr. K. Ahmed meant.

FRONTIER INQUIRY COMMITTEE.

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

(a) what amount was spent on the Frontier Inquiry Committee?

(b) when the report of the said Inquiry Committee will be published?

(c) whether the report will be brought before the Assembly for discussion before the Government take action?

The Honourable Sir Malcolm Halley: (a) Rs. 76,550.

(b) I am unable to give any further information than in my reply to Dr. Gour's Question No. 54, dated the 4th February, 1924, which was to the effect that it is proposed to publish the report at an early date and that copies will then be placed in the Library.

(c) I cannot for the moment give any such undertaking.

VASAD-BORSAD-KATANA RAILWAY.

618. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if it is a fact that a conference of the representatives of the Bombay and Baroda Governments was held at the office of the Railway Board at Delhi on 2nd December, 1919, to consider the question of the immediate necessity for the construction of the Vasad-Borsad-Katana line on economic, administrative and political grounds?

(b) If so, what was the decision of the conference?

The Honourable Sir Charles Innes: (a) Yes, a meeting was held at the Railway Board's office on 2nd December, 1919, to consider and decide the manner in which the area south of Petlad on the Anand-Cambay Railway should be served by rail communications.

(b) It was agreed that the Vasad-Borsad-Katana line without deviating through Bhadrin should be built to the broad gauge standard as an integral part of the Bombay, Baroda and Central India Railway, subject to a guarantee to be given to the Baroda Durbar against possible loss of earnings on the Anand-Petlad-Tarapur section of the Anand-Cambay Railway.

Funds, however, could not be provided for the construction at the time and the project was therefore held in abeyance. As the estimates are now out of date, revised estimates are being prepared and the consideration of the project will be again taken up as soon as these are received.

LONGWOOD HOTEL, SIMLA.

619. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government be pleased to state if they could place the whole of the accommodation of the Longwood Hotel at the disposal of the Members of the Legislature during the forthcoming session at Simla?

(b) Is it not a fact that the most desirable portion of the accommodation is permanently occupied by persons who have no claim to such accommodation to the prejudice of the Assembly Members?

(c) Is it not a fact that these non-claimants obtain the quarters at a rental of less than half the rental paid by the Assembly Members?

The Honourable Mr. A. C. Chatterjee: (a) It would be possible to do so, but in view of the fact that in the past year applications were not received to the full extent of the quarters made available for Members of the Legislature, Government do not think it necessary to do so. Such a course would certainly be very uneconomical, as if all the quarters were reserved it would be very difficult to find tenants for them during the period when the Legislature is not in session.

(b) The question, which is the most desirable accommodation, is a matter of opinion. Experience shows that the quarters which are most sought after are the self-contained cottages. These are reserved exclusively for Members of the Legislature during sessions. The only quarters which are not so exclusively reserved for Members are the upper flats of what is known as the old block and the new block. These consist of rooms in rows approached from a common verandah, and have not the same amount of privacy as the detached quarters. They are available for the use of Members of the Legislature, if not occupied by Government officials.

(c) The rents charged for these quarters are shown in the statement laid on the table.

Rents for Quarters in Longwood Hotel, Simla.

Quarter No.	Amount of rent charged to members per month.	Amount of rent charged to officers per month.	Quarter No.	Amount of rent charged to members per month.	Amount of rent charged to officers per month.
	Rs.	Rs.		Rs.	Rs.
1	255	120	28	150	60
2	240	120	29	150	60
3	240	120	30	150	60
4	240	120	31	150	60
5	240	120	32	150	180
6	240	120	33	145	60
7	165	60	34	145	60
8	165	120	35	145	60
9	240	120	36	145	45
10	255	120	37	155	60
11	155	60	38	145	60
12	155	60	39	145	60
13	145	60	40	145	60
14	155	60	41	145	60
15	155	60	42	145	60
16	155	60	43	145	45
17	155	60	44	145	60
18	155	60	45	145	60
19	155	60	46	155	60
20	155	60	47	145	60
21	155	60	48	145	60
22	155	60	49	145	60
23	155	60	50	145	60
24	155	60	51	145	60
25	155	60	52	145	45
26	150	60	53	145	60
27	150	120	54	145	60

Khan Bahadur Sarfaraz Hussain Khan: Is it not a fact that the Associated Hotels Company, when it was asked to sell the Longwood Hotel property, was definitely informed that it would be used for the purpose of accommodating Members of the Legislature?

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

Mr. Gaya Prasad Singh: Is it not a fact, Sir, that some military men have been allowed to occupy quarters permanently in the Longwood Hotel and at a reduced rate?

The Honourable Mr. A. C. Chatterjee: I have already explained that some of the quarters available there are let out to Government officials and are not made available for Members of the Legislature.

Mr. Gaya Prasad Singh: Since how long have these military men been allowed to occupy these quarters?

The Honourable Mr. A. C. Chatterjee: I could not definitely say how long each particular officer has occupied these quarters. If the Honourable gentleman will put down a question on the paper, I will answer it.

Mr. N. M. Joshi: May I ask whether the Honourable Member is aware that on account of this arrangement of giving accommodation to military officers, Members of this Assembly are inconvenienced by being compelled to go to Summer Hill Quarters?

Mr. Gaya Prasad Singh: Which are very far away.

The Honourable Mr. A. C. Chatterjee: The Summer Hill Quarters are meant for orthodox Hindus and I thought that they would be needed in any case.

Mr. K. Ahmed: Is it not a fact that the old block in the upper storey has got some beautiful rooms and the military officers do not like to vacate them for the benefit of Members of the Legislature. There is also some beautiful furniture, Sir, is there not?

The Honourable Mr. A. C. Chatterjee: I have not seen the rooms in question, but my information is that they are not so nice as some of the self-contained cottages which I have referred to in the original answer to the question.

Mr. A. Rangaswamy Iyengar: May I know if these rooms occupied by these military officers, if really desired by the Members of the Assembly with a view to their more convenient accommodation in Simla, would be made available by the Honourable Member?

The Honourable Mr. A. C. Chatterjee: I wish to correct a misapprehension that these rooms are reserved for military officers. They are available for all Government officers. But, if we find that there is a general demand for accommodation in these quarters which are not now available for Members of the Legislature, I shall certainly take the matter into consideration.

Mr. K. Ahmed: Will Government be pleased to make empty the whole of the upper storey of the old block so that Members of the Legislature may freely go and occupy them?

The Honourable Mr. A. C. Chatterjee: I certainly do not intend that the quarters should be left empty.

Mr. K. Ahmed: We are ready to engage them from now and give notice to the Department in question.

The Honourable Mr. A. C. Chatterjee: If the Honourable Member will pay the rent for the whole season I am quite prepared to let them out to him.

Mr. K. Ahmed: Are they not specially meant for the use of the Members of the Indian Legislature? Was it not for that purpose that Longwood Hotel and estate were acquired? (No reply was given.)

My question has not been answered, Sir.

Colonel Sir Henry Stanyon: Are Government under any obligation to find quarters at all for Members of the Legislative Assembly?

The Honourable Mr. A. C. Chatterjee: I think that that question should be put down on paper, and I have no doubt that my Honourable friend, the Secretary of the Legislative Department, will answer it.

AUTUMN SESSION OF THE CENTRAL LEGISLATURE.

620. ***Dr. H. S. Gour:** (a) Will Government be pleased to state the additional cost incurred in calling up Members of the Central Legislature for the autumn session in Simla?

(b) Do the Government propose to consider the advisability of holding the autumn session in Delhi, if possible in October?

Sir Henry Moncrieff Smith: (a) It is presumed that by "additional cost" the Honourable Member means cost in excess of that which would be incurred if the autumn session were held in Delhi. So far from any such excess cost resulting from holding the autumn session in Simla, a saving is in fact effected thereby, since the additional expenditure on account of railway fares to Simla is more than counterbalanced by the additional expenditure on account of haulage of motor cars and conveyance allowance which would be incurred if the session were held in Delhi.

(b) Under the Government of India Act the Governor General fixes the time and place of the sessions of the Legislature. Government do not propose to recommend to the Governor General the adoption of the course suggested.

Dr. H. S. Gour: Is the Honourable Member aware that there is a general feeling on the part of the non-official Members of the Legislature that it would be more convenient and conducive to the despatch of business if the autumn session of the Central Legislature were held at the Capital of India instead of in a remote place like Simla?

Sir Henry Moncrieff Smith: Government are not aware that there is that general feeling. The matter has not been discussed in this particular Assembly, but during the lifetime of the last Assembly it was discussed and I think the Honourable Member will recollect that there was no general feeling in the sense he has indicated.

TREATMENT OF POLITICAL AND NON-POLITICAL PRISONERS.

621. ***Mr. Nilakantha Das:** Will the Government be pleased to state:

(a) Whether there is any distinction in British India between political and non-political prisoners? If there is, then what is the basis of that distinction?

(b) Whether there is any distinction between the treatment of political and non-political prisoners? If there is, then what is that distinction?

- (c) Whether any prisoners are treated as 1st class misdemeanants? If the answer is in the affirmative, then who are such prisoners and how does their treatment differ from that of other prisoners?

The Honourable Sir Malcolm Hailey: (a), (b) and (c). There is no distinction between political and non-political prisoners as such. Local Governments have framed rules providing for a "Separate Division" of prisoners who receive more favourable treatment in the matter of labour, food and clothing and to whom other privileges not granted to ordinary prisoners are allowed. Admission to this "Separate Division" is based on the status, character and education of the prisoner and the nature of the offence.

Mr. Nilakantha Das: Do the Government as a matter of supervision of India keep themselves informed of what is being done in the case of political prisoners in the provinces?

The Honourable Sir Malcolm Hailey: We have been in constant correspondence in the last two years with the Local Governments on the subject, and had the Resolution which was unfortunately crowded out a few days ago come on, I would have been able to give the Honourable Member a good deal of information on the subject. I think perhaps the best thing I can do now is to refer him to the rules framed by the Local Governments—indeed I can supply him with a copy of some of them which will show him exactly the nature of the privileges granted.

Mr. Nilakantha Das: Will Government supply any details as to their conduct of punishments, or of any other thing relating to them?

The Honourable Sir Malcolm Hailey: That matter is mainly for Local Governments. We have no details here.

Mr. Nilakantha Das: Will they call for such information if this House wants it? Are they ready to do so?

The Honourable Sir Malcolm Hailey: I should be very much obliged if the Honourable Member will give me the precise nature of the information he desires and I would then be able to tell him what our action would be in the matter.

LEGISLATIVE BODIES AND PRISONERS.

622. ***Mr. Nilakantha Das:** Will the Government be pleased to state:

- (a) Whether any legislative body in British India attempted during the last 8 years to secure the release of any prisoners? If it did, then which body did it, when, and for which prisoners?
- (b) Whether any legislative body was successful in the attempt? If it was, then which body, when and with what effect or executive result?
- (c) Whether any legislative body attempted to secure special and better treatment for any prisoners during the last three years? If it did, then which body, for which prisoners?
- (d) Whether any legislative body was successful in that attempt? If it was, then which body, when and with what result?

The Honourable Sir Malcolm Hailey: I can promise to give information only in regard to the Central Legislature. It is being collected and will be supplied to the Honourable Member as soon as it is available.

PRESENCE OF GOVERNMENT SERVANTS AT MEETINGS OF THE CONGRESS
AND OTHER POLITICAL ASSOCIATIONS.

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

(a) Whether there is anything in the Government Servants Conduct Rules which prevents the presence of public servants at meetings of the Congress or other political associations?

(b) Whether Ministers are free to take active part in meetings of political bodies and associations?

The Honourable Sir Malcolm Hailey: (a) The presence of a Government servant at such meetings is prohibited by the rules only if such presence involves the taking part in a political movement. This would be a question to be decided upon the circumstances of each case, but normally mere presence would not come within the prohibitions of the rules.

(b) The rules do not apply to Ministers and the part which they may take in meetings of public bodies and associations must be determined by conventions of propriety which may be expected to be developed as experience is gained of the working of responsible government in India.

PROTECTION OF THE STEEL INDUSTRY.

624. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government be pleased to give the House an idea of the time by which they will receive the report of the Tariff Board on the question of protection regarding the steel industry in India?

The Honourable Sir Charles Innes: The Government of India have considered most carefully whether it will be possible for them to arrive at their conclusions on the Tariff Board's report in time to place them before the Legislature this session, but they regret that they see no possibility of being able to do so. The report is in two parts. Though they received a first proof of the preliminary chapters of the first parts on February 11th, they did not receive a complete proof of that part till February 18th. A proof of the second part of the report was not received till February 28th. Copies of the evidence, with the exception of that of a very few witnesses, have not yet been received. The report covers not only the steel industry but also industries based on steel, and raises questions of great difficulty and far-reaching importance. It is quite impossible for the Government of India to come to a decision on these questions without giving them more consideration than the time at their disposal has permitted them to do. They share the general desire that a decision should be come to on the report with the least possible delay, and in the circumstances I am authorised to say that the present intention is to summon a special session of the Legislature as early as possible in the summer in order that the conclusions of the Government on the report may be placed before the Legislature. I am aware that this course will place the House at a great inconvenience, but I hope that they will realise our difficulties and recognise that this is the best possible solution of dealing with a very difficult and very important subject. The effect will be that the House will be

adjourned as at present contemplated. We shall consider the report probably in April and we hope to be able to call an adjourned session or a new session probably in May in order to consider our conclusions with the Legislature.

RAILWAY CONNECTION BETWEEN MUZAFFARPUR AND SITAMARHI.

C25 *Khan Bahadur Sarfaraz Hussain Khan: (a) Are Government aware that for want of a railway line between Muzaffarpur and Sitamarhi (Bihar and Orissa) the travelling public of both these places are put to great inconvenience?

(b) Do they contemplate constructing a railway line between Muzaffarpur and Sitamarhi in the near future?

The Honourable Sir Charles Innes: (a) and (b). The Honourable Member's attention is invited to the reply given on the 4th February 1924 to starred Question No. 119 asked in this House by Mr. Gaya Prasad Singh.

Mr. Gaya Prasad Singh: Has any reference been made to the Government of Bihar and Orissa on this subject as promised in reply to my question?

The Honourable Sir Charles Innes: If such a promise was made, I am sure that the reference has been made, but I have no exact information.

Mr. Gaya Prasad Singh: Will Government be pleased to place the reply when received on the table of this House?

The Honourable Sir Charles Innes: It will always be open to my Honourable friend to ask me a question as to the nature of that reply.

EXEMPTIONS UNDER THE INDIAN ARMS RULES.

626. *Baba Ujagar Singh Bedi: With reference to the statements in para. 2 of the Resolution (Police) of the Government of India Home Department No. F-829-1-22, dated Delhi, the 3rd November, 1923, that as regards entries 6(d), 6(f), 6(g), and 6(i), inquiries have been made from the Local Governments concerned, that they are averse from the preparation of lists in the sense recommended by the Committee, that it is pointed out with justice that exemptions are not conferred upon great landlords and zamindars as a right but as a privilege and that if the terms be precisely defined, and the list of all persons who come within that definition, were maintained the fact of inclusion in the list would encourage claims for exemption as a matter of right:

(a) Will Government be pleased to explain what are the criteria for persons upon whom such privileges are conferred?

(b) Does it imply the fidelity of the persons?

(c) or any other service or services rendered towards the Government of India or to the Crown?

(d) Is this privilege entirely in the hands or under the choice or discretion of the Local Governments concerned?

(e) or at the initiative of the District Offices concerned?

(f) If (d) is the case, what principle is adopted for the selection of a person for granting this privilege?

(g) If (e) is the case, what method and canon is adopted by the local offices of each district for selection and recommendation for the grant of this privilege to certain men under these categories?

The Honourable Sir Malcolm Hailey: (a) Generally speaking the criteria are lineage, social status and possession, but the privilege is conferred by Local Governments in accordance with the special conditions prevailing in each province.

(b) Yes.

(c) Not necessarily.

(d) Yes.

(e), (f) and (g). The Government of India have no definite information.

Baba Ujagar Singh Bedi: Do I understand that those who are excluded from this privilege have no social standing? I refer to clause (a).

The Honourable Sir Malcolm Hailey: That does not necessarily follow. Certain selections are made by Local Governments. It does not follow that those in whose favour the concession is not given are not of social standing.

Mr. K. Ahmed: But social status and conditions, particularly among the landholders and zemindars in this country, are not a matter of neglect, and still they are denied free license?

The Honourable Sir Malcolm Hailey: No. I do not think social standing is defined in the way the Honourable Member suggests, or is confined to landholders.

Baba Ujagar Singh Bedi: Who finds out this social status, the District Magistrate or the Local Government?

The Honourable Sir Malcolm Hailey: Recommendations are made from the districts to the Local Government.

