

30th January, 1925

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

SECOND SESSION

OF THE

SECOND LEGISLATIVE ASSEMBLY, 1925



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LEGISLATIVE ASSEMBLY.

Friday, 30th January, 1925.

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

QUESTIONS AND ANSWERS.

QUARTERS FOR MARRIED OFFICERS OF THE ARMY.

440. ***Mr. Ahmad Ali Khan:** Is it a fact that Government have decided to build quarters for married officers of the Army?

If so, how much do Government propose to spend annually on the building of such houses?

Are Government aware that there are already houses available in many cantonments which could be acquired or taken upon a repairing lease as provided for in the House Accommodation Act?

Mr. E. Burdon: Construction of quarters is undertaken only in cases where it is impossible to make other arrangements for the accommodation of officers.

Government have no proposal for an annual building programme, or for a building programme designed specially for the benefit of married officers.

Government are aware of the fact stated by the Honourable Member, in the third part of his question. In cases where it is necessary, and where the houses can be obtained for a reasonable rent, houses are being acquired under the House Accommodation Act.

NEW SITE FOR THE CALCUTTA MINT.

441. ***Mr. Ahmad Ali Khan:** Will Government be pleased to state if any decision has been reached regarding a new site for the Mint?

Are negotiations proceeding for the requisition of a piece of land lying to the east of Russa Road?

If so, will Government be pleased to give their reason for not utilising the factory buildings and staff quarters at Dum Dum which are to be vacated by the Army authorities?

The Honourable Sir Basil Blackett: No decision has yet been reached; the Government are carefully considering various sites and among them the one suggested by the Honourable Member.

INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

442. ***Mr. Ahmad Ali Khan:** Will Government be pleased to state the total amount of contribution made on behalf of India to the funds of the League of Nations?

Is it a fact that since 1923 India has come to occupy the third place in the list of assessees? Did Government make any objection to India being called upon to make a higher contribution than such countries as Italy, Sweden and Belgium?

Mr. L. Graham: The Honourable Member is referred to part (a) of the reply to unstarred question No. 7 given to Mr. D. V. Belvi on the 22nd January, 1925.

It is a fact that India occupied the third place in the list of assessees for the year 1923 and 1924. Repeated endeavours were made to secure a reduction in her contribution and a reduction by 5 units has now been made with the result that she stands fifth in the list of assessees for 1925.

SUBJECTS DISCUSSED AT THE CONFERENCE ON SHIPPING.

443. ***Mr. Ahmad Ali Khan:** Will Government be pleased to state what were the principal subjects of discussion at the Conference on Shipping which assembled at Delhi on or about November 18.

Has any decision been reached in regard to any of them? If so, what?

Mr. G. G. Sim: The principal question discussed at the Conference was whether the Central subjects of (a) shipping and navigation, (b) light-houses, (c) major ports and (d) quarantine should not be co-ordinated and brought more under the direct control of the Central Government than they are at present.

2. The Conference was a preliminary step to more detailed examination of the questions and final conclusions have not yet been formulated.

444. (This question was answered on the 23rd January, 1925.)

AMALGAMATION OF OUDEH AND ROHILKHAND AND EAST INDIAN RAILWAYS.

445. ***Mr. C. S. Ranga Iyer:** (a) Is it a fact that the head office of the amalgamated State Railways of the O. and R. Railway and the E. I. Railway is going to be Calcutta and not Lucknow?

(b) Are the Government aware that the transfer of the head office will entail a great hardship especially on the clerical staff drawing a poor pay?

(c) Is it contemplated to give notice to leave the Railway to a number of members of the O. and R. Railway staff?

(d) Are the Government aware that there is a widespread apprehension among the State employees of the O. and R. Railway that their prospects will be adversely affected by the amalgamation?

(e) Has His Excellency the Viceroy received memorials from the employees of the O. and R. Railway?

If yes, will the Government be pleased to lay the memorials on the table?

(f) Have the Government sent replies to the said memorials?

(g) If yes, will the Government be pleased to lay the replies on the table?

Mr. G. G. Sim: (a) Yes.

(b) and (c). The details of the proposed amalgamation have not yet been worked out and Government are unable to make a statement at present.

(d), (e), (f) and (g). Memorials have been received from the clerical staff and gazetted officers of the Oudh and Rohilkhand Railway representing that their interests would be adversely affected by the proposed amalgamation. These are under consideration and Government do not think that any useful purpose will be served by placing copies on the table. However in any changes which have to be made in the public interest Government will see that the fullest possible consideration is paid to the position and prospects of individual members of the present staff, on the Oudh and Rohilkhand and the East Indian Railways and all possible and practicable steps will be taken to minimise hardship in case reductions of establishment become necessary.

