

20th February, 1924

**THE
LEGISLATIVE ASSEMBLY DEBATES**

(Official Report)

FIRST SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1924



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LEGISLATIVE ASSEMBLY.

Wednesday, 20th February, 1924.

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

COMMITTEE ON PUBLIC PETITIONS.

Mr. President: Under Standing Order 80 I hereby appoint to serve on the Committee on Public Petitions:

Diwan Bahadur T. Rangachariar, Deputy President, to be Chairman of the Committee.

Sir Henry Stanyon,

Haji Wajihuddin,

Raja Raghunandan Prasad Singh, and

Mr. Harchandrai Vishindas.

STATEMENT LAID ON THE TABLE.

Sir Henry Moncrieff Smith (Secretary, Legislative Department): Sir, I lay on the table the information promised in reply to a question by Mr. V. J. Patel asked on the 11th February, 1924, regarding action taken by Government on certain Resolutions passed by the Council of State.

Action taken by Government on certain Resolutions passed by the Council of State.

Serial No.	Date on which moved.	By whom moved.	Subject of Resolution.	Department concerned.	Action taken by Government.
1	21st February 1921.	The Honourable Mr. A. C. Chatterji, C.I.E., I.C.S.	Creation of employment agencies.	Industries and Labour.	These questions were discussed in consultation with Local Governments. Having regard to their views, the Government of India decided that no action was required.
2	Ditto	Ditto	Recommendation concerning unemployment.	Ditto	
3	Ditto	Ditto	Government Health Service.	Ditto	The question is one primarily for the consideration of Local Governments who were addressed on the subject.
4	27th September 1921.	The Honourable Mr. H. A. F. Lindsay, C.B.E., I.C.S.	Minimum age for admission of children to employment at sea.	Commerce	vide Serial No. 4 in the statement printed at page 2902 of the Legislative Assembly Debates, Volume II, Part III. The Government of India have at present under consideration the question of amending the Indian Merchant Shipping Act, 1923, to make the provisions of the Convention effective.
5	Ditto	Ditto	Examination into the methods of recruitment of seamen at the different ports in India.	Ditto	The report of the Committee appointed to examine the methods of recruitment of seamen at the different ports in India has been received and is under the consideration of the Government of India.
6	19th September 1922.	Ditto	Minimum age for employment as trimmers and stokers and compulsory medical examination of young persons employed at sea.	Ditto	vide Serial No. 4 of the statement printed at page 993 of the Legislative Assembly Debates, Volume III, Part II.

7	21st 1923.	March	The Honourable Mr. (now Sir) B. N. Sarma.	Emigration for the purpose of unskilled work to Mauritius.	Revenue and Agriculture now Education, Health and Lands.)	The Resolution was communicated to His Majesty's Secretary of State for India and a notification, dated the 22nd March 1923, was published in the <i>Gazette of India</i> in the form in which it had been approved by both Chambers of the Indian Legislature, declaring emigration to Mauritius for the purpose of unskilled work to be lawful subject to certain terms and conditions for a period of one year from a date to be notified. On the 14th May 1923 a notification was published appointing the 31st May 1923 as the date from which emigration would be lawful.
8	13th 1922.	February	The Honourable Mr. Lalubhai Samaldas.	Conveying human beings in cattle trucks or goods wagons.	Railway	The Resolution referred to was not on the lines stated by the Honourable Member. It recommended that steps should be taken "as far as practicable" to put a stop to the practice referred to. Copies of the Resolution were forwarded to all Railway Administrations and they were requested as far as possible to give effect to the recommendations.
9	Ditto	Ditto	The Honourable Fai Bahadur Lala Ram Saran Das.	Maintenance of separate revenue and expenditure account of the Military or Strategic railway lines.	Ditto	The Resolution passed in the Council of State to which Mr. Patel refers ran as follows:— "That this Council recommends to the Governor General in Council that in future a separate revenue and expenditure account should be kept of the working of military or strategic railway lines."
10	25th 1922.	September	The Honourable Fardar Jogendra Singh.	Reconstitution of the Railway Board with a strong Indian representation.	Ditto	A distinction between commercial and non-commercial (Military) lines has now been made in exhibiting the transactions of railways in the Finance and Revenue Accounts of the Government of India for 1921-22. (Please see accounts Nos. 24 to 26 A on pages 105 to 122). Similar distinction is observed in the detailed Statements of Demands for railway expenditure chargeable to Revenue and Capital expenditure not charged to Revenue.

It is hoped to give full information about the changes contemplated in the budget memorandum which will be circulated when the budget is introduced.

Action taken by Government on certain Resolutions passed by the Council of State—contd.

Serial No.	Date on which moved.	By whom moved.	Subject of Resolution.	Department concerned.	Action taken by Government.																																			
11	22nd February 1923.	The Honourable Mr. V. G. Kale.	Indianisation of State-managed Railways.	Railway.	<p>The attention of the Honourable Member is invited to the remarks in Column 6 of the statement given on page 108 of the Legislative Assembly Debates, Volume II, No. 2, dated 6th September 1923, and to the remarks of the Chief Commissioner of Railways, Mr. C. D. M. Hindley, on pages 3358 and 3359 of the Legislative Assembly Debates, Volume III, No. 55, dated 13th March 1923. From these remarks it will be seen that every effort is being made to facilitate the employment of Indians in the higher grades of Railways. The progress made is brought out in the following figures :</p> <table border="1"> <thead> <tr> <th rowspan="2">Date.</th> <th colspan="2">Indians.</th> <th colspan="2">Anglo-Indians in India.</th> <th colspan="2">Total Indians in India.</th> <th colspan="2">Percentage to total superior staff.</th> </tr> <tr> <th>State Railways.</th> <th>Company Railways.</th> <th>State Railways.</th> <th>Company Railways.</th> <th>State Railways.</th> <th>Company Railways.</th> <th>State Railways.</th> <th>Company Railways.</th> </tr> </thead> <tbody> <tr> <td>31st March 1923</td> <td>108</td> <td>148</td> <td>32</td> <td>46</td> <td>135</td> <td>190</td> <td>30.1</td> <td>14.5</td> </tr> <tr> <td>1st November 1923</td> <td>128</td> <td>160</td> <td>26</td> <td>53</td> <td>154</td> <td>213</td> <td>32.5</td> <td>16.1</td> </tr> </tbody> </table> <p>Further, out of a total of 49 appointments made in the Superior Establishment of State Railways since Mr. Kale's Resolution was passed in the Council of State in February 1923, thirty-four (31 pure Indians and 13 Anglo-Indians) or 70 per cent. were statutory Indians.</p>	Date.	Indians.		Anglo-Indians in India.		Total Indians in India.		Percentage to total superior staff.		State Railways.	Company Railways.	State Railways.	Company Railways.	State Railways.	Company Railways.	State Railways.	Company Railways.	31st March 1923	108	148	32	46	135	190	30.1	14.5	1st November 1923	128	160	26	53	154	213	32.5	16.1
Date.	Indians.		Anglo-Indians in India.		Total Indians in India.		Percentage to total superior staff.																																	
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1st November 1923	128	160	26	53	154	213	32.5	16.1																																

12	15th March 1922.	The Honourable Mr. J. alabud Samaldas.	Preference to Indian Shipping Companies for carriage of Government and railway materials.	Commerce	Vide item 12 of the statement at page 109 of the Legislative Assembly Debates, Volume III, Part I.
13	10th February 1922.	The Honourable Mr. V. G. Kale.	Giving effect to the recommendation of the Indian Industrial Commission to appoint a Committee to inquire into the question of industrial finance and industrial banks.	Industries and Labour.	After careful consideration it was decided that it was not practicable at the present time to give effect to this Resolution.
14	19th February 1922.	The Honourable Mr. Dushaw Wacha.	Taking a census of production of British India every ten years.	Ditto	The Honourable Mover of the Resolution stated that all he required was an improvement in the existing industrial statistics. The Resolution was accepted on this assurance and effect has been given to it, as far as possible, in the new publication entitled "Statistical Abstracts for British India". The first issue of this volume was published recently.
15	26th September 1921.	The Honourable Mr. Phiroze C. Sethna.	Administration of Aden by the Government of India.	Foreign and Political.	His Majesty's Government were informed of the Resolution passed by the Council of State. A final decision on the subject of that Resolution has not been reached and a further reference from His Majesty's Government is awaited.
16	21st September 1922.	The Honourable Mr. V. G. Kale.	Improvement of statistical publications.	Commerce	A Statistical Abstract for British India is now published, which combines in one volume both the Statistics of British India, which were formerly spread over five Volumes and the Statistical Abstract relating to British India hitherto published by the India Office, London. Proposals for the improvement of the other publications of the Commercial Intelligence Department have been received from the Director General of Commercial Intelligence and are at the moment under the consideration of the Government of India.
17	26th February 1923.	The Honourable Mr. G. S. Khaparde.	Amendment of the Standing Orders of the Council of State so as to provide for the presentation of petitions relating to Bills.	Legislative	The Standing Orders of the Council of State were amended accordingly.

ELECTION OF A PANEL FOR THE ADVISORY PUBLICITY COMMITTEE.

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

"That this Assembly do proceed to the election, in such method as may be approved by the Honourable the President, of a panel of 14 members from which 7 members of the Advisory Publicity Committee will be nominated."

The motion was adopted.

Mr. President: As a result of the decision just made by the House, I announce that nominations for this Committee will be received by the Secretary up to 4 O'Clock on the afternoon of Friday, the 22nd February, and the election, if necessary, will be held in this Chamber on Wednesday, the 27th February, the method of election being the same as in the case of other Standing Committees

DEMANDS FOR SUPPLEMENTARY GRANTS.

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

"That for the amount shown against each head of demand in column 2 of the statement entitled 'Schedule of Supplementary demands for grants for expenditure of the Central Government during the year 1923-24', be substituted the amounts shown in column 4 of the same statement, the difference indicated in column 3 being the amount of Supplementary grant required under each head of demand."

I should like, first of all, to make two alterations in the figures in the Statement which, unfortunately, has gone out in an incorrect form in two instances. Under item No. 10, the amount of the Supplementary grant in column 3 should be Rs. 53,29,000 instead of Rs. 60,70,000, making the total in column 4 in that case Rs. 8,61,27,000. In item No. 30 on the same page, the amount asked for as a Supplementary demand should be Rs. 3,96,000 making the total in column 4 Rs. 10,57,000 and in the explanation the words "and the purchase of a Petrol Fire Engine for the Agricultural Research Institute, Pusa" should be omitted. That is a grant that has been included in the original estimates for next year and it is by mistake that it was put into the supplementary estimates for this year. That makes the final total on page 2 instead of Rs. 1,28,05,000. Rs. 1,20,49,000 in column 3 and in the next column Rs. 19,46,79,000.

The House will see that the total amount of Supplementary demands for which we are asking is Rs. 1,20,49,000. But I should like at once to explain that that does not mean that we require for the purposes of our expenditure of the year 120 lakhs more than we originally estimated. The contrary is the case. On civil votes we are assured of an appreciable saving as compared with the amount we originally asked for. But we come forward with this Supplementary demand because, under these particular heads, we require a larger amount under the voted portion of the demands than was voted by this House last March. That is to say, we have exceeded in these cases the amount appropriated by the vote of this House for the purpose of expenditure. The explanations of the excesses are various. In a good many cases it is purely a formal entry. For

example, in the biggest item of all, the Indian Post and Telegraph Department, where we are asking for Rs. 53,20,000 more than the original demand, the true fact is that we have made an appreciable saving on the money voted by this House. But 30 lakhs of what the House voted for under the head of Pensions have been transferred to the Post and Telegraph vote in the effort to make the Post and Telegraph Department accounts commercial. Similarly, 81 lakhs which were provided under the head of Stamps in the original estimates, have been transferred to the Postal vote. So that, those two items alone make 61 lakhs which are being saved under the head of Pensions and Stamps, respectively. But we want the vote of this House to the expenditure of 53 lakhs in order that we may have sufficient money under the voted portion of the Post and Telegraph Department to cover our expenditure. It is a formal question of the powers of appropriation of this House. We cannot spend money out of the voted portion of the Post and Telegraph Department vote without the vote of this House even though that money has been provided under another head, in spite of the fact that, instead of our really requiring 53 lakhs extra, we have as a matter of fact, saved 61 lakhs of other voted expenditure in addition to a saving of 5½ lakhs in non-voted expenditure. We are really 15 lakhs better than our anticipations. But none the less, we have to come to this House for a vote of 53 lakhs under the head Post and Telegraph.