LIFE LICENCES UNDER THE INDIAN ARMS RULES.

627. ***Baba Ujagar Singh Bedi:** With regard to the statements in clause C of the Home Department Resolution (Police), dated 3rd November 1923, that to give effect to the recommendations regarding the entries 11, 11A, and 11B, of the Arms Rules of 1920, the Government of India have decided that these entries will be deleted from the Schedule of exemptions, and that no mention will be made of these classes in the revised rules of 1924, and that every person now enjoying the privilege of exemption under these entries in the Rules of 1920, or under entry 12 thereof, since the same considerations apply in their case also, will on application receive free of all fees a licence in form XVI, specially made valid for the life-time of the licensee, in respect of any arms now in his possession and hitherto exempt from licence, provided he applies within 6 months of the coming into force of the Rules of 1924: Will Government be pleased to explain whether exemptions classified in the entries referred to above will be in consonance with the Indian Arms Rules, 1920, as given in Schedule I, provisos b and c, to rule 8 of the said Rules of 1920, and will relate to all sorts of arms

as referred to in these provisos and if so, to whom should applications be made for these exemptions referred to in clause 6 of the Resolution referred to above?

The Honourable Sir Malcolm Hailey: The practical effect of the entries in Schedule I to the Indian Arms Rules, 1920, referred to was merely to continue the privilege of exemption to certain persons already in enjoyment of it at the time of the coming into force of those Rules for their lifetime and this exemption was limited in the majority of provinces to a definite number of arms. The life licenses contemplated by the Home Department Resolution of the 3rd November, 1923, will be issued on application to those qualified and will extend to the same number of arms. Applications for these life licenses should be addressed to the authority empowered to grant licenses in Form XVI in the normal manner, *i.e.*, a Commissioner of Police or a District Magistrate.

Baba Ujagar Singh Bedi: With regard to the exemption granted to certain persons under the abrogated Arms Rules of 1920 in clauses 11, 11-A, 11-B of the Arms Rules in Schedule I, will such persons be exempted from taking out licenses for all sorts of arms for their personal use, as are defined in the provisos b and c to rule 3 shown in Schedule I given above and will they enjoy the same sort of privileges as they then enjoyed if they apply to the District Magistrate for the grant of a license?

The Honourable Sir Malcolm Hailey: I am afraid I shall have to refer to the Rules again to answer the Honourable Member's question, and I will certainly do so.

RENEWAL OF LICENCES FOR ARMS.

628. ***Baba Ujagar Singh Bedi:** (I) Is it a fact that in lieu of the Government's Police Resolution F.-829-1-22, dated the 3rd November, 1923, and its clause 6, some of the District Magistrates in the different provinces, and more especially in the Punjab, are sending the licences that are submitted for renewal to the police for their opinion or report as regards the renewal or otherwise?

(II) Will Government be pleased to explain how many such licences that were submitted for renewal have been

(a) renewed, specially in the Punjab this year for 1924?

(b) rejected and on what grounds?

(III) (a) How many fresh licences have been issued and how many applications have been rejected and on what grounds?

(b) Amongst them how many have been rejected which come under the category of the entitled class?

The Honourable Sir Malcolm Hailey: The Government of India have no reason to believe that the decision announced in paragraph 7 of the Resolution referred to (presumably the Honourable Member is referring to this paragraph and not paragraph 63), is not being followed by Local Governments, but if any local authorities are not observing these instructions, complaint should be made to the Local Government. The statistics asked for could not be procured without an expenditure of time and labour which would be difficult to justify.

COMMISSION ON THE PURCHASE AND SALE OF SECURITIES.

629. *Mr. Jamnadas M. Mehta: Will Government be pleased to state in the subjoined form the amount of commission paid by the Secretary of State for India on temporary investments of the cash balances and sales of Stock every year between 1918-14 and 1922-23, both inclusive?

FORM.

Year.	TEMPORARY INVESTMENT OF CASH BALANCES.		Sales of Indian Stock.	PURCHASES OR SALES OF		Purchase for Sinking Funds.	Miscellaneous.	TOTAL.
	Short Loans.	Deposit with Banks.		Gold Std. Reserve.	Paper Curcy. Reserve.			

The Honourable Sir Basil Blackett: The following amounts were paid by the Secretary of State as commission on the purchase and sale of securities:

1920-21	£ 12,868
1921-22	7,502
1922-23	13,444

Further details are not available.

COLONIAL BANKS AND FIRMS ON THE BORROWING LIST OF THE SECRETARY OF STATE.

630. *Mr. Jamnadas M. Mehta: Will Government be pleased to state

(a) the names of Colonial Banks and firms on the borrowing list approved by the Secretary of State for India in Council on the 31st March, 1922?

(b) the amounts lent to them by the Secretary of State during the year 1922-23 and the rate of interest charged?

The Honourable Sir Basil Blackett: The Government have no information.

EXPENDITURE ON THE BODYGUARD, BAND, STAFF, ETC., OF H. E. THE VICEROY.

631. *Mr. T. G. Goswami: Will Government be pleased to state whether the figures laid on the table in answer to my Question No. 309, on 14th February, 1924, include

(1) all expenses, including pay, equipment, etc., incurred on account of the Viceroy's Bodyguard (if not, how much on this account?)

- (2) all expenses on account of the Viceroy's band (if not, how much on this account?)
- (3) all expenses on account of carriages and motor cars used by the Viceroy and his staff (if not, how much on this account?)
- (4) the pay and allowances of all the servants, chaprains, menials, as well as of all the Secretaries, clerical assistants, Aides-de-Camp maintained by the State for the Viceroy (if not, how much on this account?)
- (5) the whole or any part of expenditure incurred by the State on account of entertainments given by the Governor General (if not, how much on this account?)

The Honourable Sir Basil Blackett: (1) and (2). The Budget estimates of expenditure on the Band and Bodyguard for 1923-24 are Rs. 80,000 and Rs. 1,84,000, respectively, the latter figure being inclusive of the cost of food, feed, replacement of animals and equipment, etc. Actual expenditure on the Bodyguard during 1913-14 was Rs. 79,516, inclusive of charges on account of food, feed and equipment, etc., which were not separately recorded and in respect of which no information is available. The charges on account of the Band during that year amounted to Rs. 54,902 which is included in the figure of Rs. 3,97,114 already supplied.

(3), (4) and (5). The reply is in the affirmative.

H. E. THE VICEROY'S SPECIAL TRAIN.

632. ***Mr. T. O. Goswami:** Will Government be pleased to state whether the figures laid on the table in answer to my Question No. 310 (a) on the 14th February, 1924, include the cost of maintaining and periodical refitting of the saloons composing the Viceroy's Special Train?

The Honourable Sir Basil Blackett: The reply is in the affirmative.

FURNITURE FOR THE NEW VICEREGAL LODGE.

633. ***Mr. T. O. Goswami:** (a) Is it a fact that a Committee has been formed in London to select furniture for the new Viceregal Lodge?

(b) If so, will Government be pleased to state:

- (i) the amount set aside or proposed, to be set aside for the purchase of furniture,
- (ii) the names of the persons constituting the Committee of selection,
- (iii) whether any arrangements have been made to patronise Indian art and craft in this connection and to what extent?

The Honourable Mr. A. C. Chatterjee: (a) An Advisory Committee was appointed by the Secretary of State in 1917 to advise him on various matters connected with the New Capital. Most of its functions have since lapsed, and at the present moment it is practically solely concerned with the purchase of articles of special historical interest and of artistic merit for the State apartments.

(b) (i). The total amount set aside for the purchase of such articles is £10,000. I should like to take this opportunity of informing the House that Her Majesty the Queen Empress, who takes a keen interest in this matter, has herself presented two pieces of works of art, photographs of which I shall be glad to show to any Member interested.

(ii) The present Chairman is Lord Hardinge, and the Members are Lord Carmichael, Sir William Duke, Sir Claude Hill, Sir Cecil Harcourt Smith, Mr. Leverton Harris, the Dowager Countess of Minto, and Lady Chelmsford.

(iii) Beyond the purchase of articles of special historical interest and of artistic merit, and of such articles of furniture as are not, and never have been, made in India, it has always been the intention to have the whole of the furniture required made in India.

Mr. C. Duraiswami Aiyangar: Is that Committee an honorary or paid Committee?

The Honourable Mr. A. C. Chatterjee: An honorary Committee of course.

(An Honourable Member: Is there any Labour member on the Committee, Sir?) (Laughter.)

Mr. K. Ahmed: Is the money which will be spent in the purchasing of these articles of artistic value votable or non-votable?

The Honourable Mr. A. C. Chatterjee: It is all included in the demands on account of capital for New Delhi.

MANUFACTURE OF MATCHES IN INDIA.

634. ***Haji S. A. K. Jealani:** (a) Will the Government be pleased to state the total number of match factories working in India and Burma and the total value of their annual output?

(b) Is it a fact that the present rate of duty on the import of matches is being evaded by certain firms importing ready made boxes and splints separately from Sweden and Japan?

(c) If so, will the Government be pleased to state the loss of revenue resulting therefrom and the steps Government propose to take against it?

(d) Is it a fact that Swedish and Japanese firms are intending to float big match factories in this country importing ready made splints and boxes from their respective countries?

(e) Will the Government be pleased to state whether in this connection they have received any formal protest or expression of views from indigenous match manufacturers?

The Honourable Sir Charles Innes: The Honourable Member will perhaps excuse me for not answering this question in detail, as the Honourable Member will have seen from the Finance Bill of 1924 that the Government of India have thought it necessary to place proposals before the House for the imposition of duties upon imported splints and veneers.

NOMINATION OF INDIANS FOR SANDHURST.

635. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to reply given on the 11th February, to starred Question No. 218, will the Government be pleased to state the names of the candidates nominated for Sandhurst in 1922 and 1923, respectively, with reasons for selecting such nominees?

(b) Will the Government be pleased to state the procedure adopted in nominating candidates for Sandhurst?

(c) Is it a fact that sons of big *raises* are nominated as a rule for Sandhurst?

Mr. E. Burdon: (a) The information desired by the Honourable Member is contained in the statement laid on the table.

(b) I would refer the Honourable Member to the Provisional Regulations for the admission of Indian gentlemen to the Royal Military College, Sandhurst, a copy of which is in the Library, and also to the speech made by me in the Assembly on the 4th July last in connexion with a Resolution moved by Sir Sivaswamy Aiyer.

(c) No.

Statement showing the names of the candidates who were nominated for admission to the Royal Military College, Sandhurst, during the years 1922 and 1923.

Name.	Term to which admitted.	Father's name, etc.
Muhammad Ishfaque Majid	Spring 1922.	Hon'ble Mr. A. Majid, C.I.E., Member, Executive Council, Assam.
Thakur Singh Negi	"	Thakur Jodh Singh Negi, Rai Bahadur, Aawal-Slyun, Garhwal.
Mirza Osman Ali Baig	"	Sir Abbas Ali Baig, K.C.I.E., C.S.I., Pauchgani, Bombay.
Ajit Kumar Ghosal	"	Mr. Jyotsmanath Ghosal, C.I.E., I.C.S., Bombay.
Gurdip Singh Dhillon	Autumn 1922.	Late Risaldar Major and Honorary Captain Ram Singh, Sardar Bahadur.
Asghar Ali Khan	"	M. Aziz-ud-Din, Esq., C.V.O., C.I.E.
Balwant Singh Lamba	"	S. Tara Singh, Hony. Magistrate, Gujrat, Punjab.
Sheikh Maqbul Hussain	"	Khan Bahadur, Sheikh Riaz Hussain, C.I.E., Hony. Asst. Commr., Multan.
Sahibzada Anis Ahmad Khan	Spring 1923.	The Hon'ble Sahibzada Aftab Ahmad Khan, Bar.-at-Law, Member, India Council, London.
Nirmal Chandra Hoon	"	Balak Ram, I.C.S., District Judge, Bijapur (Bombay).
Bakshish Singh Chinni	"	Hony Lieut. and Risaldar-Major Sardar Sant Singh Chinni, Bahadur, Honorary Magistrate, Gujranwala.
Thakur Amar Singh	"	Naib Comdt., Rai Bahadur, Thakur Hans Ram Singh, Bahadur, O.B.E., Burma Mil. Police (retired).
Satyendra Nath Sarkar	"	Jadunath Sarkar, I.E.S., Professor, Ravenshaw College, Cuttack.
Mirza Rashid Ali Baig	"	Sir Abbas Ali Baig, K.C.I.E., C.S.I.
Hira Lal Atal	Autumn 1923.	Late Major P. L. Atal, I.M.S.
Ali Asghar Khan	"	Nawab Moola Baksh Khan, Bahadur, C.I.E.
Kalwant Singh	"	Late Sardar Bahadur, Sardar Sant Singh, E.A.C., Punjab.
Mehtab Singh	"	Sardar Gulab Singh, Govt. Land Contractor, Gujrat District.
Jalal-ud-Din Pirzada	"	Mr. Taj-ud-Din Pir, Bar.-at-Law, Lahore.
Sant Singh	"	Pd. Dafadar Sewa Singh, late 8th Cavalry.

These candidates were selected because they were considered the most suitable in all respects. Their final selection was made by His Excellency the Viceroy.

ADMISSION OF INDIANS TO THE ROYAL MILITARY ACADEMY AT WOOLWICH.

686. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) With reference to reply given on the 11th February, will the Government be pleased to state the reasons why Indians are debarred from the Royal Military Academy at Woolwich?

(b) In view of the fact that a portion of the expenditure for the maintenance of the College is borne by the Indian Exchequer, do Government propose to move the Secretary of State to remove the racial bar from Indians? If not, will the Government be pleased to state the reasons?

Mr. E. Burdon: (a) and (b). Indians are not admitted to the Royal Military Academy, Woolwich, because that institution trains cadets for the Royal Artillery and Royal Engineers, services of the British Army, to serve in which Indians are not at present eligible. If my Honourable friend will refer to the speeches made by His Excellency the Commander-in-Chief and myself in this Assembly in connexion with a Resolution which was moved by Sir P. S. Sivaswamy Aiyer on the 4th July last, he will find stated therein very fully the information which will complete the answer to his question.

Mr. K. Ahmed: Will there be any objection to allowing suitable Indian youths to enter the service if found serviceable at all?

Mr. E. Burdon: That question, Sir, is also answered by the information to which I have referred.

Mr. K. Ahmed: I take it for granted, Sir, that the Army Secretary or His Excellency the Commander-in-Chief intend to employ Indians, if so available both for the military service and at the Academy at Woolwich?

Mr. E. Burdon: I understand the Honourable Member is not asking a question.

LIABILITY OF CARRYING COMPANIES FOR ACCIDENTS TO PASSENGERS.

687. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Are the Government aware that the Gwalior and Northern India Motor Transport Company, the proprietors of the Delhi Secretariat service, have put in a note in the tickets issued by them that they accept no responsibility for accidents sustained by passengers travelling by their vehicles? If so, will the Government be pleased to state under what Act the carrying companies are empowered to put in such a clause accepting no liability for damages in case of accidents?

(b) Do Government propose to modify or amend the Act or sections of it so that a carrying company should be made liable for damages for injuries due to accidents sustained by passengers when travelling in their vehicles?

(c) Will the Government be pleased to state the reasons for not taking up such a serious question so long and for allowing the said company to insert the clause in the tickets issued by them?

The Honourable Mr. A. C. Chatterjee: (a) Yes. Government are advised that the company are legally justified in putting in the clause referred to. There is no provision in any Act expressly empowering the company to make such a provision.

(b) Does not arise.

(c) As the provision is not inconsistent with the contract entered into by Government with the Company, Government are not in a position to require the company to remove it during the currency of the contract.

EMPLOYMENT OF INDIAN SOLDIERS IN MESOPOTAMIA.

638. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government be pleased to give an idea as to how long the Indian soldiers employed in Mesopotamia will be retained in that country?

Mr. E. Burdon: The Government of India do not themselves know and, therefore, cannot say how long Indian troops will continue to be employed in Iraq. The units making up the garrison are of course relieved periodically.

Khan Bahadur Sarfaraz Hussain Khan: Will the Government make an inquiry, to satisfy the House and the people of India?

Mr. E. Burdon: The actual position is, Sir, that, as I think has been explained to the Assembly before, these troops are employed in Iraq by His Majesty's Government, who pay for them; and the Government of India have sanctioned this arrangement in consonance, among other things, with a Resolution which was passed by this Assembly. The Government of India do not propose to set any limit of duration to such employment and they do not therefore consider that any purpose would be served by an inquiry at the present moment.

Mr. Chaman Lal: Are the self-governing Dominions providing their quota in Iraq?