AJMER-MERWARA.

446. ***Mr. O. S. Ranga Iyer:** (a) Will Government be pleased to state whether it is a fact that the District of Ajmer-Merwara was detached from the old North Western Provinces in order to form it into a separate model administration for the surrounding Native States of Rajputana?

(b) If so, is the same object maintained by its administration up to the present time?

(c) If not, why not?

Mr. Denys Bray: Ajmer-Merwara was detached in 1871 on general grounds of administrative convenience.

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

ADMINISTRATION OF AJMER.

447. ***Mr. O. S. Ranga Iyer:** (a) Is it not a fact that:

(a) Ajmer is still governed by Regulations passed in the years 1877 and 1886?

(b) its chief Subordinate Judge of the first class, exercising powers in cases up to Rs. 10,000 and in some cases of unlimited value, is drawing a salary of Rs. 200?

(c) the process-fees charged in civil suits is nearly three to four times that obtaining in other provinces of British India?

(d) there is no provision for second appeals in the Courts Regulation?

(e) the posts of Collector, District Magistrate, Sessions Judge and District Judge are combined in one officer?

(f) many officers in the Commission exercise both magisterial and civil powers? and

(g) the Vakils and Pleaders have no status in the district as the Legal Practitioners Act has not been extended to it?

(b) If the answers are in the affirmative, will Government state what is being done to revise those laws and to improve the tone of administration of the District?

Mr. Denys Bray: (a) (a) I would refer the Honourable Member to the Chronological Tables at the commencement of the Ajmer Code, 1916 edition, which show the Acts and Regulations in force in the district.

As regards the rest of the question, the information is being obtained and will be furnished to the Honourable Member in due course.

ADMINISTRATION OF AJMER-MERWARA.

448. ***Mr. C. S. Ranga Iyer:** (a) Is it not a fact that the literacy standard and percentage of the District of Ajmer-Merwara compares favourably with the rest of British India?

(b) If so, are there any special reasons why the Province of Ajmer-Merwara should still continue to be a non-regulation scheduled district governed by the Foreign and Political Department and not by the Home Department?

Mr. Denys Bray: (a) Yes.

(b) The Province is not governed by the Foreign and Political Department but by the Government of India. Although for reasons of general administrative convenience the Foreign and Political Department is the channel for correspondence regarding the Province, references to the Home Department or other Departments concerned are invariably made before decisions of any importance are carried out.

POLITICAL AND ADMINISTRATIVE ADVANCEMENT OF AJMER-MERWARA.

449. ***Mr. C. S. Ranga Iyer:** (a) Was any Committee, presided over by Mr. Ashworth, appointed to investigate the political conditions obtaining in the District of Ajmer-Merwara and to suggest steps necessary to bring it into line with the rest of reformed British India in respect of political and administrative advancement?

(b) If so, will Government be pleased to lay a copy of the Committee's report on the table and state what action has been taken on it?

Mr. Denys Bray: (a) Yes.

(b) A copy of the report will be forwarded to the Honourable Member and a copy placed in the Library. As regards the action taken on the report I refer the Honourable Member to the reply given on behalf of Government in the debate in the Council of State on a Resolution moved on the 21st February 1923 by the Honourable Saiyid Raza Ali. As was then anticipated the proposal to merge Ajmer-Merwara in the United Provinces was eventually found to be impracticable. The proposal to establish a local Legislative Council, which had been rejected by the Committee, was re-examined by Government, who, however, found themselves unable to proceed with it. They also explored the possibility of establishing an Advisory Board with certain suggested powers but were advised that such a Board could not be legally constituted. In these circumstances it was decided to grant the province the same measure of participation in the Reforms as had been granted to Delhi, namely, an elected seat in the Legislative Assembly.

As regards the judicial arrangements the Committee recommended that if the amalgamation of the province with the United Provinces was impossible, a Judicial Commissioner should be appointed. As the appointment of a whole time Judicial Commissioner would not have been justifiable the Province had to be combined for this purpose with another area.

and the Judicial Commissioner in the States of Western India is now exercising the functions of a High Court for Ajmer-Merwara since the 7th November last.

JUDICIAL WORK OF AJMER-MERWARA.

450. ***Mr. O. S. Ranga Iyer:** (a) Is it a fact that the Judicial Commissioner in Kathiawar with headquarters at Rajkot has been recently appointed to exercise the judicial powers of the Chief Commissioner of Ajmer-Merwara?