Several of the other items in this Schedule represent simply cases where the money has been transferred from a non-voted to a voted head. It happens that a particular post, which at the beginning of the year was filled by an officer whose salary is non-voted, is during the course of the year filled by a successor whose salary is voted. That accounts for the transfers under several of these heads and of course does not mean any additional expenditure when both voted and non-voted heads are taken into account. In a good many cases, for instance, in 19, Survey of India, where we have asked for Rs. 3,26,000, there is a saving of 1 lakh and nearly 78 thousand under the non-voted portion. It will perhaps be most convenient if I leave the explanations under each head to be made as the head comes forward for discussion. But I shall refer particularly to two items, Nos. 1 and 14. In both those cases cuts were made during the voting of the demands for grants by the Assembly, but the Government have not been able to realise in full the cuts that were then made. Those in the House who were Members of the last Assembly will remember that the estimates for this year were introduced under conditions of some difficulty. We received the Report of the Retrenchment Committee in three or four instalments during the month of February. We had to prepare our volume of demands for grants in time to have it printed and placed before the House early during the month of March. We had not time to include in that volume the reductions that we hoped to effect as the result of the Retrenchment Committee's Report. We had not even ourselves time to consider the Retrenchment Committee's Report in detail and the Government, it will be remembered, decided to make a general cut on the assumption that they would accept all the Retrenchment Committee's proposals but would have to leave a margin for the lag that would naturally occur in giving effect to those retrenchments. Under the head of General Administration a cut of five lakhs was made by the Government in consequence of the Retrenchment Committee's Report. It was distributed by the Government to the extent of Rs. 1,80,000 under the head of non-voted and Rs. 3,70,000 under the head of voted. The estimate in that case, as originally framed

[Sir Basil Blackett.]

by the Government, amounted to Rs. 1,15,18,000 of which Rs. 37,58,000 was non-voted and Rs. 77,60,000 was voted. After the cut made in accordance with the Retrenchment Committee's Report, the figures became :

	Rs.
Non-voted	36,28,000
Voted	73,90,000
Total	1,10,18,000

The Assembly decided to make a further cut and of course it could only be in the voted items. This reduced the total estimate to Rs. 1,05,18,000 of which Rs. 36,28,000 was non-voted and Rs. 68,90,000 was voted. Our revised figures amount to a total of Rs. 1,09,57,000 of which Rs. 35,56,000 is non-voted and Rs. 74,01,000 voted. There is a net excess therefore over the total estimate as finally passed by this House including both the voted and non-voted items of Rs. 4,39,000. But as large part of the saving has been secured under non-voted we have to come forward and ask for a supplementary estimate of Rs. 5,11,000. We have, in fact, secured not only the whole Rs. 5 lakhs saving which we undertook to try to make in accordance with the Retrenchment Committee's Report, but in addition a further Rs. 61,000 towards the cut of Rs. 5 lakhs made by the Assembly. We have really done better than that because Rs. 21,000 represents the transfer of voted expenditure from other heads to this head. So we have really saved on another head an additional Rs. 21,000, and Rs. 37,000 represents a special payment made to the Government of Bengal in respect of work done by the Bengal Secretariat on behalf of the Central Government since the reforms were introduced. So, on a true comparison with the figure of Rs. 105-18 lakhs as originally passed by the Assembly it is Rs. 108-99 lakhs : that is to say, we have secured in fact Rs. 1-19 lakhs towards the Rs. 5 lakhs asked for by the Assembly. I think the House will remember that, when these cuts under the head Customs and under the head General Administration were made by the Assembly, the Government stated that they could not regard the cuts as likely to be secured in the special circumstances and in the Budget estimate a provision of Rs. 9 lakhs for probable supplementaries under these heads was included. In the case of the Customs it will be seen that we have secured Rs. 97,000 out of the Rs. 4 lakhs cut made by the Assembly. We did not feel justified in pressing a further saving under Customs because we felt convinced that any attempt to do so would really be a boomerang, because we should lose much more in customs revenue not collected by effecting those cuts than we could save by not spending money on people to collect customs. I think those two items are the ones which need a general explanation from me. In all cases where there has been new expenditure of any kind not included in the original estimates the matter has been before the Standing Finance Committee and the Standing Finance Committee have in all cases approved of the action of the Government in the matter. I beg to move the motion standing in my name.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadian Rural): With reference to the motion standing in my name, namely :

"That the consideration of the Supplementary Grants be adjourned and taken up after the presentation of the budget on the 29th February 1924."

I have to mention that I was impelled to give notice of this amendment because I had knowledge of this motion being made to-day only about 40 hours back

Mr. President: Will the Honourable Member speak a little louder?

Mr. K. Rama Aiyangar: I had notice of this motion being made to-day only about 40 hours back. In fact, I tried with the figures available to study the whole subject. Perhaps, considerable help would have been given by the Honourable the Finance Member if I had written to him and he had intimated his answers to the inquiries. However, all my friends feel that at this late hour, just before the budget, it will be inconvenient to press this motion to a division now. But I propose to point out against each item the difficulties I have to accept it and in that view I do not propose to press this amendment for adjournment of the debate.

Mr. President: Diwan Bahadur M. Ramachandra Rao.

CUSTOMS.

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): I beg to move that the grant under the head

Mr. K. Rama Aiyangar: Sir, I want to speak on items 1 and 2, Customs and Taxes on Income. Though I have not given special notice, I want to oppose them.

Mr. President: The Honourable Member has not given any notice of reduction. Therefore I called upon Diwan Bahadur Ramachandra Rao to move his motion. The Honourable Member is quite entitled to speak on the general motion just moved by the Finance Member if he chooses, but, as he sat down at the end of his remarks, I called upon the Mover of the next motion, standing in the name of Diwan Bahadur Ramachandra Rao.

Mr. K. Rama Aiyangar: I want your permission to speak.

Mr. President: The Honourable Member does not require my permission.

Mr. K. Rama Aiyangar: I should just like to say a few words on items 1 and 2. I must point out that even during the last year's discussion it was brought to the notice of the Government by the Honourable Mr. Ginwalla, whose presence is not now available for us and who has been doing considerable work in this matter, that the question of the general expenses of the administration was a serious concern of the non-official members and that when Resolutions were passed it was with great difficulty that they were and that the Government were not willing to apply themselves to the cuts that were recommended though it should be quite possible for them to do so. I do not propose to detain this Assembly with respect to the other items here, which, as has been pointed out, are either mere adjustments or are necessary expenditure that had to be incurred, as the Government had no previous knowledge of the circumstances coming up; but as regards items 1 and 2, namely, the demand under the head Customs and the demand under the head Taxes on Income, I want to place my views before the Assembly and I want to contend that those two ought not to be allowed. In fact with respect to Customs, it is true

[Mr. K. Rama Aiyangar.]

that the Honourable the Finance Member pointed out at the end of the discussion last year that it would have been very difficult for the Government to give effect to a large cut that was made by the Assembly. But I have to mention that in spite of the fact that he has mentioned to us to-day that the Retrenchment Committee's reports were received in parcels and they could not give effect to all the recommendations nor could they fully realise the effect of the recommendations at that time, I beg to urge that, in respect of the recommendations made by the Assembly, this Government ought not ordinarily to be permitted to go behind them simply on a mere statement that they could not give effect to them. I know that the expenditure of the Government has been growing by such leaps and bounds that nobody administering the several branches of the administration ever took note that they were really considerably increasing the expenditure without the means for the same. But the experts that formed the Retrenchment Committee were easily able to show that there was considerable wrong and excess expenditure which should be cut down. We see it to-day that to a large extent the main points that were placed before the Government by the Retrenchment Committee were found to be quite correct and feasible and I have no doubt that in the course of this year it will be possible to make further retrenchment in the various departments in the directions indicated. I want to read out to this Assembly the remarks of the Committee noted at page 218 of the Committee's Report with respect to the Customs Department. They say:

"If the recommendations made in paragraph 19 of our Report on General Administration are adopted there should be a saving of Rs. 47,000 in connection with the post of Commissioner of Customs, Bombay, but having regard to the importance of maintaining the revenue we do not recommend any further reduction. At the same time we think that the strength and pay of the staffs at the various customs houses should be examined with a view to possible economies."

Mr. President: Let me interrupt the Honourable Member for a moment. I want a little more information from the Government before I can allow speeches of this kind on a demand for supplementary grants. The supplementary demands are, I understand, of different characters, some of them being merely book entries and others covering actual expenditure on specific subjects. I cannot allow the debate to roam over the whole area of the Budget, but only over those specific subjects for which money is now asked.

The Honourable Sir Basil Blackett: I may perhaps explain that in the present case it is rather difficult to say that any specific item comes up because what has happened is that the estimates as presented to the House last year provided for a total voted expenditure of Rs. 66,17,000. The Assembly made a cut of 4 lakhs. We have been unable to realise that cut in full. It means that over the whole of our voted expenditure on Customs we have not been able to realise the specific savings mentioned. Undoubtedly there is provision in this estimate on account of the cost of the post of Commissioner of Customs, Bombay, because the actual moment at which we have been able to effect the retrenchment recommended by the Retrenchment Committee was delayed beyond the 31st March, 1923, and I think as a matter of fact has not actually arrived, though it will in a few days.

Mr. President: I wanted to satisfy myself that the Honourable Member's speech was relevant to the debate. The Honourable Member is in order.

Mr. K. Rama Aiyangar: I did go into the matter as well as I could to understand the situation and my impression was that the whole of the matter had to be brought up before the Assembly. As I said, that was the remark made there. Turning to page 76 of Vol. IV of the Assembly debates, I find in the answers given with respect to paragraph 19, General Administration, which is referred to in what I just now quoted, that no attempt has been made to carry out the instructions given in paragraph 19. That has been just now said by the Honourable the Finance Member. But the latter portion says:

"At the same time we think that the strength and pay of the staffs at various customs houses should be examined with a view to possible economies."

I do not find any statement made in the reply given by the Honourable the Finance Member that any such economies were tried to be effected and I do not think they have been. But I want to point out that, while this was the recommendation of the Retrenchment Committee, in the demands for grants placed before the Assembly we find under Customs in page 1 that actually the argument that has been advanced by the Honourable the Finance Member, namely, that there may be a leakage of customs revenue and therefore we have to strengthen the staff, would not hold good. We find here that the expenditure has run up from 64 lakhs in 1921-22 to 67 in 1922-23 and to 76 in 1923-24. The voted expenditure has considerably increased. From 58 lakhs in 1921-22 it grew to 64 lakhs in 1922-23, original estimate, and 61 lakhs revised estimate. But what was claimed is 66.86 lakhs. Instead of an attempt being made to effect economy what we find is that there is already a provision made for an additional five lakhs odd in the budget itself. I am speaking only on the demand presented to the Assembly because I have not got the later figures. Actually, therefore, there was a demand for 5 lakhs and odd extra, of which only a portion was cut out by the Assembly, and what is practically now asked for is the restoration of the whole amount with the exception of about Rs. 75,000. It is impossible to imagine that this cut could not have been made, especially because I find that the extra provision is asked for only in 1923-24 over and above the revised estimate of 1922-23. It is not actually a question of retrenchment. It is a question of making a new provision. All we find is that 5 lakhs more are sought to be spent and not that you find it difficult to make any retrenchment. Let me make my point clear. In the revised estimate of 1922-23 we find the expenditure under the voted head put down at 61.60 and the estimate for the current year voted is 66.86; so that we actually add to the expenditure. It is not a question of retrenchment. What I beg to submit is that the Assembly's old Resolution cannot easily be turned down like that, and in these matters I want the Assembly to be given credit for having considered this matter, especially after the report of the Retrenchment Committee upon which at least they should be allowed to base themselves. It might be said that the irresponsible non-official members want to cut down expenditure, and that the responsibility rests upon the shoulders of those who work from year's end to year's end. But that question does not arise in this case. It is a fact that the opinion of the Assembly has been treated with scant courtesy. My objection is to passing this demand against the Resolution of the Assembly passed last year. Of course I do not mean to say that the Finance Committee has not tried to follow the explanations given, but I do want to say that in such cases, which involve vetoing the Resolution of the Assembly, they should rather not do it and

[Mr. K. Rama Aiyangar.]

should place the matter before the Assembly again. So much for the Customs.

But I am more concerned, Sir, with respect to the second head under which an amount is being asked for, namely, Income-tax.

Mr. President: It would be more orderly to deal with these demands separately. I propose to put the question in the form of an ordinary Budget motion, namely:

"That a supplementary demand not exceeding Rs. 3,03,000 be granted to the Governor General in Council to defray the charges which will come in course of payment for the year ending the 31st day of March, 1924, in respect of Customs."

And in that case I think that the Honourable the Finance Member should ask leave to withdraw.

The Honourable Sir Basil Blackett: I am quite prepared, Sir, if it is for the convenience of the House, to withdraw that motion and to accept your suggestion which seems to me to be a very valuable one. I beg for leave to withdraw my motion.

The motion was, by leave of the Assembly, withdrawn.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 3,03,000 be granted to the Governor General in Council to defray the charges which will come in course of payment for the year ending the 31st day of March, 1924, in respect of 'Customs'."

Dr. H. S. Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, before this motion is put to the vote I invite the attention of the Members of this House to the proceedings of the Finance Committee, pages 84 and 85, paragraph 5, which reads as follows:

"Supplementary grant of Rs. 89,000 required to meet drawback of customs duty levied on consignments of sugar shipped by the Officer in charge Expeditionary Forces, Canteens, A. S. C. Bombay, to British troops in Mesopotamia, Egypt and Salonika."

This grant was discussed at considerable length and on a vote being taken the Committee was found to be equally divided. I would ask the Honourable the Finance Member to justify this a little more fully, because the Finance Committee was equally divided upon the subject and it was not satisfied about this item.

Sir Campbell Rhodes (Bengal: European): Sir, the explanation given us for this extra grant of three lakhs is that the full cut of four lakhs made by the Assembly cannot be realized. The Customs Department, I should like to inform our friend, is one of the largest revenue-earning departments of the Government of India. I have studied this question during the month of December very closely in Calcutta, and I have come to the very definite conclusion that the Customs will have to spend more money and not less if they are going to bring in a large revenue to the Government of India. The new heavy duties that have been put on have put a great strain on the present staff, both in the matter of the time involved in appraising goods and also in the capacity of the present staff for appraising the goods in such a way as to inflict no hardship on the importer and at the same time to get the greatest benefit possible for the customs revenue. I have known a case where a very large sum of money has been lost to the customs owing to under-valuation. One was brought to my notice where goods whose real value was Rs. 5 a yard have been passed through the customs at eight

annas. I therefore submit, Sir, that, if we are going to get the full benefit from these high duties, we shall have to augment our present staff, pay them more, and to see that we get really efficient service from them.