Mr. E. Burdon: So far as I am aware, there are no Dominion troops employed in Iraq?

Mr. Chaman Lal: What is the exact designation of these troops—“mercenary troops?”

Mr. E. Burdon: No, Sir.

EMPLOYMENT OF INDIANS IN THE FOREIGN AND POLITICAL AND ARMY DEPARTMENTS.

639. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the statement laid on the table by the Honourable Sir Malcolm Hailey in answer to question No. 303, put by Mr. B. Das, regarding the percentage of Indians in the Foreign and Political Department and the Army Department, will the Government be pleased to state the reasons why the percentage of Indians in those Departments is nil?

Mr. E. B. Howell: As regards the Army Department, because, so far, no Indians have been available who in merit and seniority are as well qualified as the individuals who at present hold the appointments.

In regard to those appointments in the Foreign and Political Department which are filled by officers of the departmental cadre, it should be borne in mind that the recruitment of Indians for this cadre is a very recent advance, and the Department has not so far succeeded in attracting any Indian members of the I. C. S. or officers holding the King's commission.

Similarly, as regards the other posts, the admission of Indians, save in very exceptional cases, to the higher ministerial appointments in the Secretariat is also of comparatively recent date, and in consequence of this practically all the senior members of the office staff, to whom selection is necessarily confined, are non-Indians.

Mr. K. Ahmed: Do Government propose for the benefit of the country to select some of the able and most loyal officers if they are available, to be associated with the Department?

Mr. E. B. Howell: Government officers are all loyal, Sir.

INCREASE IN THE NUMBER OF DAYS ALLOTTED FOR THE DISCUSSION OF NON-OFFICIAL RESOLUTIONS.

640. ***Khan Bahadur Sarfaraz Hussain Khan:** In view of the large number of Resolutions generally remaining undiscussed, will the Government be pleased to state if they propose to advise His Excellency the Governor General to increase the number of non-official days?

Sir Henry Moncrieff Smith: The request contained in the Honourable Member's question will be brought to the notice of His Excellency the Governor General.

I would invite the Honourable Member's attention to rule 6 of the Indian Legislative Rules which requires that the Governor General in allotting days for the discussion of non-official Resolutions in the Assembly should consider the state of business of the Assembly and should have regard to the public interests. The number of non-official Resolutions which remain undisposed of is not the only factor to be taken into consideration. The Honourable Member will understand that for obvious reasons it is not possible to allot the usual number of days for the discussion of non-official Resolutions in March.

Mr. C. Duraiswami Aiyangar: Will Government be pleased to suggest to His Excellency the Governor General that at least in the matter of the general discussion on the Budget and also in the matter of the Demands for Grants, a larger number of days should be allotted?

The Honourable Sir Malcolm Hailey: The Honourable Member is no doubt referring to next year. I can undertake that we shall take into consideration then, in making any recommendations to the Governor General, the generally expressed desire that more time should be allotted for the General Discussion. I think we should best be able to determine what recommendation to make regarding Demands for Grants when we have seen the course of discussion next week.

Mr. C. Duraiswami Aiyangar: Will the Honourable the Home Member be pleased to convey to His Excellency the Governor General the general dissatisfaction felt by the non-official Members of this Assembly this year?

The Honourable Sir Malcolm Hailey: If I were certain of that fact, I should have no hesitation in repeating the request to the Governor General.

REPLACEMENT OF CERTAIN MILITARY OFFICERS IN THE POLITICAL DEPARTMENT
BY CIVILIANS.

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

- (a) Whether all the 8 officers of the Political Department who have not passed their departmental examination but are exercising 1st class and summary powers, are officers who belong to the Army?
- (b) Whether it is not possible to replace them by Civilians?
- (c) If not, why not?

Mr. E. B. Howell: (a) I understand that the officers in question are those specified in the statement which was laid on the table on the 11th February, 1924, in reply to Mr. Patel's Question No. 206. They are all military officers because Indian Civil Service officers of the Political Department are required to pass their departmental examinations before they are admitted to the Department.

(b) and (c). The proportion of Indian Civil Service and Military Officers in the Political Department is 3: 7. It is not therefore possible to appoint Indian Civil Service officers to fill all the posts in which the exercise of summary and 1st Class powers is necessary.

CORRESPONDENCE RELATING TO THE PROTECTION OF PRINCES BILL.

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

- (a) Whether they have any objection to laying on the table all the correspondence between the Government of India and the Secretary of State on the subject of the "Protection of Princes Bill?"
- (b) If so, why?

Mr. E. B. Howell: The attention of the Honourable Member is invited to the reply given by me on the 11th February, 1924, to Question No. 208 asked by Mr. V. J. Patel in this House.

STAFF UNDER THE HIGH COMMISSIONER FOR INDIA IN RECEIPT OF MORE THAN
RS. 800 A MONTH.

643. *Khan Bahadur Sarfaraz Hussain Khan: Will the Government be pleased to lay on the table the names of the officers of the staff under the High Commissioner drawing more than Rs. 800 a month?

The Honourable Sir Charles Innes: 112 members of the staff drew in October, 1923, a salary of more than Rs. 800 a month. The Government do not see what useful purpose would be served by publishing the names of these officers in the official report.

THE LADY HARDINGE MEDICAL COLLEGE AND HOSPITAL, DELHI.

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

- (a) The annual income and expenditure of the Lady Hardinge Medical College and Hospital, Delhi?

- (b) The names of the donors and contributors to it?
- (c) Whether there is any Managing Committee to supervise and control it?
- (i) If there is a Managing Committee, who are its members; if not, why not?
- (ii) What is the area covered by the Medical College and Hospital?
- (iii) Was the land given to the institution free of cost? If not, what is the annual rental?

Mr. M. S. D. Butler: (a) and (b). The income of the Lady Hardinge Medical College for 1923-24 is budgeted at Rs. 2,81,000 of which the Government of India contribute 2 lakhs, the Government of Burma Rs. 12,000, the Government of the Punjab Rs. 10,000, the Government of Bihar and Orissa Rs. 4,000 and the Indian States of Kashmir, Hyderabad and Faridkot Rs. 8,500, 2,000 and 1,500, respectively. The rest of the income is derived from fees, hospital receipts and interest on investments. The expenditure of the college for the financial year 1923-24 is estimated at the same figure.

(c) and (c) (i). There is a Governing Body for the general control of the college consisting of the Director General, Indian Medical Service, the Chief Commissioner, Delhi, the Chief Engineer, Delhi, the Deputy Accountant General, Central Revenues, Dr. K. Platt, M.D., the Deputy Secretary to the Government of India, Department of Education, Health and Lands, the Educational Commissioner with the Government of India, the Surgeon to His Excellency the Viceroy, the Chief Medical Officer, Women's Medical Service and a representative of the All-India Association of Medical Women.

(c) (ii). 49½ acres.

(c) (iii). Yes. There is a nominal yearly rent of Re. 1.

Khan Bahadur Sarfaraz Hussain Khan: Do Government think it proper that Members of the Assembly should also be represented on the Committee?

Mr. M. S. D. Butler: I said in answer to a question put the other day on the same subject that the matter would be considered.

Maulvi Abul Kasem: Will the Honourable Member be pleased to state if there are any Indians on the teaching staff of the college and if there is any one occupying a high position on the teaching staff?

Mr. M. S. D. Butler: All the members of the superior staff are of course lady doctors and the number of Indian lady doctors is very limited. I am afraid that without notice I cannot tell whether there are any Indians in the superior appointments at the present moment; but I fancy there are. I will let the Honourable Member know.

Sir Purshotamdas Thakurdas: Before I put Question No. 645, I wish to correct a misprint in the beginning of part (a); the word "at" occurring after the words "At what rate of exchange" should be "are." In that connection I beg to ask the question.

Mr. A. A. L. Parsons: I realised it was a misprint.

RATE OF EXCHANGE ADOPTED BY RAILWAYS FOR COMPARISON OF RUPEE AND
STERLING TENDERS FOR STORES.

645. ***Sir Purshotamdas Thakurdas:** (a) At what rate of exchange are competitive tenders in rupees and sterling for the purchase of stores compared by the various railways?

(b) Is there any agreement between Government and any of the State or private Railways that any particular rate of exchange should be used for this purpose?

Mr. A. A. L. Parsons: (a) In the case of State-worked railways the rate of exchange adopted for comparison of rupee and sterling tenders for the purchase of stores is the rate current for the time being or, if payment is to be made at some future date, the rate that it is expected to be current at that date.

As regards the Company-worked railways it is believed that the practice is the same as on State-worked railways. The East Indian Railway, in whose contract a special rate is embodied for conversion of English expenditure, has now agreed to adopt the current rate of exchange for purposes of comparison of tenders.

(b) The reply is in the negative.

Sir Purshotamdas Thakurdas: What was that special rate that the East Indian Railway Company adopted till now?

Mr. A. A. L. Parsons: One shilling and eight pence.

Sir Purshotamdas Thakurdas: Presumably it was with the knowledge of the Railway Board, I take it.

Mr. C. D. M. Hindley: The contract rate of 1s. 8d. of the East Indian Railway for the conversion of sterling accounts dates from the current contract entered into in 1919 at a time when I think exchange was somewhere about 2 shillings. It had no relation whatever to the question of comparison of prices for placing contracts. It was brought to our notice recently that the use of this rate might have possibly some adverse effect on Indian industries. We took the question up at once and we were satisfied in the first place that no contracts of any importance had been let which were affected by this rate of exchange. We at the same time got the East Indian Railway Company to agree for the purpose of comparing prices to use the current rate of exchange.

Sir Purshotamdas Thakurdas: Do I understand that the rate happened to continue at 1s. 8d. by some oversight?

Mr. C. D. M. Hindley: I am sorry I have not been able to make myself clearer. It was certainly not due to oversight. It was the rate of exchange fixed at the time when the present contract with the East Indian Railway was drawn up; it came into force at the end of 1919 for conversion of all sterling accounts with the Company. It had no definite relation to the comparison of prices under the stores rules for placing of contracts.

Sir Purshotamdas Thakurdas: That is just the point. When exchange had been at 1s. 4d. for some time now, why were they not asked to compare tenders on the basis of 1s. 4d. instead of 1s. 8d.? If they have agreed to 1s. 4d. now, why was it not done earlier?

Mr. C. D. M. Hindley: As Sir Purshotamdas is well aware, the manner of deciding contracts laid down in the stores rules does not necessarily apply to Company-managed Railways. It was only adopted by them when we got them to do so. It had not been brought to our notice that this rate of 1s. 8d. might have been used in comparing prices for the purpose of placing contracts. As soon as it was brought to our notice, we took the matter up with the East Indian Railway and they agreed to use the current rate for purposes of comparison, but we are assured, and we are quite satisfied, that the use of the other rate has not in any way adversely affected any Indian industries.

Sir Purshotamdas Thakurdas: Are the Railway Board now sure that no other Company-managed Railway applied a higher rate than the current rate in comparison?

Mr. A. A. L. Parsons: Yes, Sir.

PRINTING OF SECURITIES, STAMPS AND CURRENCY NOTES IN INDIA.

646. ***Sir Purshotamdas Thakurdas:** (a) Will Government be pleased to state whether they have decided to accept the recommendations of the report of Messrs. G. H. Willis and F. D. Ascoli with regard to the printing of securities in India and the printing of stamps as well as the printing of currency notes?

(b) What progress has been made on the experimental press which was to have been established at Delhi?

(c) What is the amount of outlay incurred on this object until now?

(d) Which of these three departments is likely to materialise first?

(e) Have Government given notice for the cancellation of the existing contract for the printing of stamp paper?

(f) What steps have Government taken to secure contracts on more favourable terms for paper required for any one of the above purposes?

(g) What steps are Government taking for securing eventual production in this country of the necessary quality of paper, ink and gum?

The Honourable Sir Basil Blackett: (a) The Government have accepted the recommendation contained in paragraph 66 of the report to the effect that an experimental press should be erected in order to test the methods proposed and gain the necessary experience. Upon the results achieved by this experimental press must depend the decision whether the wider recommendations of the report in regard to security printing in India can be accepted or not.

(b) Part of the machinery of the experimental security press has already been installed and is now working. One of the large presses required for the printing of court-fee stamps is in the process of erection and is expected to be working very shortly. The second press required for the printing of adhesive stamps is expected to arrive in the near future. The accessory machinery is already working. I have here specimens of the work of the press which I shall be glad to show to any Member who is interested.

(c) The outlay hitherto has been approximately £9,000 in England for plant and materials and Rs. 24,000 in India for salaries, carriage and installation of plant and working expenses.

(d) Should it be decided to establish a permanent security press, it will begin operations simultaneously on the printing of all security papers except currency notes, e.g., postal and fiscal stamps, post-cards, envelopes, court-fee stamps, Government promissory notes and cash certificates. The printing of currency notes will not be taken up until the conclusion of the existing contract in 1929.

(e) No. Such notice can be given at any time before the 30th June next.

(f) In the experimental press trial is being made of paper from a number of different makers with a view to finding out which is the most suitable for the particular purposes required. Final arrangements for the contracts for the supply of paper cannot, of course, be made until the results of these experiments are known and it has been definitely decided to proceed with the establishment of a permanent security press in this country.

(g) The establishment of a complete security press for the printing of all categories of valuable papers in India is itself so large an undertaking that for the present it has been deemed advisable to postpone consideration of the production of the necessary high quality papers, inks, gums, etc., in this country. Preference will of course be given to the use of any materials including those mentioned which are found to be obtainable in sufficiently good quality in this country.

LOCATION OF THE EXPERIMENTAL SECURITY PRESS IN DELHI.

647. *Sir Purshotamdas Thakurdas: (a) Will Government be pleased to state whether the final location of the experimental press has been fixed at Delhi?

(b) Whether they have considered the proposal for having it located near Bombay and Poona, as recommended by the expert Committee who were interested in the consideration of this subject?

The Honourable Sir Basil Blackett: (a) No.

(b) The proposal is under consideration by the officer in charge of the experimental press.

CONTRACT WITH MESSRS. DE LA RUE AND CO.

648. *Sir Purshotamdas Thakurdas: (a) Will Government be pleased to state which official of the Government of India is responsible for the arrangement to pay to Messrs. De La Rue and Co., an excess bonus on the basis of "on-cost" and the recognition of a fixed lump profit to the contractor?

(b) Was this arrangement made by the Secretary of State for India without reference to the Government of India?

(c) At what period since the arrangement began was an attempt made either to cancel the contract or to substitute for it a more favourable system than the one which was allowed to go on?

(d) Will Government lay on the table all correspondence that took place between themselves and the Secretary of State for India with regard to this question?

The Honourable Sir Basil Blackett: The arrangement in question was made by His Majesty's Secretary of State for India without reference to the Government of India. The Government do not propose to lay the

correspondence on the table. In 1921, the Government of India instituted inquiries into the possibility of undertaking the manufacture of stamps and stamped paper in this country, with a view to the termination of the existing contract at the earliest opportunity. As the Honourable Member is aware, these have resulted in the setting up of an experimental press in Delhi which is already producing good results.

Sir Purshotamdas Thakurdas: I would like to congratulate the officer responsible for the very full report.

The Honourable Sir Basil Blackett: I am sure he deserves it.

Mr. C. Duraiswami Aiyangar: I may point out that there is a printing mistake here also. The words "cupro-nickel coins of various denominations" occurring in part (a) of Question No. 649 should be omitted.

USE OF CUPRO-NICKEL ALLOY FOR NICKEL COINS.

649. ***Mr. C. Duraiswami Aiyangar:** (a) Will the Government be pleased to state whether it is a fact that for issuing nickel coins of various denominations cupro-nickel alloy was used in the Mint instead of pure nickel?

(b) Has the attention of the Government been drawn to a note on the relative merits of cupro-nickel alloy and pure nickel for purposes of coinage published at page 521 (*Addenda et corrigenda*) of the treatise on Indian Finance and Banking published in 1920 by Mr. Findlay Shirras?

(c) If so, when?

(d) Is it a fact that cupro-nickel alloy lends itself more easily to counterfeiting than pure nickel?

(e) If the answer to (d) is in the affirmative, will the Government be pleased to state if the practice of using cupro-nickel alloy for coinage has been abandoned? If so, from what date?

(f) Will the Government be pleased to state the number of coins under absorption on 20th February 1924, under each denomination of the smaller token coins of silver, bronze and copper?

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

(b) The answer is in the negative.

(c) Does not arise.

(d) This is a contentious point.

(e) Does not arise.

(f) The statistics required are not available.

PROSECUTIONS FOR COUNTERFEITING COINS.

650. ***Mr. C. Duraiswami Aiyangar:** Will the Government be pleased to state the number of successful prosecutions of counterfeiters in respect of the following coins for the period 1918 to 20th February 1924:

(a) Silver coins.