(b) Have Government considered the other alternative of putting the judicial work of the district under the Allahabad High Court which is still the Court of Reference of the district?

Mr. Denys Bray: (a) Yes.

(b) Yes, but the alternative was not found feasible.

MUNICIPAL BOARD OF AJMER.

451. ***Mr. O. S. Ranga Iyer:** (a) Is it or is it not still the policy of Government to give full independence to local bodies like the Municipalities and to allow them to learn by their own mistakes?

(b) If the answer is in the affirmative, will Government state whether the same principle applies to the Municipal Board of Ajmer?

Mr. Denys Bray: (a) Yes, so far as this can be done without danger to the public welfare.

(b) Yes.

AJMER-MERWARA MUNICIPALITIES REGULATION.

452. ***Mr. O. S. Ranga Iyer:** (a) Are Government aware that the municipal elections of Ajmer city are due to take place by the end of 1925?

(b) Is it also not a fact that the new Municipalities Regulation is still on the legislative anvil?

(c) Do Government intend to see that the Regulation is passed in time for the election to be held under it?

Mr. Denys Bray: (a) Government are not aware of the exact dates.

(b) and (c). It is hoped that the new Municipalities Regulation will become law in the very near future, and if the municipal elections are not to take place until the end of 1925, it may be taken as certain that the Regulation will be promulgated before the date of the elections.

DEFECTS IN THE MUNICIPAL ADMINISTRATION OF AJMER CITY.

453. ***Mr. O. S. Ranga Iyer:** (1) Will Government be pleased to state what is the percentage of Europeans and Anglo-Indians to the population of Ajmer city?

(2) Is it not a fact that:

(a) 8 out of 24 members of the Municipal Board are European and Anglo-Indians,

(b) the Conveners of the two most important Sub-Committees Conservancy and Public Works, are, under the rules, nominated European officials,

- (c) the District Magistrate and Commissioner, Ajmer, still interferes and exercises control even in petty matters,
- (d) the Water Works, which form one of the main items of municipal expenditure, are still solely controlled and worked by the Public Works Department whose supervision charges vary from Rs. 10,000 to Rs. 17,000 a year,
- (e) new suburbs are springing up and the Committee does not care to regulate the growth of buildings, and
- (f) the municipal franchise is still very limited?

(8) Do Government intend to set all these defects right in the new Regulation and in the rules to be framed thereunder?

Mr. Denys Bray: The information is being obtained and will be furnished to the Honourable Member in due course.

CONFIRMATION OF INDIAN TEMPORARY OFFICERS IN THE SUPERIOR
REVENUE ESTABLISHMENT OF STATE RAILWAYS.

454. ***Mr. O. S. Ranga Iyer:** (a) Will the Government be pleased to lay on the table a list of the Indian temporary officers waiting confirmation in the Superior Revenue Establishment of the State Railways?

(b) In view of the Indianization of the Services, will the Government be pleased to state if they intend confirming the above Indian officers?

(c) Will the Government be pleased to lay on the table a list of the temporary officers waiting confirmation in the E. I. Railway and G. I. P. Railway?

Mr. G. G. Sim: (a) Messrs. B. C. Chatterji and A. R. Sarin are the only two Indian temporary officers in the Superior Revenue Establishment of State Railways including the East Indian Railway.

(b) There are at present no vacancies in which they can be confirmed but the question of cadres is under consideration and their claims will be duly considered.

(c) The information has been asked for from the Great Indian Peninsula Railway and will be furnished to the Honourable Member.

EXPORT DUTIES ON CERTAIN ARTICLES.

455. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state what, if any, duties are levied upon the following transactions, respectively:

- (a) export of money in whatever shape out of India;
- (b) export of jute raw or manufactured;
- (c) export of lac raw or manufactured;
- (d) export of mica raw or manufactured;
- (e) export of tea;
- (f) manufacture of articles made of jute within the country;
- (g) cultivation of tobacco and its manufacture?

The Honourable Sir Charles Innes: (a) None.

(b) Export duties are levied on raw jute and cuttings at rates of Rs. 4-8-0 and Rs. 1-4-0 per bale respectively, and on jute manufactures at Rs. 20 and Rs. 32 per ton respectively.

(c) None for general revenues, but cesses of 4 annas per maund on exports of lac and 2 annas per maund on exports of refuse lac are levied under the Indian Lac Cess Act of 1921.

(d) None.

(e) Export duty of Rs. 1-8-0 and a cess of 6 annas per 100 lbs.

(f) None.

(g) None.