The Honourable Sir Basil Blakett: Sir, in regard to the question put by Dr. Gour, I should like to say at once that nothing is included in the supplementary estimate for the purposes of that payment. In view of the fact that the Standing Finance Committee were not able to make a recommendation on the subject, the Government did not think it desirable to include in this supplementary demand any provision for the payment in question. In regard to what the first speaker said, I would like to draw his attention to the fact that the estimate, as presented by the Government to this House a year ago, was the estimate which had been under consideration by the Retrenchment Committee, and that it was in respect of that estimate that they said that, apart from two particular points mentioned, they did not recommend any further reduction. In regard to the two particular points mentioned, I have already stated that the question of the abolition of the post of Commissioner of Customs, Bombay, is just approaching settlement; it is connected with the establishment of a Central Board of Revenue at headquarters and other recommendations of the Retrenchment Committee, and, as soon as the Bill which is now before the House is passed, we shall be in a position to give final effect to that part of the Retrenchment Committee's proposals. An examination into the strength and pay of the staffs of the various Custom Houses is now about to be undertaken by the Central Board of Revenue. Some examination was made last year, but it was decided that it would be better to leave the whole question over for a little, to be examined in connection with the centralization of customs work which is going on. The customs administration is, as the House is aware, being gradually transferred to a central organization, and the agency of the Local Governments is, where possible, in important cases being dispensed with. I would like also to assure the House that we did not neglect their expression of view that we ought to make a further cut of 4 lakhs. Immediately after that vote was passed by this House, my Honourable Colleague, Sir Charles Innes, who was then in charge of the Customs Department, ordered an inquiry to be made of all the customs officers as to what retrenchments they could make with a view to making this cut, and certain small retrenchments were made in consequence, but it was stated very definitely that further retrenchments could not be made without risking a loss of revenue. As Sir Campbell Rhodes has pointed out, it is only natural, and I am afraid unavoidable, that the cost of our customs administration should tend, with duties as high as they are at present, to rise rather than to fall. Human nature is such that, if you have a very heavy duty on an article which it is fairly easy to bring into the country, attempts will be made to bring it in without payment of the full duty or without payment of any duty, and as the trade gets familiar with the possibilities in that direction, so the vigilance of the Customs Department requires to be increased. With high duties, it is very difficult to prevent a tendency in the case of the Customs Department to rise. But I do not think that the increase has been very much out of proportion if you consider the very heavy increase of duties that were made in 1921-22 and 1922-23. The total Budget estimate in 1922-23 was 67 lakhs, and the revised estimate was 70 lakhs. Our expenditure this year will be approximately 75 lakhs. It is true that the amount of revenue that you collect varies with the season; but we are collecting over 40 crores of revenue at a cost of 75 lakhs, that is, I believe nearly double the amount of revenue that we were collecting 2 or 3 years ago under the head of Customs. I do

[Sir Basil Blackett.]

not think therefore that the Government can be accused of an undue tendency to spend money on the Customs Department, and I think that both the House and the Government ought to be very careful not to risk losing large amounts of revenue by being too economical in their provision for staff for collecting that revenue.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 3,03,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Customs.'"

The motion was adopted.

TAXES ON INCOME.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 5,23,000 be granted to the Governor-General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Taxes on Income.'"

Mr. K. Rama Aiyangar: Sir, I want to mention my difficulty in connection with this matter also. I feel that sufficient attention has not been paid to keep the expenditure under control. The recommendation of the Retrenchment Committee in respect of this Department appears on page 219 of their Report, and they were very careful to say that they did not intend to reduce the expenditure proposed because it was a revenue-securing Department, but they do say:

"Having regard to the importance of maintaining the revenue, we do not recommend any further reduction in the estimates of this Department for 1923-24 as compared with the current year's estimates."

I must explain why they left it like that, because we find that even before 1923-24 the expenditure had been rising. We find this at page 9 of the List of Demands, and we find that in 1921-22 the expenditure was Rs. 1,88,000 non-voted and 21 lakhs voted, and during 1922-23 was Rs. 2,75,000 non-voted and Rs. 44,80,000 voted, that is, the Budget estimate; and the revised estimate was Rs. 2,66,000 non-voted and Rs. 41,88,000 voted, so that what they meant apparently was that they did accept the revised estimate and they said,

"we do not recommend any reduction in the estimates of this Department for 1923-24 as compared with the current year's estimates."

If the revised estimate is taken into consideration, it will be Rs. 41,88,000. If the original estimate is taken into consideration it will be Rs. 44,80,000.

Mr. President: The Honourable gentleman is going over the whole field of Income-tax administration. As far as I understand, the debate on this demand for Rs. 5,23,000 is restricted strictly to payments to Local Governments for part services of their staff in income-tax work, and therefore the only subject under discussion is that—unless the Finance Member assures me that it is wider.

The Honourable Sir Basil Blackett: The answer to the Honourable Member's question is this. The only reason for the supplementary estimate is the special payments referred to in the Remarks column.

Mr. President: In that case the debate must be restricted to that. I must draw the Honourable Member's attention to the fact that he is trying to anticipate the debate which will come on in March.

Mr. K. Rama Aiyangar: I would like to know from the Honourable the Finance Member if the provision made for such payment has been exceeded. I find that there is provision made for payment to Local Governments in the previous Budget. Has that been paid completely as per figures or has that money been allotted to other expenditure and you want the extra amount now for this purpose? I would like to be answered.

Mr. A. B. L. Tottenham (Member, Board of Inland Revenue): May I explain, Sir, that this demand is necessitated solely by the fact that the arrangement for the payment by the Central Government for work done by the staff of Provincial Governments was only arrived at in July last. It was only in July last that an arrangement made with the various Provincial Governments was placed before the Standing Finance Committee and approved by the Standing Finance Committee. Under that arrangement a certain percentage of the net income-tax collections in areas where work is still done by the Revenue Department is paid to the Local Governments as remuneration for the work done by their Revenue Departments. Owing to the fact that this arrangement had not been come to, and that it was not known what arrangement would be come to, when the Budget estimate was framed, unfortunately there was a very large under-estimate of the amount that would be required. I think it was also possibly overlooked that we should have to make two years' payments. Had we not had to make two years' payments at the same time owing to this delay, the Budget provision would have been sufficient. The entire Budget provision has been exhausted and has been devoted, I may inform the Honourable Member opposite, to the purposes for which it was provided. We have also met a very large proportion—about half—of the deficiency from savings under other heads. It cannot, therefore, be said that we are not economical. There still remains, owing to the circumstances to which I have referred, a sum of about Rs. 5 lakhs, for which we are now asking. I hope that the explanation that I have given will satisfy the Honourable gentleman opposite and the House generally. I think I have covered all the points referred to by the Honourable Member.

Mr. K. Rama Aiyangar: I have not got the exact figures, but Rs. 6 lakhs, I see, have been provided for payment to the Local Governments. That appears on page 299 of the List of Demands. What is the total amount that is now payable, so that we may know what amount is being asked for for that particular purpose?

The Honourable Sir Basil Blackett: I have not got the information quite in the form in which it is asked, but, when the matter was placed before the Standing Finance Committee last July, it was stated to them that the payments already made during the current year amounted to Rs. 19,74,000, and that a further sum of Rs. 5,60,000 would probably be required, though the matter had not then been settled with the Governments concerned. The total payments would thus amount to Rs. 25 lakhs. Two of the payments in question have been adjusted in the accounts of 1922-23, against the provision that existed in that account for Rs. 6 lakhs, leaving a sum of Rs. 19½ lakhs to be met during the current year against a Budget provision of Rs. 9 lakhs, that is to say, Rs. 10½ lakhs more have been spent this year on this particular purpose than is provided in the Budget, but we require a supplementary grant of a little over Rs. 5 lakhs only because we have been able in other directions to secure savings out of which we have made the payments.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 5,23,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Taxes on Income.'"

The motion was adopted.

IRRIGATION.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Irrigation (including working expenses), Navigation, Embankment and Drainage Works.'"

The motion was adopted.

THE INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 53,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Indian Postal and Telegraph Department (including working expenses).'"

The motion was adopted.

THE INDO-EUROPEAN TELEGRAPH DEPARTMENT.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,91,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of the Indo-European Telegraph Department (including working expenses)."

Diwan Bahadur M. Ramachandra Rao (Godavari *cum* Kistna: Non-Muhammadan Rural): Sir, I beg to move:

"That the grant under the head 'Indo-European Telegraph Department (including working expenses)' be reduced by Rs. 100."

The object of this motion is to elicit from the Government the exact position of affairs as regards the future management of this department. Sir, the history of this department and the remarks made by the Inchcape Committee will be found at pages 114, 115 and 116 of their report. It seems to be unnecessary for me to refer to the previous history of the department, but there are a few points which arise for our consideration. One of these is as to whether the headquarters of this department should not be removed to Delhi. Honourable Members will notice that at present

Mr. President: Does that proposal come under unforeseen contingencies?

Diwan Bahadur M. Ramachandra Rao: I wish to elicit information. I wish to take this opportunity by moving for a small reduction to get from the Government information on this matter and to get an assurance as regards the future management of this department. I trust that this is not out of order, Sir.

Mr. President: That depends on how the Honourable Member develops his argument.

Diwan Bahadur M. Ramachandra Rao: Sir, the history of this department is fully set out in the Report at page 114. The Indo-European Telegraph Department is now managed by the Secretary of State and the headquarters of the department is in London, and Honourable Members will notice the minute of Sir Purshotamdas Thakurdas appended to the report and which will be found at page 122. Grave inconvenience has been felt in the past and is being felt at the present day in the management of affairs with headquarters in London. At present the Secretary of State in consultation with the departments under him

Mr. President: I am afraid the Secretary of State is not an unforeseen contingency.

Diwan Bahadur M. Ramachandra Rao: Sir, perhaps you will hear me a little further before giving your decision. I wish to ascertain from the Honourable Member what action has been taken in view of the opinion that has been expressed by the Honourable Sir Purshotamdas Thakurdas that an attempt should be made to remove the headquarters of this department to Delhi. I will elucidate the difficulties that are being felt by those who have to deal with this subject in the Standing Finance Committee. The Budget estimates of this department are forwarded from London to the Government of India and the Government of India place those estimates before the Standing Finance Committee. We have no information as regards the necessity of the expenditure, nor are the Government of India in a better position than

ourselves to check this expenditure as it ought to. Therefore
 12 Noon. it comes to this that, if we are to scrutinise this expenditure properly we should be in a position to look into the annual expenditure of this Department in the same way in which we scrutinise the expenditure of other departments in the Standing Finance Committee. Therefore, the proposal that has been made is to remove the headquarters to Delhi to bring them under the control of the departments here. It is only then, I submit, that this House can properly vote the expenditure that is required for the maintenance of this department. It seems to me, therefore, Sir, that I am entitled to raise this question and ask my Honourable friend Mr. Chatterjee whether, in view of the suggestions that have been made by one of the members of the Retrenchment Committee, any action has been taken in regard to the proposal for the removal of the headquarters of this department to Delhi. I am aware, Sir, that this department is managed under arrangements with the Indo-European Telegraph Company and the Eastern Telegraph Company and the Eastern South-African Company.

Mr. President: I must inquire from the Honourable Member in charge what is provided for under this item. As far as I can see, my Honourable friends from Madras have come here to-day with the deliberate intention to forestall the debates on the Budget. They must remember that these are not Budget discussions but something much more restricted, mere foot-
 notes to the finance of the year.

The Honourable Mr. A. C. Chatterjee (Industries Member): The main item provided for in the supplementary grant is on account of the maintenance of the Meshed-Sistan line, but I shall be quite glad very briefly to give the information which the Honourable gentleman asks for, so far as it lies in my power, if you will permit me to do so.

Mr. President: I have ruled that it is not in order.

The Honourable Mr. A. C. Chatterjee: As a matter of fact, if I may say so, I had given some information in reply to some questions asked by Sir Purshotamdas Thakurdas a few days ago and I was only going to repeat that information.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber: Indian Commerce): I do not think, Sir, any apology is needed for intervening at this stage in the discussion of this subject despite what you may have ruled to my friend the Diwan Bahadur. The Honourable the Finance Member will easily realise the difficulty of any non-official Member on this side of the House in getting absolutely at grips with the various problems reflected in the sheet that has been submitted to him and voting an extra expenditure of well over 2 crores of rupees. Sir, the proceedings of the Finance Committee were not available earlier than this morning on our tables here. I really wonder if the Honourable the Finance Member expects the Members of this House to have such a grasp of financial subjects that they can read these side by side when he is moving for the grants and when you, Sir, choose to give your rulings more or less to the strictest letter of the procedure laid down. Whilst I should be the last to do anything which would be liable to waste the time of this Assembly, I cannot help feeling that I wish my friend Mr. Rama Aiyangar had pressed his proposition for division in this House. I, for one, Sir, absolutely refuse to take any responsibility for the consideration of these items if things are to be presented to this Assembly with such haste that we are expected to go through the proceedings and decide and vote on the items practically within half an hour of the paper being submitted to us. I do not overlook the fact that perhaps at the start, when the Assembly begins to work, there must arise some difficulty of this nature. But may I put it to the House, Sir, whether when the Assembly set to work on the 31st of last month, it was not absolutely essential for the Government to see that the Finance Committee was elected much earlier than it actually was and that, when it set to work, we got these proceedings in good time, at any rate two or three days before the items came up for discussion and sanction. I feel, Sir, that in view of the fact that Mr. Rama Aiyangar has withdrawn his Resolution, Members on this side of the House will be quite justified in saying that they cannot make up their minds about the various items to-day, for one has got to look up the Incheape Committee Report, the Budget Estimates of last year and to find out what points were considered in the Finance Committee and whether further discussion should be taken up here or not. If the general idea is that the Finance Committee's recommendations should practically be the passport for these items to get through the Assembly, then I have no more to say. But, if the responsibility for passing or turning down these items should rest with this Assembly, then I think Members on this side of the House would be justified in saying that they are not able to take any intelligent interest in this matter owing to the procedure that is followed.