(b) Nickel coins.

(c) Bronze coins.

(d) Copper coins?

The Honourable Sir Basil Blackett: Details by denomination of coins are not available. The statement gives below the number of persons convicted for offences against coinage in the years 1918—1922:

1918	.	.	.	.	.	.	258
1919	.	.	.	.	.	.	341
1920	.	.	.	.	.	.	405
1921	.	.	.	.	.	.	372
1922	.	.	.	.	.	.	359

WARNINGS TO THE PUBLIC REGARDING THE CIRCULATION OF COUNTERFEIT COINS.

631. ***Mr. C. Duraiswami Aiyangar:** Will the Government be pleased to state what steps are taken to warn the public when counterfeits of a particular kind of coin become alarmingly large in number?

The Honourable Sir Basil Blackett: It is impossible to give a general answer to this question. It depends on the circumstances.

SUBSIDIARY COINS.

652. ***Mr. C. Duraiswami Aiyangar:** Will the Government be pleased to state whether the number of subsidiary coins now in currency is sufficient to meet the demand?

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

USE OF THE SMALLER COINS FOR CHARITABLE PURPOSES.

653. ***Mr. C. Duraiswami Aiyangar:** Are the Government aware that smaller coins are necessary in this country more largely than in other countries for purposes of charity on various occasions, ordinary as well as special, like marriages, festivities, funeral ceremonies, etc., in addition to similar use every day?

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

COMMISSION CHARGED FOR CHANGING RUPEES.

654. ***Mr. C. Duraiswami Aiyangar:** (a) Are the Government aware that in changing the silver rupee or the rupee note people are obliged to allow a deduction varying from a pie to one anna per rupee?

(b) If the answer to (a) is in the affirmative, are the Government aware that it is largely due to the shortage of the smaller coins in circulation?

The Honourable Sir Basil Blackett: (a) A commission is, I understand, sometimes charged by petty money-changers for supplying small change.

(b) This is not due to shortage of stocks.

LARGE RESERVES OF NICKEL COINS.

655. ***Mr. C. Duraiswami Aiyangar:** Has the attention of the Government been drawn to the statement of Mr. Shirras in his book to the effect "The lessons of the large absorption of nickel coins in 1918-1919 show the absolute necessity of having in our mints large reserves of such coin well in advance"?

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

SHORTAGE OF SMALL COINS.

656. ***Mr. C. Duraiswami Aiyangar:** With reference to the statement of the Honourable the Finance Member in the Statement of Objects and Reasons appended to the Bill further to amend the Indian Coinage Act of

1906, will he be pleased to state whether for the stoppage of re-issue of eight-anna nickel coins from treasuries and currency offices any substitute was issued and if so what coins were so issued to supply the shortage in circulation?

The Honourable Sir Basil Blackett: There is no evidence that the stoppage of the re-issue of the eight-anna nickel coin has resulted in a shortage of small coins in circulation. The treasuries and currency offices have sufficient supplies of small coin to meet public demands.

PROPOSED METRE GAUGE RAILWAY FROM TIRUPATI TO MADRAS.

657. ***Mr. O. Duraiswami Aiyangar:** (a) Is it a fact that there was an idea of opening a metre-gauge railway line from Tirupati station to Madras?

(b) Was it intended to be a State railway or a Company-managed railway?

(c) Has that idea been given up or is it still pending?

The Honourable Sir Charles Innes: (a) The survey for a line between Tirupati station and Madras was carried out in 1913-1914.

(b) The line was projected as an extension of the Madras and Southern Mahratta Railway.

(c) The prospects are not financially promising and further consideration has been deferred.

ARTICLE IN THE "AMRITA BAZAR PATRIKA" HEADED "SERIOUS E. I. RAILWAY GRIEVANCES".

658. ***Mr. Bhabendra Chandra Roy:** Has the attention of Government been drawn to the article published under the heading "Serious E. I. Railway grievances" in the "Amrita Bazar Patrika" in its issue of the 20th February?

The Honourable Sir Charles Innes: The Government have seen the article referred to. The policy of Government is to leave it to the discretion of Railway Administrations to provide high level platforms at stations where the passenger traffic justifies their provision.

LATRINE ACCOMMODATION IN CARRIAGES OF ALL CLASSES ON THE E. I. RAILWAY.

659. ***Mr. Bhabendra Chandra Roy:** (a) Will the Government be pleased to state separately the number of III class and Inter class carriages running over the E. I. Railway which are not provided yet with lavatories? Will the Government be pleased to state the reasons for not providing lavatories in such carriages? Will they be pleased to state the number of second class and first class carriages of the E. I. Railway which are not provided with lavatories? Will the Government be pleased to state the reasons why even after so much agitation in the Legislative Assembly for the last four years for the improvement of third class and Inter class carriages, the most essential improvement necessary has not yet been carried out?

(b) Are the Government aware that there is a strong belief amongst the masses that the neglect of such improvements in third class carriages on the part of Railway Administrations is deliberate?

The Honourable Sir Charles Innes: (a) A statement showing the number of carriages on the East Indian Railway not equipped with latrine accommodation is laid on the table. It shows also the percentage of vehicles equipped and the corresponding figures for the third and inter class for the last four years. It is not usual to provide such accommodation in stock used for suburban and short distance services.

(b) Special attention has been given to the improvement of facilities of third and inter class passengers and the Government do not accept the suggestion that railway administrations deliberately neglect it.

Statement showing the number of carriages on the East Indian Railway equipped with latrine accommodation, also that not equipped with such accommodation.

	1919-20.	1920-21.	1921-22.	1922-23.
<i>III Class.</i>				
Number fitted with latrines	443	448	456	545
Number not fitted with latrines	458	458	446	434
Total	901	901	902	979
Percentage fitted	49.2	49.2	50.6	55.7
<i>Inter Class.</i>				
Number fitted with latrines	84	84	84	84
Number not fitted with latrines	8	8	8	8
Total	92	92	92	92
Percentage fitted	91.3	91.3	91.3	91.3
<i>III and Inter Composites.</i>				
Number fitted with latrines	517	517	517	625
Number not fitted with latrines	79	79	79	61
Total	596	596	596	686
Percentage fitted	80.1	80.1	80.1	85.8
<i>Second Class.</i>				
Number fitted with latrines . . . . .	...	...	...	57
Number not fitted with latrines . . . . .	...	...	...	...
Total	...	...	...	57
Percentage fitted . . . . .	...	...	...	100
<i>First Class.</i>				
Number fitted with latrines . . . . .	...	...	...	68
Number not fitted with latrines . . . . .	...	...	...	...
Total	...	...	...	68
Percentage fitted . . . . .	...	...	...	100
<i>I and II Composites.</i>				
Number fitted with latrines . . . . .	...	...	...	181
Number not fitted with latrines . . . . .	...	...	...	20
Total	...	...	...	151
Percentage fitted . . . . .	...	...	...	86.8

SPECIAL SESSION OF THE ASSEMBLY IN SIMLA.

Sir Gordon Fraser (Madras : European): May I refer with your permission, Sir, to the answer given by the Honourable the Commerce Member to Question No. 624. I think the House would like to have some more information regarding the special session that it is proposed to hold in May. Is this session going to be held in Simla? If so, I think it will be most inconvenient to Members of this House and besides will be very expensive for them. Would it not be possible to make a special effort to bring matters to a head and discuss this question at the end of the present session or say during the first week of April?

The Honourable Sir Charles Innes (Commerce Member): I have already explained the reasons why Government have come to this decision. I recognise that a special session in May will cause a very great deal of inconvenience to the Members of the Legislature. We fully recognise that fact but at the same time everybody has agreed that this is a matter on which it is necessary to come to a decision as early as possible. So this special session is the best solution that we could find of the case. I must repeat what I have already said that we feel that it is quite impossible for us to come to conclusions on this extremely important question within the time left to us during the current session.

Sir Gordon Fraser: Is it possible for this House to have any information meanwhile before Government come to a decision on this matter?

The Honourable Sir Charles Innes: The House may rest assured that the report will be published in plenty of time before the special session takes place.

UNSTARRED QUESTIONS AND ANSWERS.

LEAVE RULES FOR RAILWAY SERVANTS.

171. **Mr. N. M. Joshi:** (a) With reference to the reply* given on the 2nd July 1923 to my unstarred question No. 8, will Government be pleased to state whether they have now considered the question of leave rules for railway servants? If so, will they be pleased to state their decision and place on the table a copy of the new leave rules, if ready?

(b) Will Government be pleased to state whether they have addressed the Railway Administrations managed by Companies requesting them to remove the distinctions in the matter of leave rules that exist between (1) European and Anglo-Indian employees and (2) Anglo-Indian and Indian employees? If so, will they be further pleased to state what their replies are?

The Honourable Sir Charles Innes: (a) The Honourable Member is referred to the concluding portion of the answer given by me to question No. 68 put by Mr. K. G. Lohokare on the 18th February 1924.

(b) No. When the leave rules for State Railway staff have been revised the Company-worked lines will be given the option of electing them.

* Vide p. 4145 of L. A. Debates, Vol. III.

APPOINTMENT OF INDIANS ON RAILWAYS.

172. **Mr. N. M. Joshi:** With reference to the statement laid on the table on the 2nd July 1923 by Mr. Sim in reply* to my unstarred question No. 20, will Government be pleased to place on the table a similar statement showing (a) the number of vacancies in the higher grades; (b) the number of vacancies filled up; and (c) the number of vacancies filled up by Indians—on each of the State and Company-worked Railways in the year 1923?

The Honourable Sir Charles Innes: Government have not the information in the form given last year, but the details in the statement laid on the table will perhaps be sufficient.

Statement showing the number of superior staff employed on State and Companies Railways in November 1923.

Railway.	Europeans	Anglo-Indians.	Indians.	Total.	Percentage Indians of total.
Eastern Bengal	80	11	35	126	27.78
North Western	190	10	68	268	25.37
Oudh and Rohilkhand	49	5	25	79	31.65
Total	319	26	128	473	27.06
Assam Bengal	53	2	6	61	9.84
Bengal Nagpur	143	6	28	177	15.82
Bengal and North Western	59	...	5	64	7.81
Bombay, Baroda and Central India	145	6	22	173	12.72
Burma	90	8	5	103	4.85
East Indian	202	15	39	256	15.23
Great Indian Peninsula	196	8	23	227	10.13
Madras and Southern Mahratta	115	4	18	137	13.14
Rohilkund and Kumaon	22	...	2	24	8.33
South Indian	82	4	12	98	12.24
Total	1,107	53	160	1,320	12.12
GRAND TOTAL	1,426	79	288	1,793	16.06

TRAINING OF INDIANS FOR HIGHER POSTS ON THE RAILWAYS.

173. **Mr. N. M. Joshi:** With reference to the reply† given on the 2nd July 1923 to my unstarred question No. 21, will Government be pleased to state what steps they have taken to give effect to the recommendations of Mr. Cole's Report regarding the training of Indians for higher posts on Railways?

* Vide page 4149 of L. A. Debates, Vol. III.

† Vide page 4150 of L. A. Debates, Vol. III.

The Honourable Sir Charles Innes: I would refer the Honourable Member to the latter portion of the reply given by me in this Assembly on the 5th February 1924 to question No. 145 by Sardar V. N. Mutalik.

REPEAL OF THE WORKMEN'S BREACH OF CONTRACT ACT.

174. **Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to introduce during the course of this Session legislation for the repeal of the Workmen's Breach of Contract Act of 1859?

The Honourable Sir Malcolm Hailey: Government do not propose to introduce a Bill during the current Session.

INDIAN SEAMEN UNDER THE WORKMEN'S COMPENSATION ACT.

175. **Mr. N. M. Joshi:** (a) With reference to the reply* given on the 2nd July 1923 to my unstarred question No. 41, will Government be pleased to state whether their despatch which was then under issue, regarding the steps to be taken to include seamen serving on ships registered in Great Britain, under the Workmen's Compensation Act of the Indian Legislature, has been sent to the Secretary of State for India? If so, when?

(b) If the answer to (a) be in the affirmative, will Government be pleased to state whether they have received a reply from the Secretary of State for India? If so, will they be further pleased to state what that reply is?

The Honourable Mr. A. C. Chatterjee: (a) The despatch was sent on 5th July 1923.

(b) No reply has yet been received.

POSTAL EMPLOYEES UNDER THE WORKMEN'S COMPENSATION ACT.

176. **Mr. N. M. Joshi:** (a) With reference to the reply* given on the 2nd July 1923 to my unstarred question No. 42, will Government be pleased to state whether, as stated by them in that reply, they have again considered the matter of giving the benefit of the Workmen's Compensation Act to postal runners and some other classes of the postal employees? If so, will they be pleased to announce their decision?

The Honourable Mr. A. C. Chatterjee: The Government of India have under consideration the possibility of including certain classes of postal servants in the provisions of the Workmen's Compensation Act.

TRAVELLING FACILITIES FOR THIRD CLASS RAILWAY PASSENGERS.

177. **Mr. N. M. Joshi:** (a) With reference to the reply† given on the 2nd July 1923 to my unstarred question No. 43, will Government be pleased to state whether the final reports of the Railway Administrations referred to therein, together with the remarks of the Local Advisory Councils for Railways have been received by the Government of India? If so, will they be pleased to place the said reports and the remarks on the table or make them available to the Members of the Indian Legislature?

* Vide page 4159 of L. A. Debates, Vol. III.

† Vide pages 4159-4160 of L. A. Debates, Vol. III.

(b) Will Government be further pleased to state what steps, in the light of the reports received from the various Railway Administrations, they have taken or propose to take shortly to give effect to the Resolution passed by the last Legislative Assembly on the 17th September 1922 regarding travelling facilities for the third class railway passengers?

The Honourable Sir Charles Innes: (a) Since the reply to the Honourable Member's question No. 445 was given in this Assembly on the 25th February 1924 one more report has been received and we are now awaiting the remaining four.

(b) When all the reports are received, I propose to place a copy of each of them in the Library for the information of Honourable Members.

PROGRESS MADE IN INTRODUCING AN INDIAN ELEMENT INTO THE VARIOUS IMPERIAL SERVICES.

178. **Mr. N. M. Joshi:** Will Government be pleased to lay on the table a statement showing the progress made in the direction of introducing an Indian element into the various Imperial Services in India from the time when the last statement on the same subject was prepared for the purposes of the Legislative Assembly and placed on its table on the 2nd July 1923, to the end of December 1923?

The Honourable Sir Malcolm Hailey: The information asked for is being collected and will be laid on the table.

INQUIRY INTO THE EXPLOSION AT THE PARBELIA COLLIERY.

179. **Mr. N. M. Joshi:** (a) With reference to the reply* given on the 29th January 1923 to my starred question No. 200, will Government be pleased to state whether the report of the official inquiry referred to in (c) of the reply has been received by the Government of India? If so, will they be pleased to place a copy of it on the table?

(b) Will they be further pleased to state what steps, if any, they have so far taken to prevent such accidents in coal mines as the one that took place in 1922 at Parbelia?

(c) Will they also state what compensation, if any, the families of the killed and the seriously injured men got from their employers?

The Honourable Mr. A. O. Chatterjee: (a) A copy of the report of the Committee of Inquiry on the explosion at the Parbelia colliery together with a copy of a Resolution by the Bihar and Orissa Government No. 780-Com., dated the 27th March 1923, has been placed in the Library.

(b) In pursuance of the recommendations of this Committee the Government of India by a Resolution No. M.-498, dated the 24th July 1923, a copy of which has also been placed in the Library, appointed a representative Committee to report what means if any are necessary or desirable to provide against the risk of coal dust explosions in Indian Coal Mines. The investigations of this Committee are still in progress.

The direct cause of the accident at Parbelia colliery was the misplacement of a shot-hole during blasting operations. It will be seen from the draft rules for the examination and certification of sirdars published with the Government of India Resolution No. M.-498, dated the 22nd November 1923, a copy of which has been placed in the Library, that the subjects in which sirdars will be examined include shot-firing.

(c) Government have no information on this point.

**EXTENSION OF XMAS CONCESSIONS ON RAILWAYS TO INTERMEDIATE AND
THIRD CLASS PASSENGERS.**

180. **Mr. N. M. Joshi:** With reference to the reply* given on the 29th January 1928 to my starred question No. 292, will Government be pleased to state whether they have brought to the notice of the Agents of the Railway Administrations in India the matter of extending the Xmas concessions to the intermediate and third class passengers? If so, what is the decision to which they have arrived?

The Honourable Sir Charles Innes: The matter was brought to the notice of the Railway Administrations who state that they are not in a position to extend Xmas concessions to 3rd class passengers. Some railways allowed concessions to inter class passengers during the recent Xmas holidays.