COST OF COLLECTION OF REVENUE.

456. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to enumerate the different agencies through which various kinds of revenues and taxes are realised and the costs incurred for such realisation?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to the reply given by me to the identical question standing in his name and bearing No. 190 (unstarred) on page 1314 of the Assembly Debates dated the 8th March 1924.

INCOME-TAX ASSESSMENTS.

457. ***Mr. Kumar Sankar Ray:** Will the Government be pleased to state how incomes of persons are ascertained for purposes of assessing the income-tax?

The Honourable Sir Basil Blackett: I would refer the Honourable Member to sections 22 and 28 of the Indian Income-tax Act, 1922 (XI of 1922).

458. (This question was answered on the 22nd January 1925.)

THE BRITISH EMPIRE EXHIBITION.

459. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state the financial liability involved in the proposal to continue India's participation in the British Empire Exhibition for the second year, will Government give separate figures for the Central and Provincial Governments' share of the said liability?

(b) Are Government aware that public opinion in the country is entirely opposed to the said participation, and do Government intend to respect Indian feeling in this matter by definitely refusing to participate any longer in the said show?

Mr. G. G. Sim: The Honourable Member is referred to the answers to questions Nos. 189 and 392.

Mr. Darcy Lindsay: Are the Government aware whether the Honourable Member has any authority for posing as the mouthpiece of public opinion in the country, other than his own constituents? According to my information, public opinion is by no means entirely opposed to further participation in the Exhibition.

Mr. Jamnadas M. Mehta: Is this to be taken as the official answer? I represent more people than Mr. Lindsay does. I am a far greater authority than he is on the question.

Mr. Darcy Lindsay: Has the attention of Government been drawn to a special cable from London dated the 22nd January, in the *Pioneer* newspaper, stating that the view is expressed in some quarters that, if the Government of India remain adamant and will not change their decision not

to participate, the United Provinces should take the whole of the buildings on its own account and sub-let space if necessary. A rich harvest is foreshadowed if such action is taken: The question I desire to ask is, are the Government prepared to assist the United Provinces in reaping this rich harvest, and the evident desire to see that India, as a part of the British Empire, is again suitably represented?

Mr. G. G. Sim: I suggest, Sir, the question be put when the Honourable Member for Commerce is present.

INSERTION OF A FAIR WAGES CLAUSE IN CONTRACTS FOR THE PURCHASE OF STORES.

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

- (a) under what conditions and at what time the Fair Wages Clause of the Indian Stores Department Conditions of Contract was established?
- (b) the object of the establishment of this clause?
- (c) whether a similar clause is insisted upon in India for purchases of Government; if not, do Government propose to do so for the future?
- (d) is there any similar clause insisted upon for purchases made from India for any departments of His Majesty's Government in London?
- (e) is it true, that the insertion of this clause tends to increase the prices paid for material purchased from firms agreeing to this clause and thus imposes a sacrifice on the tax-payer?
- (f) do Government propose to continue this clause?

The Honourable Sir Bhupendra Nath Mitra: (a) A Fair Wages Clause is inserted in all contracts for the supply of stores by British firms to Government Departments in the United Kingdom in pursuance of two Resolutions of the House of Commons, dated the 13th February 1891 and 10th March 1909.

(b) The object of the clause is to ensure fair conditions for labour employed in the execution of Government contracts.

(c), (d) and (e). The reply is in the negative.

(f) The reply is in the affirmative.

STAFF OF THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

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

- (a) the name, qualification and salary of every member of the staff of the Indian Stores Department in London, getting more than £200 a year;
- (b) the number of this staff belonging respectively to the senior and the junior branches of the "Home" Civil Service;
- (c) the technical qualifications, on which chemists, mechanical and electrical engineers are admitted into the service of the Indian Stores Department;

- (d) whether any Indian has ever applied to the Indian Stores Department for such service, and, if so, how many and with what results?
- (e) whether Government have made provision for the employment of Indians qualified in the United Kingdom for service in the Indian Stores Department;
- (f) whether there is any correspondence with the Secretary of State or the High Commissioner on this subject;
- (g) whether there is any objection on the part of the Government of India to the immediate stoppage of further recruiting of technical and other staff in the Indian Stores Department, London, and in every case to advertise for an Indian of suitable qualifications for this work?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). I shall be pleased to show the Honourable Member a list of establishment of the office of the High Commissioner for India giving such information as is available on these points, if he will kindly call at my office.

(c) and (d). Complete information is not available with the Government of India. The High Commissioner for India has been asked to supply the information.