The Honourable Sir Malcolm Hailey (Home Member): The Honourable Member has, if I may be permitted to say so, been rather rash in accusing us of delay in appointing the Standing Finance Committee. The House is my witness that that was one of the very earliest motions that was put before the House; we could not have done it earlier. Members of the Standing Finance Committee will be able to say whether every attempt has not been made to find time for their meetings. (*Dr. H. S. Gour:*

'No, no.') I myself was under the impression that the Standing Finance Committee had reason to complain of us, Members of the Assembly itself, that we would persist in discussing other matters when they wished to get to their work. But on one charge we are, at all events, quite clear. We did our best to secure the Standing Finance Committee at the earliest possible moment. If Honourable Members will look at the proceedings of the last meeting of the Standing Finance Committee, which was held on the 16th February, they will also see that we have done our best to print and circulate their proceedings at the very earliest opportunity. But, Sir, there is another question. The House appoints the Standing Finance Committee which, we understand, is a representative body. Is it actually necessary, when the Standing Finance Committee has gone fully into all the details of these grants, that the House should desire to do that work again; is it not possible that the House, having appointed a representative committee of this nature, should be able to take matters of detail though not of principle on trust from them without seeking further information? There are members of the Finance Committee here at present who can discuss these matters on the floor of the House. That, I think, would be the ordinary procedure in the House of Commons.

Diwan Bahadur M. Ramachandra Rao: I may perhaps say a word in this connection. As Members of the Finance Committee we found considerable difficulty in piecing together the various proposals that came up before us for consideration before we could come to any final decision in regard to them. In the first place, the items placed before us had no obvious connection with the expenditure items and we could not really follow what had happened before and what was to come afterwards. That was our difficulty, and I believe a statement has been presented to the Chairman of the Standing Finance Committee pointing out the extreme difficulty of discussing these points without having such information before us. I should therefore think that the Honourable Sir Malcolm Hailey has not correctly appreciated the difficulties of the Members of the Finance Committee. And under the ruling given by the Chairman himself, several questions which ought to have been discussed in the Finance Committee have not been so discussed because he said that these questions are to be raised in the House. Every item that could be placed before us in itself might be reasonable object of expenditure, but what we did want to know was a comprehensive view of the extra expenditure that is invited, the items which it is proposed to be distributed under various grants so that we might really see and appreciate the new items in their proper perspective. That I venture to think we have had absolutely no time to see. Therefore, under the circumstances to say, as the Honourable Member has said, that the Finance Committee has approved of these things is really not quite accurate. It is true that the Finance Committee is a new institution and has just been brought into existence this year. These difficulties may not occur hereafter but this year we are under peculiar difficulties and I think my friend, Mr. Rama Aiyangar, in withdrawing his motion, has really seen the difficulties under which we are labouring and did not wish in any way to embarrass the Government in any way. But at the same time, I am entirely at one with my Honourable friend, Mr. Purshotamdas Thakurdas, that, when we are asked to agree to these grants without further information and without a further statement of the facts that are absolutely necessary for a proper decision, I think, Sir, I must endorse everything that he said on behalf of myself and on behalf of everyone in this House. Therefore, I think there is a good deal to be said for a

[Diwan Bahadur M. Ramachandra Rao.]

modification of the present procedure. But this is not the time when I should discuss this matter. A good deal has to be done to place materials and the correspondence of the subject before us properly. For example, take this question—compensation to Local Governments for work done in the collection of income-tax. I agree that Local Governments should be reimbursed for the work they are now doing on behalf of the Central Government. We should like to know on what principles compensation has been fixed. There are no materials on which they could have been decided. We have had to accept what was placed before us. I am only mentioning these matters for the purpose of appreciating the position of the Finance Committee.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadian Urban): Sir, with reference to your ruling which I see, Sir, is supported also by the procedure adopted in the House of Commons on Supplementary Estimates, I wish to point out, Sir, that the Supplementary Estimates placed before us do not give us any particulars. I quite admit they are bound to raise questions covered by these particulars contained in the Supplementary Estimates. But one likes to be informed, Sir, of the particulars and items which go to make up this Rs. 1,91,000. We are entirely in the dark and, while no doubt we are fully alive to the responsibility entrusted to the Finance Committee, we as Members cannot divest ourselves of our responsibility. No doubt, we take the Finance Committee on trust, but, at the same time, we should have information on which we should take them on trust. I therefore beg to point out that these Estimates should be more fully described and more particulars given before a vote of this House is taken.

The Honourable Sir Basil Blackett: Sir, I have some sympathy with the feelings of this House in trying to understand the contents of this document. I had to sit up a good part of two nights myself in order to be in a position to deal with it when it came here to-day. This year we have been under rather special difficulties. Normally, or rather last year, the Standing Finance Committee was in existence before the Session began. It was able to be called here before the Session began and was able to sit with a certain amount of leisure time to discuss the items that we put before it and be ready in plenty of time for the presentation of the supplementary estimates to this House. This year there could be no Standing Finance Committee until this House had assembled and had elected its Committee and that Committee, I think, began its work in very good time after the beginning of the Session, when we consider that on the 11th of February they were a fully constituted Committee able to get to work.

As regards some points raised by my friend, Mr. Ramachandra Rao, I should be extremely glad to discuss with him and others possible ways of improving the methods of presentation of our cases both to the Standing Finance Committee itself—about which I know there have been complaints—and before this House, so that we may be in a position to have a debate which is informative. I would, however, just make this one request that we must be careful not to turn every debate into a debate on the general Budget. Though it is relevant to any particular question what the outturn of the year is going to be and whether this or that tax is coming in well, we have to deal with our technical functions in a slightly technical way. To-day we are considering the appropriation of certain

sums for particular purposes not covering the whole of the vote in most cases but one particular purpose inside one vote. That is a tempting opportunity to ask questions but it is not under the rules an opportunity to discuss Ways and Means questions or general Budget questions. I shall be very glad to consider further the suggestion made by my Honourable friend, Mr. Rangachariar, as to an improvement of the form in which the supplementary estimates are presented to this House. Last year they were presented in a rather different form, which I think was even less informative. I shall be extremely glad to have any discussion with him as to an improvement that we may introduce next time, and it is a matter which the new Standing Finance Committee itself may very usefully consider.

Mr. Harchandrai Vishindas (Sind: Non-Muhammadan): I should like to know from the Honourable the Finance Member whether it would not have been practicable to delay the discussion of the Budget so as to admit of the Standing Finance Committee discussing it and a further explanation being given in the Statement, in which case all the difficulties that have been pointed out by Honourable Members would have been obviated.

The Honourable Sir Basil Blackett: That is, I think, rather a question for the Leader of the House than myself, but I would point out that we have not a great deal of spare time for financial work other than the Budget itself after the 29th of February. There is the whole procedure of the Budget to be got through, there are the demands for grants themselves, which give a better opportunity for a general discussion on a vote than the supplementary estimates, and there is the Finance Bill, all of which work has to be got through within the month allowed by the Provisional Collection of Taxes Act. It is, therefore, almost essential that the supplementary estimates should be disposed of before the time for the Budget comes along, and the date which was chosen was chosen in the hope that the Standing Finance Committee's report would be in the hands of Members and they would have time, and I do not think it would have been easy to have fixed a later date.

Pandit Madan Mohan Malaviya (Allahabad and Jhanshi Divisions: Non-Muhammadan Rural): I wish to know, Sir, why the Assembly was not convened earlier in order that the Standing Finance Committee might have been appointed earlier and debated this matter fully.

The second thing I want to say is this. Here is a year of very bad financial situation for the Government of India in which a measure like a certificate by the Viceroy has to be resorted to, in order to get the money which the Government of India desire to carry on the administration. In that year, at the end of the year, we find the Finance Department of the Government of India coming up to ask for supplementary demands. In the supplementary demands they show Rs. 1,91,000 as a supplementary demand under the Indo-European Telegraph Department, and the explanation given is "due to certain unforeseen expenditure not provided for in the original estimates." The Honourable the Finance Member or the Honourable the Home Member might have told us what this unforeseen expenditure was and why it was sanctioned in a year of deficit, in a year of great financial difficulties. Was it not the duty of the Department to see that the original estimates were adhered to until better times returned? I want an explanation on these points.

The Honourable Sir Malcolm Halley: As regards the first point, we fixed a date for the assembling of this House after a consideration of the business which we thought would come before the House. There are some years when we have before us a programme of business which is obviously both lengthy and contentious. I take for instance the example of last year when we had before us the revision of practically the whole of the Criminal Procedure Code together with a considerable number of other Bills of a controversial nature. It was in consideration of the fact that we had a much more restricted programme that we fixed the date of the Assembly as late as the end of January, and not because we wished to delay in any way the pleasure of meeting our friends here.

As regards the second point, the Honourable Pundit was not, I think, present to hear the explanation which Sir Basil Blackett presented to the House in placing this Statement before it. The Statement consists of a very large number of items. Some of them do show an excess over the sum provided in the Budget. In other cases, as Sir Basil Blackett explained, it is merely a question of transfer. I do not think that it is right for me to cover again the ground which was covered by Sir Basil Blackett; and I am impelled to ask you, Sir, whether we are correct, in a discussion which began on this particular item (No. 11, Indo-European Telegraph Department), in going back to a discussion which should properly have taken place on the opening motion made by Sir Basil Blackett.

Pandit Madan Mohan Malaviya: Sir, I still wait for an explanation as to what this unforeseen expenditure is and why it was sanctioned in a year of great financial difficulty.

Mr. President: Order, order. That information has already been given. But I should like to say for the information of Honourable Members and particularly of Government that no one would welcome more than myself an improvement in the method of presenting these estimates so that everybody will be able to see at a glance exactly what is being asked for. At the same time I will remind the House that the House in which I served considered itself very lucky indeed if it got any information at all!

Diwan Bahadur M. Ramachandra Rao: Sir, I might perhaps say a word or two with reference to this item of Rs. 1,91,000. It has been explained to us that this amount has been expended in the maintenance of a section of the Railway in Persia known as the Meshed-Sistan section. It was stated that this line came under the control of the Department under the Government of India some time in 1919. It was a line which was maintained by the Military Department. Somehow or other, the Government of India had taken charge of it. That line belongs, I understand, to the Persian Government and has been handed over or is about to be handed over to that Government at the end of this year. The amount which is covered by this grant has been expended by the Government of India during the last three years in the maintenance of a line which is owned by the Government of Persia and which has been placed in their possession by the Military Department when the Army retired from that part of the country after the war. Now, Sir, this information has been elicited after a considerable amount of cross-questioning in the Finance Committee. I should like to know why the Government of India should maintain a line which is the property of the Government of Persia and why they should have paid this sum during the last three years in the maintenance of this line. I am told further that attempts are now being made to recover this amount either from the British Government or from the Government of Persia. I should like to know

what would happen if either of these two authorities refused to pay this amount. This is one of the items which have been discussed in the Finance Committee in which full information has not been available to us. When I mentioned this, the Chairman said that I might raise this question in the House. That is why I am asking the Honourable Mr. Chatterjee what exactly the state of things is with reference to the recovery of this amount.

The Honourable Mr. A. O. Chatterjee: Sir, the Honourable Member has correctly stated the position in saying that the line was before the war a Persian Crown line. During the war it was taken over by the British military authorities, and after the war, in November, 1920, the control of the military authorities ceased and it was decided that the line should be maintained by the Indo-European Telegraph Department pending negotiations for transfer of the line to Persia. These negotiations have been very protracted and it is only quite recently that the Government of Persia have agreed to take over the line. Meanwhile, the expenditure on the maintenance of this line had been held in suspense because we were not quite sure whether this expense should be debited to the Indo-European Telegraph Department or to the Indian Post and Telegraph Department. As a matter of fact, the Retrenchment Committee had been misinformed when they stated that it had been decided that the Indian Post and Telegraph Department should undertake this expense. We have gone into the matter and it has been decided that the Indo-European Telegraph Department should bear the expense and that is why the item now appears in the supplementary estimates.

As regards the first point which my Honourable friend raised as to why the Indian Government or the Indo-European Telegraph Department should bear a share of the cost of the maintenance of this line, I may state that the matter is under examination and we are in correspondence with the British Government on the subject. I regret I am not in a position to say anything further on that point just now.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,91,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Indo-European Telegraph Department.'"

The motion was adopted.

The Honourable Sir Malcolm Hailey: May I interrupt you, Sir, for a minute? I need hardly say that both Sir Basil Blackett and I, who are responsible for arranging the business of Government in this House, feel very much any suggestion that we are not supplying the House with sufficient information or that we are not giving it ample time for consideration. I can assure the House that on a matter like this—however nefarious our purpose in regard to some other matters on which perhaps we may have something to conceal—such action is very far from our thoughts; and indeed I think I may call on my friends here to bear testimony in my favour, that I have invariably endeavoured in the past to place before the House the very fullest information possible. Indeed, I believe it to be not only the right but the most profitable course to follow in these matters. Now, Sir, I know that Sir Basil Blackett is considering the question of placing these supplementary demands forward in a much more illuminative form. Both he and I regret that the present form does not convey all the information that Honourable Members ask for, and particularly that it

[Sir Malcolm Hailey.]

does not bear reference to the paragraphs of the report of the Standing Finance Committee and further that the report of the Standing Finance Committee was not in the hands of Members as early as they could have wished. On these points I make my apologies to the House. I would only add this, that, if it will help the House, that we should as each grant comes forward explain briefly the reason for making an additional demand, we on our side should be very glad to do so.