REPORT OF THE SEAMEN'S RECRUITMENT COMMITTEE.

181. **Mr. N. M. Joshi:** With reference to the reply† given on the 7th September 1922 to my starred question No. 136, will Government be pleased to state whether they have now received the views of the Local Governments in the matter of giving effect to the recommendations contained in the report of the Seamen's Recruitment Committee? If so, what action have they taken or do they propose to take shortly, in order to give effect to these recommendations? Will Government be also pleased to place on the table or make available to the Members of the Indian Legislature the opinions of the Local Governments with regard to this question?

The Honourable Sir Charles Innes: The views of Local Governments have been received. The only two ports which are greatly concerned are Bombay and Calcutta, and the report of the Committee shows that much greater abuses exist in the latter port. The Government of India therefore propose to tackle the problem first in Calcutta. They are making certain suggestions to the Government of Bengal, and on receipt of that Government's reply hope to be able to make a statement on the subject.

ABOLITION OF IMPRESSED LABOUR, ETC.

182. **Mr. N. M. Joshi:** With reference to the reply‡ given on the 7th September 1922 to my starred question No. 140, will Government be pleased to state whether they have considered the desirability of publishing or making available to the Members of the Indian Legislature the correspondence that may have passed between the Government of India and the Provincial Governments and Administrations regarding the abolition of impressed labour, conveyance and provision? If so, when do they propose to publish it? If not, why not?

Mr. M. S. D. Butler: A copy of the correspondence relating to the first part of the inquiry, which dealt with areas under the direct control of the Government of India, was supplied to the Honourable Member and placed in the Library of the House in reply to his starred question No. 141 in September 1922. With regard to the second part of the inquiry,

* Vide page 1610 of L. A. Debates, Vol. III.

† Vide page 156 of L. A. Debates, Vol. III.

‡ Vide pages 157-158 of L. A. Debates, Vol. III.

which dealt with Governors' provinces, the Honourable Member's attention is invited to the reply given on the 11th February 1924 to Mr. Patel's starred question No. 234. The Government of India do not propose to publish this correspondence without first consulting the Governments concerned as it deals with a matter within the competence of Local Governments. Replies from Local Governments as regards impressment for military purposes are not yet complete and the question of publishing the correspondence will be considered in due course.

TRANSFER OF THE CONTROL OF ADEN TO THE COLONIAL OFFICE.

183. **Mr. N. M. Joshi:** Will Government be pleased to state how far the consideration of the question of the transfer of the Administration control of Aden to the Colonial Office has progressed? Will they be pleased to state when their final decision may be expected?

Mr. E. B. Howell: The Honourable Member is referred to item (15) of the statement of "Action taken by the Government of India on certain Resolutions passed by the Council of State".

This was laid on the table in connection with a question asked by Mr. V. J. Patel regarding the Administration of Aden, on the 11th February 1924.

APPOINTMENT OF A RATES TRIBUNAL.

184. **Mr. N. M. Joshi:** With reference to the reply* given on the 6th September 1922 to my starred question No. 24, will Government be pleased to state whether they have decided to appoint a Rates Tribunal referred to in that question? If so, when? If not, why not?

The Honourable Sir Charles Innes: The Government have arrived at provisional conclusions in consultation with the Central Advisory Council and the matter is now under correspondence with the Secretary of State.

NUMBER OF INDIANS APPOINTED TO HIGHER POSTS IN THE FOREIGN AND POLITICAL DEPARTMENT.

185. **Mr. N. M. Joshi:** Will Government be pleased to state the number of Indians who have been appointed to the higher posts in the Foreign and Political Department of the Government of India since their announcement made in the year 1921 to the effect that they have decided to appoint in future a substantial proportion of Indians in these Departments?

Mr. E. B. Howell: The attention of the Honourable Member is invited to the reply given on 3rd March 1924 to question No. 592 by Dr. H. S. Gaur.

QUARTERS FOR THE INDIAN STAFF OF THE DELHI NEW CAPITAL RAILWAY.

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

- (a) the number of types of quarters built at Raisina for the Indian staff of the Delhi New Capital Railway;
- (b) the number of rooms in each of the different types of quarters;

* *Vide* page 31 of L. A. Debates, Vol. III.

† For answer to this Question—see below Question No. 187.

- (c) the space area of the floors of each of the rooms in each type;
- (d) the area of the courtyard enclosed in each type;
- (e) the dimensions of their rooms in each type;
- (f) whether servants' rooms have been provided in each unit;
- (g) the height of the plinth in the different types;
- (h) the number of doors and windows with the dimensions of each in each unit of the different types;
- (i) the cost of each unit of each of the different types.

QUARTERS FOR THE EUROPEAN AND ANGLO-INDIAN STAFF OF THE DELHI NEW CAPITAL RAILWAY.

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

- (a) the number of types of quarters built at Raisina for the Anglo-Indian and European staff of the Delhi New Capital Railway;
- (b) the number of rooms in each of the different types of quarters;
- (c) the space area of the floors of each of the rooms in each type;
- (d) the area of the compound enclosed by wire fencing with each of the different types;
- (e) the dimensions of the rooms in each type;
- (f) the number of servants' rooms and outhouses attached to each unit of the different types;
- (g) the height of the plinth of the different types;
- (h) the number of doors and windows with the dimensions of each in each unit of the different types;
- (i) the cost of a unit of each of the different types.

The Honourable Sir Charles Innes: I will reply to Questions Nos 186 and 187 together. A statement containing the required information is being sent to the Honourable Member.

There are no quarters at Raisina built solely for the use of Anglo-Indian and European staff of the Delhi New Capital Railway; Officers' and subordinates' quarters may be occupied either by Anglo-Indians and Europeans or by Indians.

TRAINING FACILITIES FOR STUDENTS WITH FIRMS RECEIVING ORDERS FOR THE SUPPLY OF STORES TO GOVERNMENT.

188. Mr. Kumar Sankar Ray: Will the Government be pleased to state what facilities and to how many students have been secured by Government for their technical training with firms receiving orders for supplying goods to the Government of India according to clause (g) of the Government of India's Communiqué (Railway Department) dated the 18th October 1921?

The Honourable Sir Charles Innes: No tender for locomotives has hitherto been accepted from any firm in India for the reasons given in my reply to Question No. 95 by Mr. M. A. Jinnah in this Assembly on the 4th February 1924. The question of training facilities for students does not therefore arise.

DISTRIBUTION OF QUININE THROUGH POST OFFICES.

189. **Mr. Kumar Sankar Ray:** (a) Does the distribution of quinine through Post Offices in villages in the interior of the country form part of the Imperial subjects?

(b) Do the Post Masters receive any extra remuneration, if so, what for such distribution and from whom?

(c) Have the Government considered any scheme of enlarging the scope of their services towards the amelioration of public health?

Mr. M. S. D. Butler: (a) No.

(b) Yes, at the rate of one anna per rupee from the local Governments on sales effected by them.

(c) No such scheme has been placed before them.

COST OF COLLECTION OF REVENUE.

190. **Mr. Kumar Sankar Ray:** Will the Government be pleased to state the various kinds of taxes and revenues, etc., levied in the country and the agencies by which they are respectively collected and their respective costs of collection?

The Honourable Sir Basil Blackett: The principal heads of revenue, the receipts under each of the heads and the cost of their collection are given in the Finance and Revenue Accounts, copies of which are in the Library. All the receipts are collected directly or indirectly through Government agency.

PRESERVATION FOR INDIANS OF THE RIGHT OF WORKING UP THE MATERIAL RESOURCES OF INDIA.

191. **Mr. Kumar Sankar Ray:** Will the Government be pleased to state what steps, if any, have the Government taken to preserve for Indians the rights of working up the material resources of India as against non-Indians?

The Honourable Mr. A. C. Chatterjee: I am not sure what the Honourable Member means by his question, but if he intends to inquire whether any discrimination is made between 'Indian' and 'non-Indian' British subjects in the matter of right to work in an industry which uses the natural resources of India, the answer is that no such steps have been taken.

SHORTER RAILWAY ROUTE TO DACCA FROM GOALUNDO.

192. **Mr. Kumar Sankar Ray:** Do the Government contemplate the opening of a shorter railway route to Dacca from the opposite banks of Goalundo? If not, why not?

The Honourable Sir Charles Innes: As the result of an examination of the area, the Government of India decided that the prospects of a railway were very doubtful. But the Government of Bengal have just re-opened the matter and their letter is under consideration.

RAILWAY LANDS ON BOTH SIDES OF RAILWAY LINES.

193. **Mr. Kumar Sankar Ray:** Will the Government be pleased to state the reason of keeping unutilised and in an unhealthy condition almost

twice as much land on both sides of railway lines as is occupied by actual railway lines? What is the total area of such lands held by all the railways in India?

The Honourable Sir Charles Innes: Extra land on both sides of Railway lines is retained in order to avoid excavations being made for repair to embankments close up to such embankments, for stacking materials, and for other purposes connected with railway working. Government are not aware that such lands are kept in an unhealthy condition.

As regards the latter part of the question, the information asked for is not available and Government would prefer not to put Railway Administrations to the trouble of collecting and compiling it.

FREIGHT ON CEMENT FROM DWARKA TO MADRAS.

194. **Mr. Kumar Sankar Ray:** Is it a fact that the freight for cement from Dwarka to Madras by sea is Rs. 25 per ton? Is it almost double the freight for cement coming from Europe to Madras? If so, what is the reason?

The Honourable Sir Charles Innes: The information asked for is being collected and will be supplied to the Honourable Member on receipt.

MOTION FOR ADJOURNMENT.

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, I beg to move for the adjournment of the House. In doing so I wish to place a few facts before you for your decision as to whether it is a matter for which adjournment of the House is required or not. The facts of the situation are that about a few weeks ago the Bombay Textile workers went on strike.

Mr. President: The Honourable Member must first read the statement of the subject for which he requests the adjournment of the House before he describes his reasons.

Mr. Chaman Lal: Sir, the statement is as follows: I beg to move the adjournment of the House in view of the serious unemployment in the Textile industry in India leading to conflicts between the police and the workers resulting in serious loss of life.

Mr. President: The question of unemployment in the Textile industries in India is not 'urgent' or 'definite' in the sense in which these terms are used in the Rules and therefore that part of the subject is not in order under Rules 11 and 12. The conflicts between the police and the workers are immediately the concern of the Local Government and therefore that part also falls.

The Honourable Sir Malcolm Halley (Home Member): Perhaps you will allow me to state for the information of the House that the matter was referred to in the Bombay Legislative Council and a statement of the latest facts on the subject was made by the Home Member (Bombay) which has just been published. It will be available at once to Honourable Members.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, two Messages have been received from the Secretary of the Council of State. The first one is as follows:

"Sir, I am directed to inform you that the Council of State at their meeting held on the 6th March, 1924, have agreed without any amendments to the following Bills which have been passed by the Legislative Assembly:

1. A Bill to provide for the constitution of a Central Board of Revenue and to amend certain enactments for the purpose of conferring powers and imposing duties on the said Board.
2. A Bill further to amend the Indian Penal Code for certain purposes."

The second Message runs as follows:

"Sir, I am directed to inform you that the Bill further to amend the Indian Coinage Act, 1906, for certain purposes, which was passed by the Legislative Assembly at its meeting of the 25th February, 1924, was passed by the Council of State at its meeting of the 6th March, 1924, with the following amendment:

In clause 3 of the Bill, in the proviso to section 15A, for the word "six" the word "twelve" was substituted.

2. The Council of State requests the concurrence of the Legislative Assembly in the amendment."

Sir, I lay on the table the Bill, as amended by the Council of State.

RESOLUTION RE SEPARATION OF RAILWAY FINANCE FROM GENERAL FINANCE.

Mr. President: The Assembly will now resume debate on the Resolution* moved by the Honourable Sir Charles Innes on the 3rd of March, 1924, regarding the separation of the Railway Finance from the General Finance of the country.

* "This Assembly recommends to the Governor General in Council that in order to relieve the general budget from the violent fluctuations caused by the incorporation therein of the railway estimates and to enable the railways to carry out a continuous railway policy based on the necessity of making a definite return over a period of years to the State on the capital expended on railways:

- (1) The railway finances shall be separated from the general finances of the country and the general revenues shall receive a definite annual contribution from railways which shall be the first charge on railway earnings.
- (2) The contribution shall be a sum equal to five-sixths of 1 per cent. on the capital at charge of the railways (excluding capital contributed by Companies and Indian States and capital expenditure on strategic railways) at the end of the penultimate financial year plus one-fifth of any surplus profits remaining after payment of this fixed return, subject to the condition that if any year railway revenues are insufficient to provide the percentage of five-sixths of 1 per cent. on the capital at charge, surplus profits in the next or subsequent years will not be deemed to have accrued for purposes of division until such deficiency has been made good.

From the contribution so fixed will be deducted the loss in working, and the interest on capital expenditure on strategic lines.

The Honourable Sir Charles Innes (Commerce Member): Sir, the House will remember that, when this Resolution came up for discussion last Monday, the House decided to refer it to a Committee of the House and decided to postpone the consideration of the Resolution till to-day. That Committee has held two meetings and has given prolonged consideration to this difficult subject. It came to the conclusion that it must have further time to consider over the matter. I will read out the report of the Committee. I have not had time to have it printed. This is what it says:

"The Committee, while in favour of the principle of separation of Railway finance from General finance, has not been able, within the time allowed, to satisfy itself fully as to the effect of the proposals in the Resolution on the control of the Assembly over Railway Finance and Policy, and as to the amount and form of the contribution to be paid by the railways to general revenues.

In the circumstances it recommends that the consideration of the Resolution be adjourned till the autumn session and that in the meantime the Resolution be remitted to the Committee for further examination."

On our side, we recognise that this is a very difficult and a very important subject and that it is quite reasonable that the Committee should want further time to go into the matter fully. I propose therefore, Sir, with your permission, merely to move to-day that the consideration of the Resolution be adjourned and that the proposals of the Government be referred for further examination to the Committee appointed by the Assembly on Monday, the 3rd of March 1924, with instructions to report as soon as possible after the beginning of the autumn session.

Mr. President: Motion moved:

"That the considerations of the Resolution be adjourned and that the proposals of the Government be referred for further examination to the Committee appointed by the Assembly on Monday, the 3rd of March, 1924, with instructions to report as soon as possible after the beginning of the autumn session."

The motion was adopted.

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- (3) Any surplus profits that exist after payment of these charges shall be available for the railway administration to be utilised in
- (a) forming reserves for
 - (i) equalising dividends, that is to say, for securing the payment of the percentage contribution to the general revenues in lean years,
 - (ii) depreciation,
 - (iii) writing down and writing off capital,
 - (b) the improvement of services rendered to the public,
 - (c) the reduction of rates.
- (4) The railway administration shall be entitled, subject to such conditions as may be prescribed by the Government of India, to borrow temporarily from capital or from the reserves for the purpose of meeting expenditure for which there is no provision or insufficient provision in the revenue budget subject to the obligation to make repayment of such borrowings out of the revenue budgets of subsequent years.
- (5) In accordance with present practice the figures of gross receipts and expenditure of railways will be included in the Budget Statement. The proposed expenditure will, as at present, be placed before the Legislative Assembly in the form of a demand for grants and on a separate day or days among the days allotted for the discussion of the demands for grants the Member in charge of Railways will make a general statement on railway accounts and working. Any reductions in the demand for grants for railways resulting from the vote of the Legislative Assembly will not enure to general revenues, i.e., will not have the effect of increasing the fixed contribution for the year.
- (6) The Railway Department will place the estimates of railway expenditure before the Central Advisory Council on some date prior to the date for the discussion of the demand for grants for railways."

Mr. President: I assume from the words "autumn session" in this motion that the Governor General proposes to summon the Assembly twice in Simla during the summer.

The Honourable Sir Malcolm Hailey (Home Member): I think so, Sir.

THE INDIAN TARIFF (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Commerce Member): Sir, I beg to move:

"That the report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, be taken into consideration."

The report of this Committee, Sir, has been before the House for some time. The House will find that, as I endeavoured to explain when the Bill last came up, the main object of this Bill is to enable the Government of India to levy customs duty on goods imported across our external land frontiers. That is the only change of any importance which we are making in the law. In these circumstances I do not think that I need say anything more, and move that the Bill be taken into consideration.

Mr. President: The question is:

"That the report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, be taken into consideration."