INTEREST ON MISCELLANEOUS OBLIGATIONS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 63,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Interest on Miscellaneous obligations'."

The Honourable Sir Basil Blackett: I shall be very happy to try and give an explanation of this sum of Rs. 63,000 now in question. It is simply a case of an under-estimate of the General Provident Fund balances and balances to the credit of the Famine Insurance Funds of the Provincial Governments. These are banked with the Government of India and interest is payable on them. We have to make an estimate at the beginning of the year of the amount of interest which will be required, which naturally depends mainly on the amount of the balances to the credit of these Funds. This year we made a mistake to the extent apparently of Rs. 63,000, under-estimating the total which we required, which I do not think is a very bad mistake in a total of as much as Rs. 321 lakhs.

The motion was adopted.

GENERAL ADMINISTRATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 5,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'General Administration.'"

Dr. H. S. Gour: Sir, I move:

"That the grant under the head 'General Administration' be reduced by rupees one lakh, or if this motion fails, that the grant under this head be reduced by Rs. 5,000."

Honourable Members will find that the sole reason given in this schedule of supplementary grants for asking the additional vote of this House for Rs. 5,11,000 was mainly the fact that the reduction of four out of the five lakhs cut made by the Assembly could not be effected. Now, I want an explanation from the Honourable the Finance Member why the cut made by the Assembly was not effected and what efforts were made to reduce expenditure with a view to meet the wishes of this House. I further wish to know a few facts referred to in the proceedings of the Standing Finance Committee to which I invite the attention of the House. I would refer to page 78 and in this connection I would mention three facts. If Honourable Members will turn to paragraph 7 of page 78 they will find that the demand for an extra Rs. 25,000 was required to cover the cost of the grant of certain concessions in the Office of the Deputy Commissioner of Delhi. The Standing Finance Committee wanted some information on the subject. On going through the facts and figures presented in the budget demands for the current year it was clear that this sum, if voted

by the Assembly, would represent a very large increment to the existing salaries of the clerical and ministerial staff of the Deputy Commissioner's Office, and we wanted to know why such a large increase which in many cases worked out to about 80 per cent. of their existing salaries was justified. Mr. Gwynne, who appeared before the Standing Finance Committee, as noted in this paragraph, promised to furnish more complete details as to how the amount was arrived at. I invite Mr. Gwynne or some one else who will speak for him, to fulfil the promise made by Mr. Gwynne to the Standing Finance Committee, to give us particulars of this increase which has been provisionally sanctioned by the Standing Finance Committee and for which the vote of this House is now solicited.

The Honourable Sir Malcolm Hailey: We shall do that under the head "Delhi".

Dr. H. S. Gour: Then, Sir, there is a second point which I think is covered by this grant, that is, the law officers. If Honourable Members turn to paragraph 11, "Request for a supplementary grant of Rs. 1,84,555"

The Honourable Sir Basil Blackett: On a point of order, Sir. May I point out that it is the next grant that the Honourable Member is speaking about?

Mr. President: I was about to draw the Honourable Member's attention to that.

Dr. H. S. Gour: They were all included under the Home Department portfolio and so it is that they have been dealt with like that.

The third point is as regards the Committee appointed to inquire into the disposal of civil suits. On this point Honourable Members will see from paragraph 13 of the Standing Finance Committee's report that the Committee agreed but some of the members were not satisfied as to the necessity of appointing this Committee without previous consultation with the Legislature. On this point I would invite the attention of Honourable Members to the following facts. This Committee is estimated to cost about Rs. 2½ lakhs

The Honourable Sir Malcolm Hailey: We shall deal with that under head 44.

Sir Purshotamdas Thakurdas: It will be better if the Honourable the Finance Member when he moves for a grant refers to the paragraph relating to it in the Minutes of the Finance Committee.

Dr. H. S. Gour: I may say, Sir, that the mistake is a mistake which is shared by me along with other members of the Standing Finance Committee. It was presented in that form and I drew my notice following the procedure which we followed in the Standing Finance Committee. If Honourable Members will permit me to move it under heading No. 44 I shall then move it.

The Honourable Sir Malcolm Hailey: We shall be very glad to give any explanation under the heads under which these items actually fall.

Mr. President: The Honourable Member will reserve his motion for reduction for 15A which covers one of his points and for 44 and 49 which cover his other points.

Dr. H. S. Gour: I shall therefore confine myself under this head to an inquiry why under the head General Administration the cut made by the Legislative Assembly was not actually made and why there is now a demand for an extra Rs. 5,11,000.

The Honourable Sir Basil Blackett: I endeavoured, if the House will remember, when introducing the original motion, to give a general explanation under this head. I do not know whether the House will wish me to repeat it. It was rather a detailed one containing many figures. The position was as follows. Prior to the receipt of the Report of the Retrenchment Committee this estimate totalled Rs. 1,15,18,000 of which Rs. 87,58,000 was non-voted and Rs. 77,60,000 was voted. In accordance with their general decision on the Retrenchment Committee's Report the Government of India decided to endeavour to make a cut of Rs. 5 lakhs under this head. They were unable to distribute it over the different items because they had not had time even to consider in any detail at all the Report of the Retrenchment Committee. We therefore put it down as a lump reduction—Rs. 1,30,000 under non-voted and Rs. 3,70,000 under voted. This reduced the estimate to Rs. 1,10,18,000 of which Rs. 86,28,000 was non-voted and Rs. 78,90,000 was voted. ~~That~~ The Assembly decided that a further cut should be made of 5 lakhs. That must of course be a cut under the voted head. That left the estimate at Rs. 1,05,18,000 of which Rs. 86,28,000 was non-voted and Rs. 68,90,000 was voted. Now, the Government had to set to work first of all to effect the retrenchments that they had undertaken to make in respect of the Retrenchment Committee's Report. As the House is no doubt aware, the Secretariat was largely re-organised and in point of fact we have made savings under this head this year of just over 6 lakhs. I gave the figures before. We effected the cut we promised to effect in respect of the Retrenchment Committee's report *plus* an extra lakh. That lakh was the extent to which we found ourselves able during the year to meet the demand for a further cut put forward by the Assembly. Part of that extra saving was made under the head non-voted. It was all put down, as I have explained, under the head voted, when the House voted that lesser sum by 4 lakhs than we had asked for. We have therefore to come to the Assembly now for an additional grant of Rs. 5,11,000 not because we have over-spent the total original grant, voted and non-voted, as passed by this Assembly by Rs. 5,11,000 but because we have effected a larger saving than we expected under non-voted leaving a rather smaller saving under the voted head. The figure of Rs. 5,11,000 which we are asking for includes, if I may put it so, a request for restoration of 4 lakhs out of the 5 lakhs cut made by this Assembly. It includes certain small items all of which have been before the Standing Finance Committee. I think I am right in saying either in July, last, or now. It also includes a special sum of Rs. 37,000 payable to the Bengal Government in respect of work done by the Bengal Secretariat for the Central Government in the period since the reforms. The question put to us is, how was it that we did not effect the whole cut of 5 lakhs asked for by the Assembly. The answer that we must make is that we have done our best to cut down the Secretariat. We have cut it down to the full extent recommended by the Retrenchment Committee and a little bit more and in these circumstances I think that we can confidently come and ask this House to restore that part of the cut of 5 lakhs we have found ourselves unable, in the interests of administration, to carry out.

Dr. H. S. Gour: I take it therefore that the note made in the remarks column is not quite accurate.

The Honourable Sir Basil Blackett: It is accurate but it is incomplete because it does not refer to the non-voted portion.

Dr. H. S. Gour: In view of the explanation of the Honourable the Finance Member I would withdraw my motion. (No. 3, Item No. 14.)

The motion was, by leave of the Assembly, withdrawn.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 5,11,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'General Administration.'"

The motion was adopted.

ADMINISTRATION OF JUSTICE.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Administration of Justice.'"

Dr. H. S. Gour: I had already anticipated my motion under this head by drawing the attention of the House to the proceedings of the Standing Finance Committee at page 78, paragraph 11, from which Honourable Members will find that this is a request for a supplementary grant of Rs. 1,34,555-8-3 for the current year and includes Rs. 46,000 in the estimates for next year on account of the cost of service rendered to the Central Government by the law officers of the Bengal Government. The Standing Finance Committee was divided upon this subject and the members who dissented from the grant being given were of opinion that, in view of the fact that, since the reforms, there is an independent Law Department of the Government of India and that there are two or three solicitors attached to the office of the Legislative Department here, there was no reason why the Central Government should draw upon the law officers of the Government of Bengal and pay for them at the rate at which the Bengal Government and the Central Government have agreed that their services should be remunerated. I think it is a highly inconvenient arrangement. The Central Government have their headquarters at Delhi. The law officers of the Central Government reside in Calcutta and from time to time a requisition is made for their services and their opinion solicited by the Government of India for which the Government of Bengal send to the Central Government an annual bill of cost which in the present instance runs to Rs. 1,34,000. Now, I wish to ask, Sir, whether it would not be more economical and whether in fact it is necessary that the Central Government here should draw upon the legal services of the Law Officers of the Bengal Government when they have a fully equipped Law Department at Delhi. I wish to know how many solicitors of the Government of India are employed here and what are their duties and whether it is not a fact that the Law Member of the Executive Council is the law adviser of the Government of India. These are facts, Sir, upon which I should like to ask the occupants of the Treasury Benches to give this House some information. It seems to me the arrangement made by the Central Government with the Bengal Government for obtaining their supply of legal opinion from that province is both unremunerative and inexpedient and I therefore move my motion that the grant under the head Administration of Justice be reduced by Rs. 5,000.

Mr. T. E. Moir (Madras: Nominated Official): Sir, with reference to your previous ruling I should like to ask whether the point raised by the Honourable Member is really relevant to the item under discussion. The item under discussion relates to a supplementary grant of Rs. 1,35,000, being the contribution to the Bengal Government for services rendered to the Central Government by certain law officers in Calcutta. It is perfectly true that item 11 on page 78 of the Proceedings of the Standing Finance Committee deals with two items. One is the supplementary grant which relates to payments due to the Government of Bengal for the years 1921-22, 1922-23 and 1923-24. Item 11 also deals with the provision for next year. I merely wish, Sir, to ask your opinion as to whether a discussion on the arrangements between the Government of India and the Government of Bengal would not more appropriately be raised when the question of a provision of this nature in next year's budget came under consideration.

Mr. President: That is so.

Dr. H. S. Gour: May I just explain, Sir. If I understand aright, the sanction of the Standing Finance Committee was solicited on a representation made to it that Rs. 43,000 were required for a period of five years with effect from the 1st of April 1921, and this sum includes that item. Therefore, as a supplementary grant is asked for for the current year to pay the Government of Bengal for services rendered by the law officers of the Bengal Government, as stated by the Honourable Mr. Moir himself in paragraph 11 of the proceedings of the Finance Committee, we are perfectly within our rights in asking the Government why this debt was incurred and why it cannot be avoided in future.

The Honourable Sir Malcolm Hailey: Sir, I think I can manage to satisfy Dr. Gour and I hope the House also while keeping within the terms of your ruling. This item refers not only to recurring payments but to payments in the past on account of the debit raised against us by the Bengal Government from the year 1921 onwards. It is possible for me I think to give the necessary explanation on the latter item without going into the general question of policy. It is sufficient to say that we have considered this question in some detail from 1916 onwards. In 1916 there was a small Committee formed of which Sir William Vincent, Sir Basil Scott, and I think Mr. S. R. Das, were members; it considered at some length the question of the law work of the Government of India. Our present system grew out of the recommendations of that Committee. We found that we had numerous offices in Calcutta which were continually in need of legal advice and were also in need of representation in the courts in important cases. I need only say that we have at Calcutta the Controller of Currency, the head of our Post and Telegraph Department, the headquarters of a large Railway and perhaps one of the most important Income-tax collecting centres in India. Even were our headquarters organization for legal advice as full as the Honourable Member suggests, it would be difficult for the Calcutta officers to come up here and obtain that advice at short notice; they would in any case still need representation in the courts. It has therefore been a convenience to us to maintain a system under which we are allowed to call upon the law officers of the Bengal Government for the assistance that we require, and the sum which we have paid merely represents a calculation of the proportion of their time taken up by us. The Bengal Government asked for Rs. 54,000 a year. The sum after inquiry by two experts was reduced to Rs. 48,000 a year. Now, without going into the general question of our policy it

will be sufficient for me to add that that sum of Rs. 43,000 does not only represent payment for the services which we obtain from the Bengal Government in regard to legal advice on problems arising in our Calcutta offices and representation in the Calcutta Courts; it also refers to certain additional services rendered to us in cases which are submitted by the Solicitor to the Government of India for the opinion of the Advocate General of Bengal. So that on the whole, knowing what we do of the cost of legal work generally—not that I suggest that it is over remunerated, but it is certainly largely remunerated—I do not think that any one in the House could claim that we are paying too much when we provide a sum of Rs. 43,000 a year for those services.

Mr. N. M. Joshi (Nominated: Labour Interests): Sir, when this question was discussed in the Standing Finance Committee I asked for certain details as to how this sum of Rs. 43,000 was arrived at. Those details were not furnished and in the absence of those details I find it difficult either to approve or to disapprove of this demand. Sir, the position of Members of this Assembly as well as of members of the Standing Finance Committee becomes very difficult in expressing their approval or disapproval of items of this character. A sum of Rs. 43,000 may be either too much or too little. We are not in a position to say which, unless we know for what purposes and for what items this amount is necessary. Sir, Government was not able to give the details of the sum of Rs. 43,000, such as, how much is paid to the Advocate General, how much to the Solicitor and for how many days' work. Unless these details are given, it is not right to expect the Standing Finance Committee to give its support. I therefore declined to give my approval to this item, and, unless the details are given and we are shown how this sum is arrived at, I cannot do it.