Mr. Devaki Prasad Sinha (Chota Nagpur Division: Non-Muhammadian): Sir, I have two difficulties with regard to this Bill as presented to the Assembly. The Bill only seeks to amend section 5 of the Indian Tariff Act. The Honourable Mover of the Bill undoubtedly has seen that section 8 of the Indian Tariff Act which provides for regulating tariff values on articles that are held to be dutiable would not apply to articles imported by land, since the words in section 8 of the Indian Tariff Act, to which I have referred, limit its application only to articles coming by sea. The second difficulty which strikes me is this. Section 7 (1) of the same Act provides that salt, opium and spirit that are imported from any port to British India by means of certificates, are at the time of assessment given a reduction equal to the amount of money which they have paid for obtaining a certificate. Now there also the word used in the Act is "port." Therefore, Sir, if it is decided to levy a tax at an equal rate on articles imported into the country by land, I am afraid that, although in the case of articles imported by sea, a reduction which is due will be granted to manufacturers, the same reduction would not under the law be given to manufacturers who import these articles by land. These are the two objections which would strike a lawyer who goes through this Bill. But there is a third objection to this which I desire to submit to this House, and that is this. Under the old Act as well as under the amended Act power is given to the Government of India to declare any territory ruled by a Native Chief as foreign territory. Now, Sir, that is a very large power which is already in the hands of the Government of India, and which is sought to be confirmed by the present amending Bill. My own view is that in a matter like this Government should not be given this wide latitude. The proper procedure which I would suggest is that in a Schedule to this Act Government should specify the names of those States which they regard as foreign States for this purpose; and if there is any

necessity for an addition to that list in the Schedule, or an addition to the articles mentioned in that Schedule, they should come up to the Assembly. That would be a safe thing to do. For these three reasons I think it is not proper to allow this Bill to be passed at this stage.

Mr. President:

"The question is that the report of the Select Committee on the Bill further to amend the Indian Tariff Act, 1894, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Charles Innes: Sir, I move that the Bill be passed.

The motion was adopted.

THE SEA CUSTOMS (AMENDMENT) BILL.

The Honourable Sir Charles Innes (Commerce Member): Sir, I beg to move:

"That the Bill further to amend the Sea Customs Act, 1878, for certain purposes, be taken into consideration."

As the House will remember, Sir, from the short speech I made when I introduced this Bill a few days ago, the object of this Bill is to give effect to one of the important recommendations of the Fiscal Commission, namely, that the proviso to section 20 of the Sea Customs Act, 1878, should be omitted. That proviso exempts goods belonging to Government from payment of customs duty. We have accepted the recommendation of the Fiscal Committee, that, in the interests of Indian industries, that exemption should be taken away. As I explained when I introduced the Bill, we are making arrangements with Local Governments to ensure that, at any rate for the present, this amendment will not in any way affect their finances.

The motion was adopted.

Clauses 1 and 2 were added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Charles Innes: I move, Sir, that the Bill be passed.

The motion was adopted.

THE CRIMINAL TRIBES BILL.

Dr. H. S. Gour (Central Provinces Hindi Division: Non-Muhammadan): Sir, I move that the Bill to consolidate the law relating to Criminal Tribes, as passed by the Council of State, be taken into consideration.

[Dr. H. S. Gour.]

This Bill, which has been in the hands of Honourable Members of this House, is, as stated in the Statement of Objects and Reasons and in the Preamble to the Bill, a purely consolidating measure. Honourable Members will find that the provisions relating to Criminal Tribes are contained in two main Acts, Act III of 1911 and Act I of 1928. This latter Act is an amending Act and covers about six pages of print, and modifies the various sections of the earlier Act of 1911. The Statute Law Revision Committee thought that these two Acts of the Indian Legislature might be conveniently consolidated, and all that the Statute Law Revision Committee have done is to put together in one place the provisions of these two Acts of the Indian Legislature. I therefore move, Sir, that the Bill, as passed by the Council of State, be taken into consideration.

The motion was adopted.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, and 10 were added to the Bill.

Clauses 11, 12, 13, 14, 15, 16, 17, 18 and 19 were added to the Bill.

Clauses 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 were added to the Bill.

The First and Second Schedules were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Dr. H. S. Gour: Sir, I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

Mr. N. M. Joshi (Nominated Labour Interests): I wish to make one or two remarks.

Mr. President: The Honourable Member is too late.

THE INDIAN TOLLS BILL.

Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir I move:

"That the Bill to consolidate the law relating to Tolls on Public Roads and Bridges, as passed by the Council of State, be taken into consideration."

This is a very small Bill, Sir. It is also the result of the activities of the Statute Law Revision Committee. It will have the effect of removing from our Statute-Book four or five enactments, one at least of which is over 70 years old. It will also make formal amendments in two or three other enactments. It is a pure consolidation measure, Sir, and therefore I think there is no principle which needs explanation. I move, Sir, that the Bill be taken into consideration.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): Sir, before you put that motion to the vote, I should like to have some information from the Honourable Mover of this Resolution. Clause 8 of this Bill lays down that the Local Government may cause such rates of toll as it thinks fit to be levied upon any road or bridge which has been

made or repaired at the expense of the public revenues. The point upon which I desire information is the bearing of this clause upon the power of local bodies to levy tolls. District boards and municipal councils have at present the power to levy tolls upon roads or bridges within their jurisdiction. Many of those roads and bridges have probably been made or constructed by the Government out of public revenues, and handed over to local bodies. The real question is which roads and bridges are vested in the Local Government and which in the local bodies. So far as this clause of the Bill is concerned, it throws no light upon this question as to how it will affect the power of local bodies to levy tolls upon roads and bridges within their jurisdiction. I should like that point made clear before we proceed further with the Bill.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, I think the Bill itself requires some consideration and I propose that it be adjourned to some day in the week after next. The Assembly has had no time to consider the provisions of the Bill, or its bearing on the laws of the several Provinces.

Mr. President: I think the Honourable Member does not quite appreciate the position. This is a purely consolidating Bill which stands in a different category to that of a measure proposing a change in the existing law.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): I am perfectly aware it is a consolidating measure and I should like to make an inquiry as to whether it is proposed to bring a further measure to amend clause 3 of this Bill. It seems to me, Sir, that the actualities in the Provinces have been somewhat overlooked in regard to this legislation. Local bodies, namely, district boards and municipalities, have now the power to levy this toll on roads as well as on bridges and the recent legislation in some Provinces has extended that power. I should like to know whether it is now proposed to confer additional powers on Local Governments also to levy tolls on roads—tolls in addition to those levied by local bodies. The words used in the clause are "at the expense of public revenues". I may perhaps illustrate the difficulty of construing those words "at the expense of public revenues". In the Madras Presidency in several of the deltaic tracts, roads and even bridges have been constructed at the expense of public revenues and the charge for these roads and bridges has been debited to the large schemes of irrigation on which a handsome return is already being paid by the persons concerned to the State. I wish to ask whether it is now the purpose of this Bill also to perpetuate the anomaly of charging a further rate in regard to these roads and bridges constructed at the cost no doubt of the State. Sir, there was also a policy of paying some contribution to local bodies for the purpose of making roads as well as constructing bridges. In that respect also the roads and bridges in various Provinces have been constructed with the aid and at the expense of public revenues. It seems to me, Sir, that difficulty will be caused if these words "at the expense of public revenues" are strictly interpreted. It would confer on Local Governments the power of charging additional tolls in regard to both bridges and roads constructed with these provincial contributions by various local bodies. It seems to me, therefore, that unless we have an assurance that these powers which no doubt date back to 1851 will be amended to correspond with the actual condition of things now and

[Diwan Bahadur M. Ramachandra Rao.]

in accordance with the legislation about local bodies—it seems to me these large powers possessed now by the Local Governments might lead to trouble. I should therefore like to have an assurance that, while this consolidating Bill may pass into law, it is proposed to bring in a measure which will amend these powers under clause 3. Unless such an assurance is given, I am opposed to this Bill. It seems to me there is no object in a consolidating measure which does not take into account the present powers possessed by local bodies.

Sir Henry Moncrieff Smith: I would point out to the House that whether we pass this Bill or not it makes no difference whatever to the existing law. If Honourable Members desire to have further time to consider the provisions of the Bill we, on the Government side, have no objection at all to postponement; but perhaps it will satisfy the House if I give the House the assurance more or less which has been asked for by my Honourable friend Diwan Bahadur Ramachandra Rao. As I said, this Bill does not alter the law. The Government are quite prepared to consider whether an amending Bill should be introduced. I cannot assure the Honourable Member or the House that a Bill will be introduced, but Government will consider the question and will consult Local Governments on the matter. If that is satisfactory, then, Sir, I think we might proceed with the consideration of the Bill.

Sir P. S. Sivaswamy Aiyer: Sir, having exhausted my right of speaking, I should like to move that the Bill be referred to a Select Committee for the purpose of considering the point which I have raised. Sir Henry Moncrieff Smith has not been able to give us any assurance that an amending Bill will be introduced. I may state that, though the general policy of consolidation Bills is simply to bring together the provisions of various enactments without making any change in the law, it seems to me that in particular circumstances that policy may wisely be departed from. Where it is necessary to make some slight change or modification it seems to me a highly inconvenient procedure to pass the consolidating measure and immediately afterwards introduce a Bill by way of amendment. The result of that procedure is partly to defeat this policy of consolidation which is to bring together in one place all the enactments that we want; because you will have first of all a consolidating Act and secondly an amending Act, thus bringing into existence at least two Acts in place of a number of Acts which were previously in existence. Small amendments are much better introduced in a consolidating measure itself, specially when they are not as in this case likely to give rise to any serious controversy. I think in the present case the necessary change may well be introduced in this Bill, and I think it may be possible to effect it by reference to a Select Committee. If we could possibly introduce some words like those which I suggest, namely "roads and bridges which are not vested in local bodies", it might be possible to avoid an overlapping of jurisdiction and the possibility of levying double tolls on roads and bridges. Even if the Honourable Mover of this proposition could give the assurance of being able to introduce an amendment in the immediate future, I should think it is an inconvenient procedure; but inasmuch as he is not able to give such an assurance, I think the only course open to us now is to refer the Bill to a Select Committee.

Sir Henry Moncrieff Smith: Sir, this is a Bill which is a consolidation Bill; it is a Bill to consolidate the law. We have no objection whatever to

this Bill going to a Select Committee. But before the House considers that proposal I should like it to consider also that a Select Committee would not be able to introduce into the Bill any amendment of the law whatever. That would not be within the scope of the Bill. We cannot alter the law in enacting this small piece of legislation. Sir Sivaswamy Aiyer has suggested that it is a very inconvenient procedure to consolidate the law first by one Bill and to amend it afterwards by another. This, Sir, is the ordinary procedure; in the end it generally saves a great deal of time. The Honourable Member is now suggesting that we ought to drop this Bill and introduce a consolidating and amending measure. That surely will not be a saving of time. This Bill has already been through one House; it has been circulated and printed and is now under the consideration of this House. If we drop it and introduce a Bill to consolidate and amend, we shall be doing a great deal of the work over again. I would suggest, therefore, that the House should be content with the assurance that I have given it, that it should bear in mind that there is at the moment, while this Bill is pending in the House, no opportunity in connection with this Bill to amend the law, and therefore a reference to Select Committee which has been suggested would not serve the purpose of the Honourable Member.

Mr. President: I understand the Honourable Member to have moved his motion.

Sir P. S. Sivaswamy Aiyer: I oppose the proposition that the Bill be taken into consideration.

Mr. President: I am referring to his motion for reference to Select Committee. The Honourable Member did not formally put it in the form of a motion—at least not as I heard it. What I want to be sure of is that he intended to move the motion. Does he move his motion for reference to Select Committee?

Sir P. S. Sivaswamy Aiyer: Yes.

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, while I am fully in sympathy with my Honourable friends who would like to introduce certain amendments in this consolidating measure, I fail to see how they can introduce amendments at this stage or in the Select Committee. It seems to me that the purpose which the Honourable Members have in view might be better served if a commencement clause is inserted in the Bill empowering the Governor General in Council to bring into force this measure on such date as may be notified in that behalf in the official Gazette. The Bill itself might be passed and the power be reserved to the Governor General to bring it into force at a later date. In the meantime Honourable Members themselves and the Government might think over the question of amendment and, if the Government do not bring forward any amending Bill, it is open to any Honourable Member of this House to introduce a private Bill embodying the amendments; and, when these have been considered, they would become part and parcel of the consolidating measure, and the measure would then be brought into force. At present the law as consolidated by the Statute Law Revision Committee neither goes backward nor forward. It merely embodies in one document what was contained in two or more documents. The underlying principle is there; the law as it exists on the Statute-book is there. All that it does is to serve the ends of convenience by reducing the Statute-book and purging it of a number of small amending measures. I therefore submit,

[Dr. H. S. Gour.]

Sir, that no purpose will be served by either going to the Select Committee or deferring the passing of this measure. The result would be—supposing for the sake of argument that this consolidating measure is thrown out—that you will have exactly the law which is laid down here in two or more Acts of the Indian Legislature, which you have to examine for the purpose of ascertaining what the present law is. In connection with the Bill which you have just passed there is an interesting passage in the proceedings in another place. Some Honourable Members opposed that measure because the book in which that Act was contained did not contain a number of slips which added to and amended it. Now, it is a well known fact that when you have to refer to an Act you have to go through the whole Statute-book to find out how far the provisions of that Act have been modified by subsequent legislation. The Statute Law Revision Committee has, as one of its functions, to see that all these amending Bills are reduced to a minimum and that they are all collected into one consolidating measure. I hope, Sir, this House will endorse the view of the Statute Law Revision Committee and pass this measure as it is, with the amendment I have suggested in case it should be acceptable to the Honourable Sir Sivaswamy Aiyer; but, if he still persists that the Bill should go to Select Committee, I would ask the House to oppose it on the ground that it will serve no purpose to take this Bill to Select Committee. On the other hand, it will delay the progress of the measure which is certainly one of mere convenience. I therefore oppose the motion for reference to Select Committee, but if my learned friend is prepared to accept the amendment I have suggested, namely, that a commencement clause be added, I should be quite prepared with your leave, Sir, to make that motion.

Sir Chimanlal Setalvad (Bombay: Nominated Non-Official): May I, Sir, make one inquiry, the answer to which may clarify the situation? What I would like to know from you, Sir, is this, whether if this Bill is referred to a Select Committee as suggested, it would be open to the Select Committee to introduce the small amendment that Sir Sivaswami Aiyer wants in clause 3. My submission is this, that it would be putting too narrow a construction upon the term consolidation to refuse such a small amendment as is suggested in clause 3 in order to bring the law in conformity with the actualities of the case. If you rule, Sir, that it can be so amended, then it will be worth while sending it to the Select Committee; if you rule otherwise, that it will be beyond the scope of the Bill for the Select Committee to introduce the amendment suggested, then it would not be worth while doing it. I would therefore inquire what you think about it.

Mr. President: It is not within the power of the Assembly to instruct the Committee to amend the Bill in substance; and I am afraid I cannot answer Sir Chimanlal Setalvad's question in set terms unless I have the definite terms of the amendment before me and considered the question as to whether it proposes an amendment of substance. What I may call amendments ancillary to the process of consolidation have always been admitted, but substantial amendments are ruled out; and I think it might shorten the debate if I were to explain that in point of fact it would not be possible for the Select Committee to enter upon a process of amendment. On the question raised by Sir Sivaswamy Aiyer, I cannot say without a further examination whether that would be an amendment of substance or not.

Mr. K. Rama Aiyangar: Therefore, Sir, for all the reasons that we have heard just now, it is proper to have the consideration of the Bill adjourned to the week after next. People in the meanwhile will study the matter in all its bearings with reference to the enactments in the other provinces and we shall all be in a better position to know how the provinces will be affected. We might then consider whether it would be necessary to renew this Bill or merely press for small amendments. The question itself requires some serious consideration. I have studied it over and over again, and I do feel that the consideration of this Bill should be deferred.

Mr. President: The Honourable Member still seems to have in his mind the possibility of introducing amendments. No amendments are possible either in this House or by a Select Committee, and the course which he proposes to pursue will not alter the case, for whatever happens to this Bill, the Acts which it consolidates remain on the Statute-book until the Indian Legislature enacts this as law.

Diwan Bahadur M. Ramachandra Rao: Sir, under these circumstances, there is no other course for me but to oppose the consideration of this Bill. If neither the amendment of my Honourable friend Dr. Gour nor the amendment of my Honourable friend Sir Sivaswamy Aiyer could be accepted, it seems to me that this Bill would pass as it is in this House, and to that I am not prepared to assent. This is a small Bill and there does not seem to be any urgency at all about it. It is really a consolidating measure. I believe I am right in saying that there is a practice of putting forward a consolidating measure as well as an amending measure simultaneously, so that Members may see the consolidating measure and the actual amendments that may be introduced into the Bill. If the Honourable the Mover had taken such a course, we should certainly have been prepared to assent to such a proposal, but as matters stand at present, I would suggest to him to defer the consideration of this measure, and frame a Bill, either a consolidating and amending Bill, or a separate amending Bill, which could be taken up immediately after this Bill is passed into law. Therefore, Sir, it seems to me, if you pass this Bill into law, you will certainly not be doing justice to the numerous local bodies who now have the power of levying tolls.