The Honourable Sir Malcolm Hailey: I was not warned that the Honourable Member desired this precise information; but I have, though by a fortunate accident, the file here which relates to the manner in which the sum was calculated. We had a detailed examination carried out by the Accountant General, Central Revenues, and by the Legal Secretary to the Government of Bengal. If it would satisfy the Honourable Member, I could have the various somewhat minute details scheduled for his information. It consists of information of this kind:

"The total number of cases dealt with by the Advocate General, 666, 48 of these being cases of the Government of India.

The charge incurred by the Government of Bengal on account of Standing Counsel is Rs. 12,000. The cost chargeable to the Central Government on the proportion of Sessions cases dealt with has been calculated at Rs. 2,000 a year."

There are a great number of details of that kind. I am perfectly willing to show them to Mr. Joshi if that would satisfy him.

Diwan Bahadur M. Ramachandra Rao: Sir, I should like the Honourable Sir Malcolm Hailey to consider the desirability of placing those details before the Finance Committee. Several of us have considerable difficulty in appreciating the necessity of various items and it is not merely a question between Mr. Joshi and the Honourable Sir Malcolm Hailey. Therefore I suggest that the proper procedure is that in elaborating the memoranda for the Finance Committee they should go into these matters. In this case we were anxious to know how this item of Rs. 43,000 was arrived at. Therefore I would ask the Honourable Member to consider whether in connection with items such as this it would not be better to

[Diwan Bahadur M. Ramachandra Rao.]

adopt the practice of elaborating the details in the memoranda furnished to the Finance Committee.

The Honourable Sir Malcolm Hailey: I should be perfectly willing that an officer should attend with the necessary information at the next meeting of the Standing Finance Committee, if it so desires.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam: Non-Muham-radan Rural): Sir, I think this difficulty which has now arisen and which did not exist before is mainly due to the fact that previously the Honourable Member for Finance used to preside at meetings of the Finance Committee, and whatever difficulty arose we immediately asked the

Finance Member. Because it is entrusted to the Honourable
1 P.M. Mr. Moir, perhaps he will not be in a position to solve the difficulties. Would it be convenient for the Honourable Member for Finance to attend the Finance Committee meetings in order to help Members there to get the necessary information without referring at the last moment to papers which do not contain full information regarding any particular item

Mr. President: That is the business of the Finance Committee, and this House gave it no special instructions as to how to carry on its business. If we look at the names of the Members of the Finance Committee, I think they can well take care of themselves.

The Honourable Sir Basil Blackett: I would like just to correct what I think is a mis-statement of fact. Last year in the Delhi Session Mr. Moir presided over the Committee as he did this year and I believe the year before also. (*Mr. Venkatapatiraju*; "I referred to the time when the Honourable Sir Malcolm Hailey presided.") During the Simla Session of last year I did preside over the Standing Finance Committee. I should of course have for many reasons been very glad to preside over the Standing Finance Committee now, but I believe that Sir Malcolm Hailey found the same difficulty and, for the same reason, handed over to another Member of the House the duty of presiding during the Delhi Session when, in addition to other duties in the House, the Finance Member has the whole of the preparation of the year's Budget on his shoulders.

The Honourable Sir Malcolm Hailey: That is true; I did my best to help the Standing Finance Committee at its inception, for there was a good deal of information to be conveyed to it in the first stages. But there arrived a time when I thought that the Committee had acquired such knowledge of our procedure that my presence there was no longer necessary, and in any case I did feel, as Sir Basil Blackett says, that during the time when we were preparing the Budget it was almost impossible to afford time to attend the meetings of the Committee. It was my own suggestion to Sir Basil therefore that he should if possible find another Chairman for the Committee.

Dr. H. S. Gour: May I just point out that when this figure was presented before the Finance Committee, all that the Committee were told was that there was some sort of a compromise with the Government of Bengal for Rs. 48,000

Mr. President: Order, order. I pointed out that the Committee could well take care of themselves. If the Committee states in its own report that it accepts certain evidence, the Committee takes its own procedure,

and when officers of Government appear before it they are cross-examined as to the evidence for or against a certain course of policy. The Members of the Standing Finance Committee are not entitled to bring that complaint here.

Mr. T. E. Molr: Sir, I am rather unwilling personally to be brought into this discussion, for obvious reasons. But may I assure my Honourable friend on my left that I am not at all upset by his suggestion that the Standing Finance Committee could get a more competent Chairman; nor am I perturbed by his suggestion that the proceedings of the Finance Committee suffer considerably from my ignorance. Sir, I entirely endorse that opinion—and I have again and again expressed my regrets to the Committee that on many matters I really was no more well-informed than any non-official Member of the Committee. I leave it at that. But there is one point which has been brought out more than once in this morning's discussion. It seems to me that there was a suggestion that the Standing Finance Committee were not getting all the information which they required. Now, Sir, as I know from experience, it is a very difficult matter to put forward in a memorandum a statement regarding a particular subject which will anticipate every possible question that can be asked on that subject: and I also know from past experience that in some cases complaints have been made by Members of the Standing Finance Committee that the memoranda placed before them were too long and too detailed, while in other cases they have complained that not sufficient information had been given. It is of course very difficult for the Department to strike the happy mean and to anticipate, say, all the questions which Mr. Joshi wishes to put, in the memorandum itself. But, Sir, whenever the Standing Finance Committee are sitting, the Secretary or some representative of the Department, and in many cases the Head of the Department concerned, appears before the Standing Finance Committee, and I do not think that any Member of the Committee would suggest that any of these officers has shown the slightest unwillingness to answer any questions that were within his power or to supply further information if such were the Committee's desire. I am sure that all my colleagues on that Committee will agree that that is a true presentation of the case. My only desire, Sir, is that none of the blame which might justly be put on my ignorance or defects should in any way be thrown on the Departments, who do respond so willingly to our calls for information and on whom, may I add, our existence as a Committee must entail a very considerable volume of additional labour.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'the Administration of Justice.'"

Mr. President (to Dr. H. S. Gour): Did the Honourable Member move his reduction?

Dr. H. S. Gour: Yes, I moved it—Rs. 5,000.

Mr. President: Since which an amendment has been moved:

"That the sum be reduced by Rs. 5,000."

The question I have to put is that a reduced sum of Rs. 1,30,000 be granted for the said service.

The motion was negatived.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'the Administration of Justice.'"

The motion was adopted.

POLICE.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Police.'"

Dr. H. S. Gour: Sir, I move that the grant under this head be reduced by Rs. 5,000.

Honourable Members will find that this amount is required by the Foreign and Political Department of the Government of India in order to strengthen their passport establishment. Honourable Members . . .

Mr. Darcy Lindsay (Bengal: European): I rise to a point of order. It is not to strengthen the establishment—it is to keep in force the existing establishment.

Dr. H. S. Gour: Sir, the statement supplied to the Honourable Members of the Finance Committee was that it was with a view to make a closer scrutiny of people leaving India to places like Germany, Switzerland and America that this sum was required; and on this point Honourable Members will find that at page 85, paragraph 9, this is what the Finance Committee states:

"Additional grant of Rs. 40,520 required in 1923-24 to meet the cost of the establishment which has been employed on passport work at Bombay and Karachi since 1921-22 and additional provision of Rs. 11,350 in the Bombay (Central) Budget for 1924-25 on that account. The Committee accepted the supplementary grant for the current year, and agreed also to the grant for next year; but considered that there were matters connected with the passport system which required examination, and added further that if the results of such examination rendered economies possible, their assent was to be taken as contingent on such economies being effected."

Now, what this really means is this. The passport system in this country was introduced, if I remember aright, for the first time during the war and it has continued under the provisions of Act XXXIV of 1920. It is perfectly true that countries in Europe which did not insist upon the provision of passports for the first time introduced that system during the war and have continued it after the cessation of war, and India has followed suit. But, I submit that the passport system is not worked with sufficient regard to economy and the sentiments of Indians, and this additional sum was stated to have been required for the purpose of making a closer scrutiny, making inquiry regarding Indians proceeding to Germany, Switzerland and America. Now, I want to know what are the nature of the inquiries made particularly from Indians proceeding from India to places like Germany, Switzerland and America. I beg to submit that under this Act of 1920 all that the Government of India are entitled to do is to inquire whether a person is a *bona fide* traveller and is going to those countries either for pleasure or on business and whether he has got sufficient means of subsistence in those countries. But I do not think, Sir, it is the province of the passport officers to make inquisitorial inquiry of persons proceeding from India to foreign countries, as to the purposes of

their visit, as to their political opinions, as to the places where they would reside and the associates they would have in those countries. That I submit, is not the legitimate purpose of inquiries being made by police officers who are deputed to make these inquiries on behalf of the passport department. Frequent complaints have been made, Sir, that these inquiries are most harassing to travellers, Indian travellers, going out of India. I quite admit that, so far as there is a necessity of issuing a passport, ordinary inquiries should and ought to be made. But when I ask the Government to explain why they require police officers, Inspectors and Sub-Inspectors of Police, for this purpose, for the purposes of making inquiries of the character I have mentioned, I think it is up to the Government to explain what is the character of the inquiries made, why police officers are appointed for this purpose and why the sum is required for which the vote of this House is demanded under this head.

The Honourable Sir Malcolm Hailey: I think, I must make it clear in the first place that the supplementary grant asked for does not, as Mr. Darcy Lindsay has pointed out, contemplate any increase of establishment. It does not provide for a single extra clerk or a single extra police officer. It has come as a charge on us now, because Bombay has made a claim that, since we receive fees for passports, we should take on ourselves the charge for maintaining the passport establishment. This is the charge for it.

Now, as to the inquiries that are made, every country is of course responsible for its own citizens when they travel abroad, responsible for investigating the correctness of the declarations made by them in respect of their identity and so forth. We are morally responsible for seeing that professional thieves and the like do not visit foreign countries; we also become responsible should citizens who travel abroad become indigent, or should it be necessary for us for any other reason to pay for their journey back from that country. I quite admit that this is not a complete explanation in itself of the reason why a considerable passport establishment should be kept up. I note however that it consists partly of clerks, who are recording clerks and registering clerks only. To that, I have no doubt, the House does not object. What has directed Dr. Gour's attention in particular is the fact that it also embraces police officers—one Inspector and I think two Sub-Inspectors of Police—who work under the Commissioner of Police, as he is the authority in Bombay under whom inquiries on a large number of subjects are made. Now, Sir, the Standing Finance Committee was attracted a good deal by this item. It thought that it was not economical, and that the establishment kept up was too large. We ourselves here are not I think in full possession of the details of the whole of their work. We are, however, prepared to make inquiries from the Bombay Government as to the necessity for keeping up the whole of this staff. We are perfectly willing to consider if any economy is possible, and I suggest that the House be content with the recommendation made by the Standing Finance Committee and by our engagement to go carefully into the strength of this establishment and if necessary to justify it at some subsequent date to the Standing Finance Committee itself.

Dr. H. S. Gour: Sir, in view of the statement made by the Honourable the Home Member, I do not press my motion.*

The motion was, by leave of the Assembly, withdrawn.

* "That the grant under the head 'Police' be reduced by Rs. 5,000."

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 40,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Police.'"

The motion was adopted.

PORTS AND PILOTAGE.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Ports and Pilotage.'"

The motion was adopted.

SURVEY OF INDIA.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 3,26,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Survey of India.'"

Mr. O. Duraiswami Aiyangar (Madras ceded districts and Chittoor: Non-Muhammadian Rural): I wish to ask, Sir, that before the Standing Finance Committee I find that a supplementary grant was applied for for Rs. 3,25,900. We find however here Rs. 3,26,000. I only want information about the difference.

The Honourable Sir Basil Blackett: That is a question of rounding up the total, I think. I have not got the figures actually before me. It is simply a question of a total which was Rs. 3,25,900 and has been rounded up to Rs. 3,26,000.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 3,26,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Survey of India.'"

The motion was adopted.

METEOROLOGY.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 20,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Meteorology.'"

The motion was adopted.

GEOLOGICAL SURVEY.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Geological Survey.'"

The motion was adopted.

ZOOLOGICAL SURVEY.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Zoological Survey.'"

The motion was adopted.

MEDICAL SERVICES.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 39,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Medical Services.'"

The motion was adopted.

AGRICULTURE.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 3,96,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Agriculture.'"

The motion was adopted.

COMMERCIAL INTELLIGENCE.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 26,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Commercial Intelligence.'"

The motion was adopted.

CENSUS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 31,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Census.'"

The motion was adopted.

EXTERNAL EMIGRATION.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 18,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'External Emigration.'"

The motion was adopted.

MISCELLANEOUS DEPARTMENTS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 39,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Miscellaneous Departments.'"

The motion was adopted.

CIVIL WORKS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 1,01,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Civil Works.'"

The motion was adopted.

SUPERANNUATION ALLOWANCES AND PENSIONS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 15,47,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Superannuation allowances and pensions.'"

The motion was adopted.

MISCELLANEOUS.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 2,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Miscellaneous.'"

Diwan Bahadur M. Ramachandra Rao: Sir, I beg to move:

"That the grant under the head Miscellaneous be reduced by Rs. 100."