Sir Henry Moncrieff Smith: Sir, the Government have no objection whatever to the course suggested by my Honourable friend Mr. Rama Aiyangar. If you will accept the motion from him, as he says, the House will have time to consider the merits of this question and also to decide whether it should put forward a formal motion with reference to a Select Committee or whether it would be worth while adopting the expedient suggested by my Honourable friend Dr. Gour. I think, Sir, it would probably be better if the House had a little more time to consider the measure.

Mr. President: The original question was :

“ That the Bill to consolidate the law relating to Tolls on Public Roads and Bridges, 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.”

And a further amendment has been moved by Mr. Rama Aiyangar :

“ That the further consideration of this Bill be postponed.”

Sir P. S. Sivaswamy Aiyer: Sir, in view of the observations which you have made that we have no power to amend the Bill in the manner I want it to be amended, I should like to withdraw my motion and I would suggest that the House would be well advised to oppose the consideration of the Bill and throw it out.

The motion that the Bill be referred to a Select Committee was, by leave of the Assembly, withdrawn.

Mr. President: The original question was:

"That the Bill to consolidate the law relating to Tolls on Public Roads and Bridges, as passed by the Council of State, be taken into consideration."

Since which an amendment has been moved:

"That further consideration of the Bill be postponed."

Before I collect the voices, I should like to make it perfectly plain to the House that it would be setting up a wrong precedent, possibly a dangerous precedent, if it proceeded to treat consolidating measures on the same basis as measures proposing substantial amendments in the existing law. In order to make quite clear the distinction between the two, I make these remarks.

The question is:

"That the further consideration of this measure be postponed."

The motion was negatived.

Mr. President: The question is:

"That the Bill to consolidate the law relating to Tolls on Public Roads and Bridges, as passed by the Council of State, be taken into consideration."

The motion was negatived.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir, I move:

"That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, be referred to a Select Committee consisting of Colonel Sir Henry Stanyon, Rai Sahib M. Harbilas Sarda, Mr. H. E. Holme, Mr. K. Ahmed, Dr. H. S. Gour, Lala Piyare Lal, Mr. Shanmukham Chetty, Mr. Harchandrai Vishindas, and Mr. Abdul Haya."

When I asked leave of the House to introduce this Bill, Sir, I explained that the principle of it was to provide for the reciprocal enforcement of decrees and judgments of Superior Courts as between the United Kingdom and the Dominions on the one side and British India on the other. That is the only principle which I ask the House to commit itself to now. As I said then, a Statute was passed by the Parliament in England in 1920 which provides that, where the Statute has been applied to a Dominion, the judgments and decrees of the Superior Courts of that Dominion can be registered and executed in the United Kingdom; and the only way in which we can get the English Statute applied to British India is, under section 14 of the Statute, by passing legislation which His Majesty's Government is satisfied is reciprocal legislation. Government have

introduced this Bill considering that it will be reciprocal legislation within the meaning of section 14. That, Sir, is a point which will be for the Select Committee which I am asking for to consider. The Select Committee will also have to consider what is the most satisfactory way, whether that which is proposed in the Bill or another, of giving effect to our intention. We are proposing to do it by the addition of one section to the Code of Civil Procedure, but it must be admitted that there may be other ways of doing this effectively which may be better, and that, Sir, is why I am proposing that the Bill be referred to a Select Committee consisting of the Honourable Members whose names I have mentioned.

The motion was adopted.

RESOLUTION RE THE RATIFICATION OF THE INTERNATIONAL
CONVENTION FOR THE SUPPRESSION OF THE CIRCULATION
OF, AND TRAFFIC IN, OBSCENE PUBLICATIONS.

The Honourable Sir Malcolm Halley (Home Member): Sir, I beg to move the following Resolution:

"This Assembly recommends to the Governor General in Council:

- (1) that India do ratify the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, dated the twelfth day of September One Thousand Nine Hundred and Twenty-three, which was drafted by the International Conference which met at Geneva under the auspices of the League of Nations on the 31st August, 1923;
- (2) that in the legislation to be introduced in the Indian Legislature in accordance with the provisions of the Convention, it should be made an aggravation of the offence of the offer, delivery, sale or distribution of obscene matters or things if such is made to persons of either sex below the age of 20 years."

There are a few general remarks I should like to address to the Assembly before coming to the precise matter of the Resolution. For some time past we have had to take action to detect and prevent the entry of obscene publications and obscene material generally into India. I use the word "obscene" advisedly, for I myself hold that Government should show considerable caution in taking action against publications or reproductions which may be described as falling generally into the category of the improper, or the indecorous. It is easy to make mistakes in that direction. Standards of taste and propriety differ greatly and I think that Governments should not take the initiative in such matters unless publications are a very definite offence to public morals. Now, the cases with which we have had to deal during the last two or three years, do not fall merely within the category of the improper or even of the indecent. We have unfortunately found that there have been entering into India for some time productions which are of a filth and even bestiality that I can hardly describe. The evil is, I am sorry to say, somewhat widespread. I find that in one month alone we seized no less than 93 packets of such material. We have evidence of associations being started in India for their distribution and circulation; and we further have evidence that they are being reproduced in India—of course photographic reproductions are cheap—and sold in large numbers in the bazars. (*Pandit Sham Lal Nehru*: "Where do they come from?") They come mostly from the Continent. When the League of Nations invited us to join in a conference regarding the prohibition of obscene publications, we deputed Sir Probashankar Pattani to represent us at Geneva. We are under great obligations to him; he was

[Sir Malcolm Hailey.]

elected the Vice-President of the Conference, and we have it on record that it owed a great deal to his tact and guidance. The Assembly has had before it the Resolutions passed by that Conference. We should be unwilling to enter on any ratification of the Resolutions of the Conference until the matter has been before the Assembly, since some legislation will be necessary to carry them out. Some legislation, I say, though not of a very extensive character. The Resolutions which are of most importance will be found on pages 10 to 13 of the paper which has been distributed and which is, I think, in the hands of Members of the Assembly. We think that Article I could be complied with by making a modification of sections 292 and 293 of the Indian Penal Code; we have to provide, for instance, for such matters as advertising and the like. It is perhaps mainly a verbal alteration.

Then, with regard to the matter referred to in Article V whereby the contracting parties whose legislation is not at present sufficient for the purpose agree to make provision for the searching of any premises where there is reason to believe that obscene matters or things mentioned in Article I are being made or deposited for any of the purposes specified, etc., we should need some modification of section 98 of the Criminal Procedure Code.

Those are the only two amendments of our Acts which would be obligatory on us if we ratify the Resolutions of the Conference. But, in addition, Honourable Members will notice that we were advised by the Conference that in legislating, we should provide that it should be an aggravation of the offence of offering, delivering, selling, etc., if the offence were committed in respect of young persons. That was the advice expressed by the Conference, but I note again that it would not be binding on us to accept that advice for the purpose of ratifying the Resolutions of the Conference. I have, however, placed the matter formally in part 2 of my Resolution in order that the opinion of the Assembly might be recorded on it. If the Assembly accepts that, then we should have to make a further amendment of sections 292 and 293 of the Indian Penal Code. We have taken the age of 20 years as that below which the offence would be considered to be aggravated. This age has of course little reference to the definition of the age of majority and the like that we have lately discussed in other connections in the Assembly. We have taken 20 years as the period of adolescence. But we have no fixed prepossessions in favour of that particular age and would be prepared to leave the matter open for discussion either now or when we came to legislate, if the Assembly accepts the general principle of the second paragraph of the Resolution. I now move the Resolution.

Sir P. S. Sivaswamy Aiyer (Madras: Nominated Non-Official): While

I am prepared to accord my support to this Resolution I should like to suggest a slight modification in clause (2). Clause (2) goes beyond the terms of the International Convention. I have no objection to it on that ground, but it seems to me that the age of 20 might be reduced to 18. (*A Voice*: "Make it 25".) In the absence of any special reason for departing from the usual age of majority, 18, I should like the limit fixed in clause (2) to be 18. I understand from the Honourable Sir Malcolm Hailey's observations that there is no special reason for fixing it at 20 except that he considers that a person up to the

age of 20 may be regarded as adolescent. I do not know what exactly can be described as the period of adolescence. Eighteen is generally accepted as the age of majority, and quite recently we decided that girls of the age of sixteen are capable of deciding for themselves with regard to certain matters. I think 18 would be a sufficient limit for the aggravated cases for which a special penalty is provided in clause (2).

Mr. C. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadan Rural): Sir, it gives me great pleasure that India, on account of its place in the League of Nations, has at least the honour of entering into a contract of this nature though not for any other redemption. Sir, it is a great honour that a subject country like India should also be invited to a grand organisation for the suppression of obscene publications and pictures. But by a Resolution of this kind the Honourable Sir Malcolm Hailey, I should think, has placed the House or some Members of it in a position of dilemma for it is risky to support it, and it is indelicate to oppose it. Sir, I believe in the end none of us will be reduced to the position of the Buridan's ass but will make our determination one way or the other. Sir, the Resolution that has been moved by the Honourable Sir Malcolm Hailey is to associate India with a movement that has been started by France, and legitimately by the French Government, because I should think that much of the literature in this direction has been issued from France and not other countries.

The Honourable Sir Malcolm Hailey: That is not entirely the case.

Mr. C. Duraiswami Aiyangar: Sir Malcolm Hailey says, it is not so and I am not going to decide the competition between France and other countries in the matter of having carried on this propaganda. But, so far as India is concerned, I can confidently assert that it has not contributed towards the propaganda of obscene literature or obscene pictures, and I am certain and I can challenge any one to disprove my statement that no Indian obscene picture or publication can be found either in India or outside it. Therefore, Sir, I can confidently say that whatever part the other countries might have played in this matter, which it is unnecessary for me to decide, it is certainly not India. Sir, we are asked now to associate ourselves with a movement wherein a crusade is set going against pictures before dealing with obscene men and women who are demoralizing the country. We have several notable streets, notably Grant Road in Bombay, the quondam second line beach in Madras and many other places for the suppression of which no legislative steps have been taken nor for raising them to a better status. And the League of Nations, a grand body, has commenced its crusade against a factor which has not contributed so much to the demoralization of the world as the others I have mentioned. It looks to me like going to the god of fire, *Agni*, for the fire wherewith to light one's cigarette. It is a much greater gift that we must seek and the League of Nations must set itself to improving the general moral stature of the world in various other ways before they come to pictures and paintings. Sir, in this connection I may say, as Sir Malcolm Hailey has stated, that there must be different standards and different ideas about the question of morality and the standard of decorum. We have in India pictures which to a Hindu appeal with a sublime and esoteric significance. Take, for instance, *Krishna* surrounded by the *Gopikas*. And we find in the *Bhagavatam Purana* what by missionaries in India is misinterpreted and misused in public gatherings of masses to decry the great Avatar, *Krishna*. But those who have read the *Bhagavatam* know

[Mr. C. Duraiswami Aiyangar.]

the significance of it, but, if it is placed in the hands of a foreigner who has no idea of sublimity and no idea of religious esotericism, I am sure he would regard it as obscene matter and put it down for prosecution. So, Sir, so far as India is concerned we cannot altogether divorce our legislative measures from religious sentiments, and there must be some provision in the measure proposed that religious paintings and images, etc., should be excluded. I am aware of what Sir Malcolm Hailey is showing to me, the exception in section 292 of the Indian Penal Code, but when I referred to this I was thinking of the suggestion that there would be a remodelling of the Legislature. Therefore I put it to you that it is not very easy to associate India wholeheartedly with other nations in regard to deciding the standard of decorum and morality. For instance, to the Indian mind the publishing of portraits of ladies competing for a prize in a beauty competition in respectable journals is not very pleasing and is some times shocking. Ideas do differ and it is not very easy in matters like this for a committee consisting of foreigners to decide questions of international decorum. And if any legislation is brought forward, as suggested in clause 2, it should not be in the direction of making section 292 severer than it is, but should make the tribunal which is to try cases like this one of a jury composed of one's own countrymen. Sir, so far as the existing section 292 of the Penal Code is concerned, I have known of instances in which the reproduction and republication of classical literature in Telugu has been brought before a court and the man responsible was prosecuted and convicted. I believe that is the case reported in 22 Madras Law Times. Now I should also wish it to be understood that, if this Resolution is to be given the support which on general principles it does deserve, it must be safeguarded to the extent of ancient classical literature as well as that connected with religion and religious views. Sir, with reference to the suggestion of Sir Sivaswamy Aiyer with regard to the reduction of the age from 20 to 18, I do not see that much purpose is served; on the other hand, much more harm may be done. Obscene pictures or obscene emblems or books are not so harmful in the hands of a lad of 15 or 12 as they may be in the hands of a man of 20 or 25 years. Probably the greater precaution to adopt in a matter like this is not to put such things in the hands not of men who may care nothing for them, care a fig for them,—but on the other hand of those men upon whom an impression can be produced. Therefore, the age for aggravating this offence must be put in my humble view between 15 and 25, as there is no purpose served in aggravating the offence in the case where a child is dealing with a picture like this, as it is of absolutely no use whether this picture is put or some other picture is put in the hands of a baby of 5 or 10 years. Therefore, Sir, so far as the age is concerned, I would even like Sir Malcolm Hailey to suggest 25 years rather than even 20 years. Sir, so far as these pictures are concerned, I should like to have it stated clearly that ancient classical literature must not be prohibited by any arrangement which is entered into under these conditions. Sir, on the last page, that is page 13, you will find that when the delegate of the Danish Government signed the contract, he made certain reservations with reference to the penal law of his own country; and I may also suggest to this House that in entering into this contract under the International Convention, it would be advisable to make such provision, such a saving clause, as that this country will nevertheless remain subject to its own internal legislation in this matter. With these few words, I refuse to say just now whether I support the Resolution or oppose it.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, I have a very few words to say on this matter. My submission is more by way of an attempt to draw a distinction which may possibly be of some assistance with reference to the remarks made by the last two speakers. In giving our support to this Resolution, we shall be giving our support to a principle, to a standard of morality, with regard to which there can be no two opinions, at all events in India as I know it. There is no country perhaps which has a stronger objection to anything like a public display of indecency and obscenity than India; and there is no question that a very strong feeling is abroad at the present day that even that standard should be still further improved. Now, with regard to the remarks that have been made as to safeguarding ourselves first as to the age, next as to other details, I would submit for the consideration of the House that in accepting this Resolution it would merely sustain a principle and not commit itself to any detail. I quite admit that it is very hard sometimes to draw the line between literature which is scientific or educational and literature which is obscene. It is also very difficult to draw the line sometimes between photography and pictures which are artistic and educative and those which are merely immoral. These are all details to be settled when we come to legislate in pursuance of this Resolution. That is the proper place to safeguard these different matters. So far as age is concerned, with regard to Sir Sivaswamy Aiyer's remarks, I would point out that under the Indian Majority Act in some cases the age of majority is 18 years; in other cases it is 21 years. With regard to the remarks made by the last speaker as to obscene pictures and publications being more harmful to people of 25 than they are to people of 15, I would point out that the child of 15 who is allowed to see these things may not be immediately demoralised, but a seed is sown which will produce far more disastrous effects when that child reaches 25 than if the picture had first been seen when he was 25. But these are all matters of detail to be dealt with in legislation. Let this House, as the representative of India, a country with a high standard of morality, stand for this Resolution unanimously and carry it without one single dissentient voice.

The Honourable Sir Malcolm Hailey: I move as an amendment, Sir, the insertion of the word "young" before the word "persons" in the last line of the Resolution and the omission of the words "below the age of 20 years."

Mr. President: The question was:

"That this Assembly recommends to the Governor General in Council:

- (1) that India do ratify the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, dated the twelfth day of September One Thousand Nine Hundred and Twenty-three, which was drafted by the International Conference which met at Geneva under the auspices of the League of Nations on the 31st August, 1923;
- (2) that in the legislation to be introduced in the Indian Legislature in accordance with the provisions of the Convention, it should be made an aggravation of the offence of the offer, delivery, sale or distribution of obscene matters or things if such is made to persons of either sex below the age of 20 years."

to which an amendment has been moved to insert the word "young" before the word "persons" in the last line of the Resolution, and to omit the words "below the age of 20 years", so that the amended Resolution will read:

"(2) that in the legislation to be introduced in the Indian Legislature in accordance with the provisions of the Convention, it should be made an aggravation of the offence of the offer, delivery, sale or distribution of obscene matters or things if such is made to young persons of either sex."