The point I wish to raise relates to the procedure in regard to the appointment of Committees of Inquiry. Honourable Members will notice that the Government have issued a Notification, dated the 30th January, 1924, by which the Governor General in Council has appointed a Committee to inquire into delays in the disposal of civil suits and appeals and civil execution proceedings in this country. The Committee started its work in Calcutta on the 4th February, and are taking evidence from various witnesses in Bengal. Sir, the point that I wish to raise is that in view of the fact that this Assembly met here on the 30th of January, I should like to know why this item was not put off till either the constitution of the Standing Finance Committee or till it was placed before this House. It seems to me, Sir, that to constitute a Committee of this kind and to ask the Finance Committee to recommend this expenditure without discussing the policy involved in the appointment of this Committee either in the Finance Committee or in this House is entirely unsound. I wish to raise a protest against this practice and I trust that we shall have a statement from the Honourable Sir Malcolm Hailey as to why this Committee was constituted in this manner. The work of this Committee is of great importance and I may perhaps say that there is some amount of opinion both for and against the constitution of such a Committee. But this is an aspect of the case on which the House may perhaps hold divergent views. The papers relating to this subject have been published and I am aware of the opinions both of the Local Governments and the officers consulted in regard to the constitution of this Committee. But, Sir, the point that I should like to emphasise is with regard to the constitutional practice of consulting either the Finance Committee or this House in all matters of importance before the expenditure is actually incurred. And I consider, Sir, that this is one of those Committees in regard to which the House should have been previously consulted. On the merits, Sir, I do not wish to say very much at the

present moment. The Committee has already been constituted, and speaking for myself, I do not wish to go into the merits of the question. There are arguments either way. The Government have constituted this Committee for the purpose of securing speedy justice. I do not wish to go into the merits of that case but I would like to confine myself for the present only to the considerations that I have stated above.

Mr. President: Amendment moved:

“ That the grant under the head Miscellaneous be reduced by Rs. 100.”

The Honourable Sir Malcolm Hailey: Diwan Bahadur Ramachandra Rao has asked me a specific question which, I think, I should answer at once. He asks why the appointment of this Committee was not deferred until the question of its expenditure could be placed before the Standing Finance Committee or the House. Proposals relating to the appointment of a Committee of this nature have been under discussion in the Government of India, I think, for over two years. At all events, it is certainly a fact that, when I succeeded in the Home Department, this matter was under discussion and I am sure Sir Tej Bahadur Sapru will allow me to mention that he himself was a strong advocate in his Department for something of the kind being done. It is not therefore a new matter, and it is true that, if we had come to a definite decision at an earlier date, say, before the end of the last Session, we might very well have placed the matter before the Legislature then. Indeed, if my memory is not at fault, more than one Resolution has been tabled dealing with the subject of delays in civil litigation, though, I confess, I cannot remember the result of discussions on the subject in the Legislature. We received the replies of the Local Governments somewhere in the middle of last summer and came to our decision to appoint the Committee after the Assembly had dissolved. Now the appointment of a Committee of that nature is a somewhat lengthy business. We made various attempts to secure the services of legal authorities whom we thought would be useful to us in the investigation of this question. The Committee was finally formed as now constituted some time in December. The decision was arrived at after the Assembly was dissolved, the Committee was actually constituted before the Standing Finance Committee was elected. Like Mr. Ramachandra Rao, I do not desire to go into the merits of the question. It is one of those cases, I am aware, in which there is a difference of opinion as to whether a Committee of this nature could effect a substantial good or not. We ourselves hold that it can do so. Local Governments and many legal authorities think that it can do so. At all events, the House, I know, will be at one with us on this point that in appointing that Committee we could have had nothing in our minds save an attempt to improve the course of civil litigation in the interest of the public. So that, whether any great good comes from it—as I hope great good will come,—in any case we can honestly put forward this piece of expenditure as actuated by the best motives.

Mr. Ramachandra Rao stated that we should not arrive at a decision of this nature without bringing the matter before the Legislature in some form or other, even if only through the Standing Finance Committee. I will agree to that purely as a general principle though not of universal application. It did happen in this particular case that the Committee fell in a period when the Legislature was dissolved and no Standing Finance Committee was assembled. If, as has sometimes been done, we had held

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a meeting of the Standing Finance Committee in the interval between one meeting of the Assembly and the other, we should, of course, have brought the question of expenditure before it.

I have explained the reasons why we did not adopt this procedure in this particular case; I hope that Mr. Ramachandra Rao will not insist on reducing the amount placed at our disposal for this purpose by Rs. 100. I am afraid that I should feel myself personally responsible in this matter and perhaps consider it necessary to give a certain portion of that cut to my friend, Sir Basil Blackett, from my own pocket.

Mr. C. Duraiswami Aiyangar: Sir, it is extremely gratifying to hear from Sir Malcolm Hailey that this is a most beneficial measure which has been undertaken and that such serious objection must not be made even to the extent of making him to pay Rs. 100 out of his pocket. Sir, if it comes to that, I am also willing to share the expenditure out of my own pocket rather than make an expenditure from the public revenues, if I satisfy him that this expenditure which has been incurred is neither economical nor fruitful. Sir, I will be able to convince him in a short time, however, that either this Committee must be ended or it must be mended. In connection with this Resolution which was issued by His Excellency the Governor General I have the honour to state in the first instance that this communication was started about June 1923, almost when the first Assembly was on its death bed. And, when it was started or communicated to the various Local Governments and High Courts, reports were finally received, the last communication that has been sent was on the 19th January 1924, and then the Resolution itself was passed by His Excellency on the 24th of January 1924, six days before the commencement of this Assembly. Sir, I should think that, having waited, having tolerated the judicial delays for so many years and probably so many decades—I find in the course of the correspondence on the communication itself, that this question has been troubling not only now but from the year 1873—he could well have postponed it for six days more and taken the opinion of this Legislative Assembly, which consists of several legal luminaries who have come from various provinces, like Sir Sivaswamy Aiyer, Diwan Bahadur T. Rangachariar, Dr. Gour, Mr. Neogy and so many others. Sir, I am anxious to mention to you that I take an objection at this stage itself, although this discussion may more fully be gone through when the budget demand for the larger amount of Rs. 2 lakhs will be coming up on the 29th instant. Dealing as I do with a lawyer-Viceroy, I must be guarded in taking objection in the first instance as he is likely to plead estoppel or *res judicata* if I bring it up on the 29th.

Sir, in this connection I sent some interpellations and only one question was answered the other day, but the rest were disallowed. If I mention these questions again, it is not with any idea of disputing the ruling made by the Honourable the President, to which I always submit, but to bring to your knowledge points of information which I wanted to elicit. The questions were:

- "(e) Will the Government be pleased to state whether a select number of experienced subordinate Judicial Officers and experienced practitioners in each Province were consulted by the Local Governments on this reference? If the answer is in the negative, will the Government be pleased to state why such a consultation was not held before launching on a costly committee?

- (f) Is it not a fact that among the opinions collected there is a preponderance of views, that the delays in the disposal of suits, appeals and execution proceedings are due not so much to the defective laws as to defective methods of enforcing the various provisions of law?
- (g) Is it not a fact that among the opinions collected there is a strong representation that shortage of Courts is one of the main reasons for the delays in the disposal of suits, etc.? If so, will the Government be pleased to state why the Committee is not required to inquire into the strength of the judicial establishments maintained in each province?
- (h) Is it not a fact that among the collected opinions on the reference in question there is a strong expression of opinion notably by the Government of Bengal that the question of delays with regard to the administration of criminal justice might also be referred to the proposed Committee for investigation and report? If so, will the Government be pleased to state why the terms of reference to the Committee do not include the administration of criminal justice as well?
- (i) Will the Government be pleased to refer the question of the necessity for such a Committee to the Legislative Assembly and the several Provincial Councils for ascertaining their views? If the answer to this question is in the affirmative, will the Government be pleased to suspend the operations of the Committee until the said views are obtained?
- (j) (i) Will the Government be pleased to state whether any of the High Courts is in the habit of inspecting the subordinate courts and scrutinising their work personally in addition to their passing remarks on the periodical returns?
- (ii) If the answer to (i) above is in the affirmative, will the Government be pleased to state—
- (a) which High Court is in such habit?
- (b) the number of Courts inspected within the year, say, 1922-23?
- (c) time spent over inspection of each Court?"

All these questions were intended to open the eyes of the Honourable Members on the Treasury Bench that a dispute is likely to be raised over the advisability of starting this Committee or over the competency of this Committee to go into all the questions which are necessary without involving any additional expenditure for an additional Committee. Sir, these questions were disallowed. Now, I have to place before you an abstract which I myself have made of the opinions which have been collected from the various referees. But I should think that, when questions like these are put, they must be answered in a good spirit, for this reason that it is an open secret that questions are put not so much for the edification of the questioner alone but for the edification of the entire Assembly. Sir, starred questions ought to be like stars which twinkle on the horizon of the Assembly in order to be an eye-opener for every Member of the Assembly. They are so many C. S. I.'s—they are Companions of the Star of India. That useful purpose is often served by starred questions and, if they are disallowed, I am sorry to say, Sir, that Members will be at a disadvantage in not knowing the facts and in not being able to focus attention on important questions.

Now, Sir, His Excellency the Governor General issued a communiqué on or about the 25th or 28th of June 1923, calling for information from various High Courts and from the various Governments. In that communication which was issued there are inherent points which condemn the procedure itself. He himself admits that the delays are due to the customary laws which exist. He admits that the joint family system is also responsible; he admits that the insufficiency of the strength of establishment must also be a cause; he admits that the difference of circumstances in each province must also be taken into account. In the face of so many

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admissions and so many confessions which have been made in those communications, I leave this House to say whether the Committee which he has actually now formed and the terms of reference which he has made to that Committee justify the issuing of such a costly Committee in such an imperfect manner. Sir, he has given certain figures in the communication which he has made pointing out how many execution applications were pending or had to be returned for want of fruition of the decree, for want of decree holders getting full benefit of the decrees. But to say that 3 lakhs and odd execution applications were pending in 1921 will be a misleading figure to a layman, but to lawyers it will be clear that they are the accumulations of over 12 years which the execution law allows and it is impossible to get through all these execution applications in one day and no lawyer will believe that 3 lakhs of execution applications were filed and returned for want of execution in one year alone. Sir, I am not going more into the figures and even the admitted statement of figures, which the communication gives, conveys absolutely no meaning to a lawyer whatever it may convey to those who are accustomed to deal with statistics. The statement professes to show the average duration of regular civil appeals in the High Courts in 1921. The number of appeals are mentioned there but it is not given for how many years they are pending. To a lawyer it is quite un-understandable. To the Treasury Bench it may probably be very clear.

Sir, I have analysed the answers given by the various referees under several headings, and, if it is the privilege of an Honourable Member to place on the table a statement as the Government Bench does often, I am prepared to place that statement on the table. First I will take the point under the heading 'Futility of the Committee' and then the futility of the Committee for want of inclusion in it of an investigation into the causes of the delays in the administration of criminal justice. Suggestions have been made by several referees that preliminary local Committees may first be started and they may be asked to make references and suggestions before a costly Committee goes out. There are certain referees who have said that, unless the strength of the establishment is also to be investigated and rectified, there is absolutely no use in a Committee of this kind. There are some other referees who have made the suggestion for which I must make a previous statement to you. The communication that has been made by His Excellency the Governor General suggests that in the Committee to be appointed, a gentleman from England should be imported to devise methods of avoiding delay. That was the point upon which several referees took objection. In paragraph 4 of the communication, His Excellency the Governor General said that:

"The Government of India recognise that the administration of civil justice is now a provincial subject, but the question under reference is one of wide and general importance on which uniform action is desirable. The immediate proposal which they have in view is the appointment of a Committee to consider the whole question and they desire, if possible, to associate with this inquiry a Judge from England with experience of the steps taken in England in recent years to expedite the course of civil litigation."

To this proposal several referees objected. Certain referees made frivolous suggestions and I will mention them. I will mention the names of those whom I have classified under the various headings which I have just now given. Those who have conceded that the entire Committee is a futile Committee and that it is an unnecessary waste of money are very experienced Judges of the High Courts. I may say at the outset that the Local Governments have played

second fiddle, or second tune to His Excellency the Governor General's proposal. But they are not the authorities on the question of judicial delays. It is the High Courts that are the competent authorities, and if I mention to you names of Judges who have thought that this Committee is an absolutely useless Committee, you will be startled to find that in the face of such opinions the Committee has been started in hot haste. Those who have considered it to be useless are the Honourable Mr. Justice Spencer, Mr. Justice Coutts-Trotter, Mr. Justice Kumaraswamy Sastri, Mr. Justice Ramesan, Mr. Justice Odgers, Mr. Justice Venkatasubba Rao, Mr. Justice Kennedy, 50 per cent. of the Rangoon High Court, Mr. Justice Jwala Prasad, Mr. Justice Ross and Mr. Justice Mullick. These are all Judges of very high standing, of large Indian experience, and all these are of the opinion that this Committee is useless. In the face of the opinion of such a strong body of High Court Judges, is there any justification to start a Committee like this and that in hot haste without consulting this Legislative Assembly? Sir, supposing a Committee like this is to be issued, there is a certain volume of responsible opinion that, to make it complete, to make it more fruitful, the Committee must be asked to investigate also the causes of delays in the administration of criminal justice. The Government of Bengal recommended it; Mr. Austen, Judicial Commissioner, has recommended it; Mr. Justice Kannaya Lal has recommended it. They have all stated that without any additional expense, this subject may also be included, because, when the Judicial Delays Committee go about from place to place, from province to province, and from district to district, when they are examining lawyers, practitioners, clients, merchants and members of the Chamber of Commerce at whose instance evidently the whole proceeding originally commenced—and all these gentlemen are going to be examined as witnesses,—one additional question to any of these gentlemen who appear as witnesses asking them whether they have complaints about the administration of criminal justice and what remedies they would suggest,—will be a useful function of this Committee. Is that reserved for another Committee? Is there to be another Committee costing 2½ lakhs for investigating the causes of delays in the administration of criminal justice? Sir, in the face of such suggestions from responsible people and no opinion against it from any. I fail to see why His Excellency the Governor General should have excluded this from the scope of reference. Mr. Madgavkar, Judicial Commissioner, the Honourable Mr. Justice Shah, Mr. Justice Marten—these three gentlemen—have suggested that before launching upon a Committee to go over all India, you may have local Committees appointed to inquire and make suggestions and reports. Could that not have been done? Would that not have been a more useful plan? Very likely, if His Excellency the Governor General with all his legal experience could go through these reports from local Committees, he might himself have settled the entire matter without starting a Committee like this. I ask, Sir, why this step was not taken or why this suggestion was rejected?

Then, Sir, the question arises as to the strength of the judicial establishment. Much depends upon the equipment of the judicial establishment and a large number of gentlemen to whom the question was referred have all unanimously suggested that that question must also be a part of the investigation. May I give you those names? They are the Honourable Mr. Justice Venkatasubba Rao, the Honourable the Chief Justice of Madras, the Government of the United Provinces, Mr. Justice Daniels, Mr. Justice Ryves, Mr. Justice Lindsay, Mr. Justice Walsh, the Chief Justice of the Allahabad High Court, Mr. Justice Kannaya Lal, the Chief Justice of Bihar and Orissa, Mr. Justice McPherson, Mr. Justice Mullick and Mr. Justice

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Ross. Is that not a sufficiently influential body to be taken into consideration, and yet the suggestion of so many gentlemen has been summarily rejected and His Excellency the Governor General in the Resolution appointing the Committee distinctly says that they shall not go into the question of the strength of the establishments. What is the reason assigned for this? The reason assigned is that they do not want to increase the expenditure on the administration of civil justice. Whether you are going to increase the establishment or not, let it be left to His Excellency the Governor General after receiving the Report. You may consult the Legislative Assembly on that question or the Local Councils because it has become also a provincial subject. But why should he stop all inquiry on that score into the strength of the judicial establishments? That is exactly my question. Why should not this Committee, when they go from place to place, from district to district, find out whether the establishments are sufficiently strong or not? If they are, let them say that they are strong enough and no increase is necessary, but if they are necessary, what is the harm in taking their suggestions, so that if finances permit, if circumstances necessitate it, you may appoint additional officers to reduce the delay? Sir, it will be misconstrued if I say why this inquiry has been prohibited, as if I make any insinuations on that account; I am far from any desire to make them, but at the same time the conditions of this country compel me to say that if the strength of the establishments was also investigated and it was found that an additional strength was necessary it would be in the cadre of Munsifs and Sub-Judges and District Judges and not of the favourite appointments. Sir, there was a suggestion, as I have told you already, that a Judge from England must be imported, but it was protested against only by four Judges and yet His Excellency the Governor General found it very delicate to press it any further and has omitted it from his present Resolution, and therefore it is needless for me to say anything more about it.

There were various curious suggestions made by several gentlemen. One suggestion was that the law relating to the addition of legal representatives, when a defendant or plaintiff dies, must be altered so as to throw the onus of proof on the legal representative of the deceased—the onus of bringing himself on record, as the legal representative of the deceased. If a plaintiff dies and there is no legal representative, everybody knows that the suit abates. If a defendant dies and if the plaintiff does not bring any legal representative on record, the suggestion of the Judge who has had so much of experience—I need not mention his name—is to the effect that a decree must be passed in the absence of the defendant. The onus will be on the legal representative to come to Court. It is really a wonder why he did not throw the onus on the deceased himself instead of putting it on the legal representative of the deceased. Another curious suggestion is made that there must be a registration of the names of members of joint families. The names of members of Joint Hindu families not being known to litigants, difficulties and delays often arise, and, in order to know who the members of a joint family are when a suit is brought, the suggestion is made that a registration may be made of the members of joint families. I believe it is an addition to the death and birth registers which are kept by the various municipalities and unions. When a member is born to a joint family his name is entered there. When a member of a joint family dies his name is also entered there. But I do not know what kind of registration is suggested by this Judge. He says that a registration must be made and a

system of registration must be introduced. Probably he is introducing the South African legislation about Indians in South Africa to the Indians in India itself. Then he says that a registration of the names and addresses of legal representatives of deceased persons must be made. I wonder how this can be done. Before a man dies who is to register the names of all his legal representatives? Until the man dies, nobody knows who his legal representatives are. The question can arise only after the man's death. These are some of the suggestions which have been made by some of the referees. Why I make a mention of these suggestions here is to show that it is the gentlemen who have made such suggestions as these that have supported the appointment of the Committee. (*The Honourable Sir Malcolm Hailey*: "No").

Is it at all justifiable to have a Committee started on such an expensive basis? If it is thought that, now that a Committee has come into existence it is not advisable for anybody to oppose it, I for one will say that I am not opposing any measures that are taken for reducing the delay in law courts, but the line on which you work must justify the existence of the Committee. The reference to the Committee that has been made by His Excellency the Governor General is to inquire into the operation and effects of the substantive and adjective law, whether enacted or otherwise, followed by the courts in India in the disposal of civil suits, appeals, applications, etc. That is the reference. The Committee will not inquire into the strength of the judicial establishments maintained in each province: there is a strict injunction to them not to inquire. I wish to know what justification is there for that prohibition, when a reference is made to gentlemen who are competent to go into the entire question. Still these gentlemen are asked not to go into this important question of the strength of the judicial establishments! In the face of the opinions that I have placed before you, is it justifiable to say that there was a consensus of opinion among all those persons to whom the matter was referred, that a Committee must come into existence? I am sorry to say this, instead of 'con' I must put 'non'. Now, Sir, I am certain that if this Resolution of His Excellency the Governor General were placed before the Honourable the President of this Assembly, he would declare "The Noes have it." That is the preponderance of opinion if we can gather it carefully from the opinions that have been circulated along with this Resolution. There is no denying the fact that so long as the system on which the Courts work is like this, so long as the concrete that has been used for the foundation of these British Courts, or for that matter of any such Court is perjury and forgery, we can never come to a state when we can reduce this litigation. The methods are elsewhere. The methods are different from those which have been suggested in this reference. In fact, one Judge of the Madras High Court stated that he would rather like to have tardy justice than speedy injustice. Cutting short appeals, cutting short revision petitions, cutting short interlocutory applications—all this will not be of any use in rendering the administration of justice more effective and more speedy. It all depends upon the personnel, and if the question of the strength of the judicial establishments is gone into and the Committee begins to investigate into the appointment of civilians as District Judges without any idea or experience of civil law, without any experience or training as Munsifs or Sub-judges, without any equipment whatever the whole matter will be cleared up. Apart from this, it is absolutely necessary that His Excellency the Governor General, when he starts a Committee like this, should make it as perfect as possible so far as the scope of reference to the Committee is concerned and leave the rest to God. Delays may exist, litigation may go on, probably till the

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millennium is reached, probably till the courts are boycotted and *panchayats* are resorted to. In fact, Jesus of Nazareth was asked by a lawyer (you will find it in St. Matthew) "Master, which is the great commandment in the law." Lord Jesus said into him: "Thou shalt love the Lord thy God with all thy heart and with all thy soul and with all thy mind. This is the first and great commandment and the second is like unto it thou shalt love thy neighbour as thyself. On these two commandments hang all the law and the prophets." We are not going to reach that millennium. In the limited sphere in which we are working, let us work in such a manner that when a Committee is started in a *bona fide* spirit and right earnest, let it be a Committee with absolute powers, with the fullest powers, possible to go into every possible question that is now creating delay in judicial disposals. That is the reason why I said that I will end this committee or mend it. It is not too late. By all means let the grant be sanctioned by this Assembly but it is high time for His Excellency the Governor General to take into consideration these suggestions and improve the Committee by enlarging the scope of reference and at least make the game of this Committee worth the candle of 2½ lakhs of rupees.

Mr. President: The original question was:

"That a supplementary sum not exceeding Rs. 2,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Miscellaneous.'"

Since which a reduction has been moved

Diwan Bahadur M. Ramachandra Rao: I beg to withdraw my motion.

Mr. C. Duraiswami Aiyangar: If the Honourable Member withdraws, I wish to move

Mr. President: The Honourable Member's rights in this matter are these. The Diwan Bahadur moved the reduction and has asked for leave to withdraw. If the Honourable Member objects to the withdrawal, then the motion must be put.

Mr. C. Duraiswami Aiyangar: I object to the withdrawal.

Mr. President: The question is:

"That a reduced supplementary sum of Rs. 2,28,900 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Miscellaneous.'"

The motion was negatived.

Mr. President: The question is:

"That a supplementary sum not exceeding Rs. 2,29,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Miscellaneous.'"

The motion was adopted.

ADJUSTMENTS WITH PROVINCIAL GOVERNMENTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 15,44,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Adjustments with Provincial Governments.'"

The motion was adopted.

REFUNDS.

Mr. President: The question is:

"That a sum not exceeding Rs. 78,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Refunds.'"

The motion was adopted.

NORTH-WEST FRONTIER PROVINCE.

Mr. President: The question is:

"That a sum not exceeding Rs. 32,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of the 'North-West Frontier Province.'"

The motion was adopted.

BALUCHISTAN.

Mr. President: The question is:

"That a sum not exceeding Rs. 58,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Baluchistan.'"

The motion was adopted.

The Assembly then adjourned for Lunch till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock, Mr. Deputy President (Diwan Bahadur T. Rangachariar) in the Chair.

DELHI.

Mr. Deputy President: The question is:

"That a sum not exceeding Rs. 88,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Delhi.'"

Dr. H. S. Gour: Sir, I have already said what I had to say in connection with my amendment under Head 14 when I called upon some responsible officer to supply the details which Mr. Gwynne promised to the members of the Finance Committee, as per paragraph 7, page 78, of the proceedings of the Finance Committee, as to how the amount of Rs. 25,000 required to cover the cost of the grant of certain concessions in respect of the pay and allowances to the ministerial establishment employed in the office of the Deputy Commissioner, Delhi, was arrived at.

The Honourable Sir Malcolm Halley: I am able to give the Honourable Member the information he requires. The story goes back really to 1921 when the Punjab Government carried out certain revisions of pay of the whole of their subordinate establishments. I may say that we have at Delhi always followed the Punjab scales of pay for the subordinate establishments. We took over the establishment from the Punjab and we recruit from the same source; we have therefore, as a matter of procedure, always followed the same rates of pay. Now, in 1921, the rates of pay given generally throughout the Punjab to subordinate establishment were as follows. For those whose pay and temporary allowances did not exceed

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Rs. 100 a month, an increase of 40 per cent; for those drawing pay and temporary allowances from Rs. 101 to Rs. 200, an increase of 80 per cent; for those drawing pay and temporary allowances over Rs. 200 a month, the increase of pay was 20 per cent. These were limiting maxima beyond which the increased scales of pay were not to go. Now, in calculating those increases, the rule was laid down that all continuous service, whether temporary, probationary or permanent, would count towards increments in the various scales; that was the general rule which regulated the method of calculating increments. Since then the Punjab Government has made some changes in detail in the manner of calculating these increments; the last change made by them was one which looks somewhat innocuous as stated but which had considerable effect in modifying the increments given to clerks. The concession was this. I have pointed out that the original orders declared that continuous service for the purpose of this calculation included only temporary, probationary and permanent service. It was now decided to include also officiating and *sub pro tempore* service. As a result of that rule, which was applied also to Delhi establishments, it was necessary to recalculate the increments of an establishment of about 100 persons. I cannot say that it affected them all, but there were about 98 or a 100 clerks in the Deputy Commissioner's office itself and in the various offices attached to the Deputy Commissioner's office, revenue establishments and the like, who were affected by this change. The result of those calculations by the Accounts Officers was to show that the pay of clerks generally affected would be increased by about Rs. 8,000 to Rs. 9,000 a year. The sum of Rs. 25,000 is accounted for by the fact that we had to make back payments to them from the date on which this rule was given effect to in the Punjab, namely, 1921. I think it has been suggested that the total increase of pay given to these clerks from the very beginning amounted to something like 100 per cent. That, Sir, is not so. Taking pay as a whole, I find that going right back to the period before any temporary or war additions were given, the increase generally to these clerks has amounted to something like 60 per cent. That is the maximum. I have explained to the Honourable Member that the net increase owing to this change of rule, which affected about 100 persons, is between Rs. 8,000 and Rs. 9,000 a year. I do not think that he desires that I should place before the House a statement showing how the pay of each of these 100 clerks has been affected. (*Dr. H. S. Gour*: "No, Sir".) The figures which we have quoted to the House have been obtained by the Accounts Officers and merely show the change made by introducing this new method of calculation.

Mr. Deputy President: The question is:

"That a sum not exceeding Rs. 88,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Delhi.'"

The motion was adopted.

COORG.

Mr. Deputy President: The question is:

"That a sum not exceeding Rs. 19,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of 'Coorg.'"

The motion was adopted.

AJMER-MERWARA.

Mr. Deputy President: The question is :

" That a sum not exceeding Rs. 35,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of ' Ajmer-Merwara.' "

The motion was adopted.

RAJPUTANA.

Mr. Deputy President: The question is :

" That a sum not exceeding Rs. 17,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of ' Rajputana.' "

The motion was adopted.

CENTRAL INDIA.

Mr. Deputy President: The question is :

" That a sum not exceeding Rs. 14,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of ' Central India.' "

The motion was adopted.

EXPENDITURE IN ENGLAND.

Mr. Deputy President: The question is :

" That a sum not exceeding Rs. 2,19,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of ' Expenditure in England—Secretary of State for India.' "

The motion was adopted.

INTEREST-FREE ADVANCES.

Mr. Deputy President: The question is :

" That a sum not exceeding Rs. 5,30,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1924, in respect of ' Interest-free advances.' "

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 21st February, 1924.