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muham-madan): Sir, I did not intend to intervene in this debate because I thought that the only question was one whether we should protect or should not protect the dissemination of obscene literature. But with the amendment which the Honourable the Home Member has suggested, the whole question would be wrapped in utter obscurity. What is a young person? I can well understand the amendment moved by my friend the Honourable Sir Sivaswamy Aiyer that in case of persons who have attained the age of discretion, on completion of their 18th year, they should be the sole judges of what they consider moral or immoral. It would be an unwarranted presumption on the part of the State to control the freedom of its individuals in the matter of taste and morals so long as they do not materially prejudice the State. This is the elementary right of man *versus* the State. I can well understand the suggestion made by my friend Mr. Duraiswami Aiyangar that persons up to the 25th year should be protected against this contagion. I may mention by the way that as Members of this House are over 25 years of age, they are exempt. I can well understand a definite rule laid down in terms of years, but I cannot understand the insertion of a vague clause, which, I submit, will defeat the very purpose the International Convention has in view. Honourable Members will observe that in one of the clauses of this Convention what is laid down is this, and I have no doubt the Honourable the Home Member was inspired by that clause in tabling the amendment which he has done. If Honourable Members will turn to page 6, they will find the following statement:

"The Conference expresses the wish that the legislation of each country may prescribe an aggravation of the penalty if the offer, delivery, sale or distribution of obscene matters or things is made to young people. To define the exact age beneath which young people should be protected is a matter for the several legislations."

Now, Sir, the Honourable Sir Henry Stanyon has rightly pointed out that what is obscene and what is not is a matter of taste and upon which nations do, and must, differ. I have been told that in the Vatican the statues of the Madonna are covered with loin cloths and I have seen in the large museums of Europe figures—classical figures—which would be classed in this country as utterly nude and obscene. On the other hand, my friend has pointed out that there are certain sacred pictures which every Hindu worships and reveres but which a materialistic like Mr. Kabeer-ud-Din Ahmed will regard as grotesque and obscene. Now, Sir, I suggest that we should be absolutely precise as to what we really decide. Are we prepared as Members of this House to condemn the free distribution of obscene literature? If so, we must be perfectly sure as to what we mean by obscene literature. Secondly, Sir, we must also be equally clear as to what class of persons we wish to protect against this contagion. Do we desire that only minors who have not yet formed sufficient matured understanding should be protected or do we desire that even adults (*Mr. Bipin Chandra Pal*: "Old men also.") and, as my friend, *Mr. Bipin Chandra Pal*, says, even old men like himself (*Laughter*) (*Mr. Bipin Chandra Pal*: "And yourself.") should also be protected against the dissemination of this vice? It is a wholly unwarranted assumption on the part of the State and a wholly unwarranted interference with individual rights. Now, Sir, these are questions upon which, I submit, this House must make up its mind. There is no use accepting or rejecting in a sentimental form a Resolution which, when it is afterwards translated into a Statute, would invite, and justly invite, criticisms from the legal Members of this House.

Are we merely complying with an International Convention for the sake of form or are we applying our shoulder to the wheel and are we doing what we really feel, that effective steps should be taken to prevent the import into this country of a mass of publication and matter to which the Honourable the Home Member has adverted. If we pass a pious Resolution against the dissemination of obscene matter amongst young persons, are we sure that we are using words the meaning of which we understand? On these grounds, Sir, I oppose the amendment moved by the Honourable the Home Member.

Sir Campbell Rhodes (Bengal: European): Sir, in order to endeavour to help the House to come to a decision in this matter, I should like to point out that clause 2 which we are really considering contemplates legislation and we are not here to-day to decide the exact form of that legislation. (Hear, hear.) I agree with some remarks that have fallen from my Honourable friend from Madras and equally with those that have fallen from my Honourable friend from the United Provinces. A class that we should seriously wish to protect is the student class in the large cities and therefore I should like to move an amendment to the amendment moved by the Honourable Sir Malcolm Hailey. We need not at present indicate the age in any way whatever, but we should indicate that below a certain age the offence should be considered to be aggravated under those circumstances. Therefore, I would move that the last few words should read as follows:

"Is made to persons of either sex below a certain age,"

leaving it for public opinion between now and the enactment of legislation to express its view and thereafter carefully to consider this very important question whether people like the student class, who may not ordinarily be regarded as young persons, are to be protected or not.

The Honourable Sir Malcolm Hailey: I should like to say that I moved my amendment merely to avoid accentuating any difference of opinion between my Honourable friends on a matter which I do not regard as essential to decide at this particular moment. I realise that there are some Members here who think that the age should be 18 or even lower than that. There are other Members who think that a more advanced age should be made the subject of protection. For the present purposes, as Sir Campbell Rhodes has pointed out, we are only confirming a principle; we are not at the moment legislating. When we come to legislate, we can decide the precise age; all that we are asked to do at present is to express our agreement with the advice laid down by the Conference, that the offence should be considered to be aggravated if it was committed in respect of young persons. I am quite prepared therefore to adopt Sir Campbell Rhodes' formula, "below a certain age." It will meet our object and give us ample latitude when we come to legislate. Other points I need hardly touch on. I do not think that Mr. Duraiswami Aiyangar need have found himself in any embarrassing position or have suggested that it would be risky to accept our proposal. I acquit him of any feeling that the risk would arise from expressing even on this occasion his agreement with Government. I know he meant only that some of the consequences were risky—(Mr. C. Duraiswami Aiyangar: "Yes.") I was sure of that. He himself recognised that the Act is already carefully drawn in order to protect "representations sculptured, engraved, painted, or otherwise, on or in any temple or any car used for the conveyance of idols or used for any religious purpose". I hold that the existence of these words in the Act

[Sir Malcolm Hailey.],

would protect many of the cases which he had in mind. Where he desires to protect classical literature, there equally I am at one with him, if it is viewed as classical literature pure and simple. My own experience ranges over the literatures of Greece and Rome perhaps rather than those of this country, though I am not entirely ignorant of the latter. There is a literature, not of the best classical periods either of Greece or Rome, but rather of a later period, which I should not care myself to see introduced to this country. It is decidedly and definitely indecent, and in some cases grossly so. Whether there are parallels to that in the literature of the East I am not aware; but I suggest that the best thing we can do in these circumstances is to leave our law as it stands. It has been in operation for many years. If any substantive modification of that law is necessary to meet the case of classical literature, let that subject be viewed separately and, I warn the House, it will be a sufficiently difficult problem to solve; I would not raise it in connection with the very simple proposition we have before us now.

I would only invite the attention of the House to one more fact. This Conference was attended by a large number of nations. Its conclusions have been accepted, practically without reservation by nations of the most diverse culture and civilization. I do not think that India can afford to stand apart from it, for, if my experience of India is correct, I should say that, not only among the best educated Indians, but among Indians of even lesser education, I would say even among Indians of no education, there is a very high standard in these matters, and they object as much as anybody to calculated obscenity or deliberate indecency.

Mr. Bipin Chandra Pal (Calcutta: Non-Muhammadan Urban): I had absolutely no idea that this Resolution would lead to any discussion of the kind that we have listened to. I myself had absolutely no intention of intervening in this discussion until I listened to my Honourable friend, Mr. Duraiswami Aiyangar, and the only reason why I want to speak just one word is this. I do not like it to be circulated in this country or outside it that it is possible for anyone here—it is possible for any Hindu or any Indian—to misunderstand the scope of this Resolution and think that it would have any reference to Hindu deities or gods or idols or images or by whatever other name you like to indicate them—like the Vaishnavite deities *Radha*, *Krishna* and others. I want it to be distinctly understood that no one in India has ever looked upon these images or imageries in the sense in which erotic literature is looked upon by Europeans. I want to enter my protest against any such suspicion or suggestion. I know Mr. Duraiswami Aiyangar did not mean it. He wanted to correct wrong impressions in other quarters. But . . .

Mr. O. Duraiswami Aiyangar: May I say a word, Sir, with your permission? I said that, inasmuch as clause 2 contemplates a revision of section 292 of the Indian Penal Code, I wanted to make it clear to this House that that revision should not affect the exceptions which now exist under section 292.

The Honourable Sir Malcolm Hailey: That it certainly would not do.

Mr. Bipin Chandra Pal: I thought as much, Sir. I am not a lawyer and I do not know exactly all the details of the exceptions contained in the particular section, but my friend, I think, is a learned limb of the law

and he knows it more intimately than I do, that no legislation could pass in this House or any House in India—no legislation of the kind could pass even before this House was called into existence—no legislation of this kind could be passed even by a purely bureaucratic House which might seek to bring Hindu images within the category of the objects contemplated by this Resolution. And so I had no suspicion about that point and I am glad my friend has made that disclaimer—that our religion, our literature, our art cannot be classed with the kind of obscene pictures, obscene literature, obscene cinema shows and other things that are referred to in the Honourable Sir Malcolm Hailey's Resolution. That is not a possible misapprehension. Mr. Kabeer-ud-Din Ahmed says: "Nobody said it." He did not understand it in the sense in which I understood him. That is all the difference between him and me.

Mr. K. Ahmed: You did not take it in the proper sense.

Mr. Bipin Chandra Pal: I leave all the proprieties to my Honourable friend there. This is why I wanted to make this clear, and Sir Malcolm Hailey made it very clear that religious images are not included in it. Nobody would think that the picture of the Madonna, nude or covered, would come under the definition of obscene literature here. Nobody would think that any real production of art would come under the definition of obscene literature simply because it did not perhaps meet with the requirements of prurient prudery. I do not believe that; we never suspected it in this proposal before us. There are nude pictures in some of the best galleries in Europe; there are nude pictures in some of the most renowned galleries in England; in the Tate gallery there are nude pictures; but they are not tabooed as obscene, and I do not think the Geneva Conference or the future legislators of India in regard to this matter would taboo literature or pictures or paintings of this kind. That was not intended. All that was intended was to protect the East particularly—we need protection in this matter more than the West—from this evil. We are so far free from it. I do not think that when we land in Bombay—my friend, Sir Purshotamdas Thakurdas, will be able to tell us—I do not think when we land in Bombay we are approached by all sorts and conditions of men, hiding pictures in their hands and saying "Pictures, Sir, pictures, Sir."

Sir Purshotamdas Thakurdas: I have not yet come across a single case like that in Bombay.

Mr. Bipin Chandra Pal: I know, Sir, we are not tempted in this way in Bombay; I dare say, we are not tempted in this way in Madras. I know nobody is tempted in this way in Calcutta. It is only, when we go out of our own country, when we approach civilisation, it is only then that we are tempted in this way and it is with a view to protect our own innocence against the invasion of these kinds of literature and cards and paintings that may be imported into India from Europe, that this law is needed, and I lend my whole-hearted support to Sir Malcolm Hailey's Resolution. I think the word 'young' was all right, because the exact age which was to constitute the aggravation of the offence would have been a matter for the Select Committee, to which this Bill would go, to decide; and therefore Sir Malcolm Hailey was, I think, perfectly right when he said "Let us have the word 'young.'" But words do not matter; he has accepted Sir Campbell Rhodes' amendment "under a certain age." I think we all ought to accept that amendment and accept this Resolution also.

Mr. President: The original question was the Resolution as read. Since which an amendment has been moved to omit the words "below the age of 20 years."

The motion was adopted.

Mr. President: The question is that before the word "persons" the word "young" be inserted and after the word "sex" the words "below a certain age" be added.

Sir Campbell Rhodes: My intention was to omit "young" altogether, Sir.

Mr. President: Further amendment moved: "That after the word 'sex' the words 'below a certain age' be added.

The motion was adopted.

Mr. President: The question is that the following Resolution, as amended, be adopted:

"That this Assembly recommends to the Governor General in Council:

- (1) that India do ratify the International Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications, dated the twelfth day of September One Thousand Nine Hundred and Twenty-three, which was drafted by the International Conference which met at Geneva under the auspices of the League of Nations on the 31st August, 1923;
- (2) that in the legislation to be introduced in the Indian Legislature in accordance with the provisions of the Convention, it should be made an aggravation of the offence of the offer, delivery, sale or distribution of obscene matters or things if such is made to persons of either sex *below a certain age*."

Mr. Chaman Lal (West Punjab: Non-Muhammadan): Sir, I merely rise to make one point clear. It has been stated by the Honourable the Home Member and by speakers who have expressed their views on this particular Resolution that they mean to exclude only classical literature from the purview of this Resolution. May I ask the Honourable the Home Member whether he is prepared also to exclude modern literature from the purview of this Resolution? It is well known, I dare say, to him, and to other gentlemen who are interested in literature, that there are various publications which have come under the ban of the policeman in America as well as in England. There the policeman or the Magistrate seems to be invested with the power of censoring publications. I will instance but two cases. The first is the case of Ibsen's "Ghosts", a play well known all over the world, but which until quite recently was not allowed to be performed, because it was considered to be an obscene play, and yet that play, Sir, has made history for the drama, approximating in this sense to some of Shakespeare's best plays which are considered to have made history for the drama during the Elizabethan period. Then I take another case, Lawrence's novel, "The Rainbow", which is considered by well known people to be a real work of art, and yet, as far as I remember, that particular novel came under the ban of the policeman. I might point out that if plays and novels by men like D. H. Lawrence, Shaw and Granville Barker are to come under the ban of the policeman under this Resolution, then we must pause and consider. Indeed it is very difficult to tell what is obscene and what is not, and particularly when the appraisal is left to an ignorant policeman or an equally ignorant magistrate, it will be very difficult to tell where to draw the line. I would therefore ask Honourable Members

to remember that in restricting the liberties of writers and painters and artists in this particular fashion and not merely of those whom the Home Member described as the middle age writers of the Roman period, meaning presumably Rufinus and Catullus and their like, they are putting a ban upon the art and literature of the world. I hope the Honourable the Home Member will give the House the assurance that he has no intention whatsoever of including modern literature and modern art which may conceivably come under the ban of a foolish policeman or an ignorant magistrate.

The Honourable Sir Malcolm Halley: I am glad to find myself in substantial agreement with Mr. Chaman Lal in much that he has said. The House will remember that I myself ventured the remark that Government should show great caution in taking the initiative in executive action, against publications which are considered to be indecorous or in bad taste. I remember that not very long ago I had to deal in my office with a representation from a certain body to the Home Department asking for the exclusion from India of a certain work and the prosecution of anybody who sold it. I dealt with that case, I hope, on satisfactory lines. I went home and I regret to say that I found that same work lying in my own drawing room table. As I said, there is a great divergence of standards in this matter, and both prudence and reason indicate that we should take a wide and liberal view. I do not myself suggest however that the Act should be redrafted in order to protect classical literature, and I do not think that the Act should be redrafted in order to protect modern artistic literature or works such as those to which Mr. Chaman Lal alludes. I think myself that the Act should be retained in its present form and that we should not attempt merely in this connection to make any substantial modification in it. The House will remember that all that the Convention asks is that we should take additional steps to provide against the circulation, publication, advertisement and the like of obscene literature or material. Now, our courts must for some years have been accustomed to interpret this word "obscene" used in the Act. There must be a considerable amount of case law on the subject. I myself should be inclined to leave the law as it stands and merely amend it to provide for the case of advertisements and the like and not to attempt the exceedingly delicate and difficult task of redrafting so as to restrict or expand, it may be, the sense of the word 'obscene'. I think that is a sufficient answer to Mr. Chaman Lal. We do not ourselves intend any substantial alteration in the law at all. We merely intend to carry out the Convention by providing as adequately as possible against the publication, advertisement and the like of really obscene publications.

Dr. L. K. Hyder (Agra Division: Muhammadan Rural): I have not much to say, Sir, on this subject. But I think it has been pointed out that our ancient classical literature might suffer. Now, I do not think that our ancient classical literature falls into the hands of people who purvey these things on a commercial basis. Our classical literature is quite safe in so far as Arabic or Sanskrit is concerned, and there is nothing wrong with it.

The second point is about modern literature and I will say this that it would be a very difficult matter for the guardians of the law to decide what is delicate and what is indelicate. The whole object of this legislation is that things which are made vulgar on a commercial basis, and the sources

[Dr. L. K. Hyder.]

of which are perfectly well known, should come under the ban of this law and I think, Sir, that there ought to be legislation of this kind and no one should have any hesitation or fear that classical literature, whether Greek or Latin, Sanskrit or Arabic, or any other, *e.g.*, modern literature in any of the modern European languages, will come under the ban of this law. Nothing of the kind. The whole thing applies to the vulgar commercialisation of certain tendencies at the present day and it would be right and proper to put out of the reach of young people all this class of literature.

Mr. President: The question is that the Resolution, as amended,* be adopted.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th March, 1924.

* *Vide* page 1336 of these Debates