(e), (f) and (g). The attention of the Honourable Member is invited to the reply given to question No. 346, asked by the Right Honourable Mr. Srinivasa Sastri in the Council of State on the 3rd September, 1924, and in particular to clause (c) of that reply. I would add that it is not possible to direct an immediate stoppage of further recruiting of technical and other staff in the India Store Department, London, but the Government of India have issued orders to the effect that permanent vacancies should not for the present be substantively filled.

EXCESS OF LOCOMOTIVES OVER AUTHORISED STOCK.

462. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state the reason why there was an excess of 141 locomotives of 5' 6" gauge and 73 locomotives of 3'-3 $\frac{3}{8}$ " gauge in the month of June 1924, over the averaged authorised stock?

(b) Who fixes the authorised stock and on what basis?

(c) How the Government account for some railways having more than the authorised stock and others having less?

(d) Will Government be pleased to state why the G. I. P. Railway had 1341 averaged total number of locomotives on the line in April 1924, and 1355 in June 1924?

(e) Will Government explain what happened to the six locomotives during those two months?

(f) Will Government explain why the averaged number of locomotives under or awaiting repairs should be as large as 22.6 per cent.?

(g) Will Government explain why 384 locomotives of the N.-W. Railway, which were under or awaiting repairs, constituted 33.9 per cent. of the total number on the line in April 1924, whereas 364 locomotives, which were under or awaiting repairs in June 1924, constituted only 22.5 per cent., and whether there is a mistake in the statement officially made by the Railway Board?

(h) What is the reason of the increase in the number of locomotives of the B. & N.-W. Railway, which were under or awaiting repairs, of 3'3½' from 88 to 102, i.e., an addition of 19 during two months?

Mr. G. G. Sim: (a) The excess was due to certain old obsolete locomotives being temporarily retained on the list for subsidiary services, though they had been replaced by new and stronger engines.

(b) The authorised stock is fixed by the Railway Board and is based on the requirements of each railway, as calculated from time to time.

(c) The reason why a railway may have excess locomotive stock over the authorised number on a particular date is as given in the answer to (a). The actual number on the line may at any time be less than the authorised stock because new additional stock which has been sanctioned has not yet been completed and placed on the line.

(d) and (e). This is due to some of the old engines which had been replaced but which were still kept in use having been broken up during May and June.

(f) The percentage of 22.6 referred to includes engines under or awaiting repairs in shops as well as in running sheds and also engines stopped for a period of more than 24 hours for boiler examination and boiler washing, and so there must be a number of engines not available for use on any one day, while efforts are being made to reduce this number by the provision of increased facilities in shops and running sheds, this percentage does not compare unfavourably with those found in other countries.

(g) Owing to a typographical error a figure of 33.9 was printed by mistake instead of 28.9.

(h) The number under or awaiting repair must vary from month to month as this depends to a certain extent on the amount of work that can be undertaken in the shops. The number under or awaiting repair in October has fallen from 102 to 76.

TRADE COMBINES.

463. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state what powers they have got at present to interfere with firms and combines of trade which tend to raise prices against the consumer?

(b) Are Government aware that there is a ring which fixes the price of Kerosine?

(c) Are Government aware that there are agreements between various shipping companies controlling freights to and from India as well as between the various ports?

(d) Have Government powers to protect consumers against profiteering and if not, do Government propose to arm themselves with additional powers in this behalf?

Mr. G. G. Sim: (a) and (d). The Government have no power to interfere with trade combinations or to control prices, and as at present advised, they see no necessity for taking any such powers.

(b) and (c). The Government are aware that there are agreements between some oil companies regarding prices and between shipping companies regarding rates.

Mr. W. S. J. Wilson: Would the Government like to explain to the Honourable Member the difference between tramps and liners and the necessity of having regular services?

Mr. G. G. Sim: No, Sir.

Mr. Jamnadas M. Mehta: Is it because Government themselves are unacquainted with that fact?

Mr. G. G. Sim: No, Sir.

ESTABLISHMENT OF A RATES TRIBUNAL.

464. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state what protection any industry or area has got at present against the imposition of unfair or heavy rates by the various railway managements?

(b) Will Government state what steps have been taken or are proposed to be taken towards the establishment of a Rates Tribunal?

Mr. G. G. Sim: (a) Maxima and minima rates, within which railways may levy charges, are prescribed by Government, and it is to the interest of the railways themselves to encourage and foster traffic by the quotation of suitable rates.

(b) The matter has been under correspondence with the Secretary of State, whose reply has only now been received.

FUNCTIONS AND QUALIFICATIONS OF THE HIGH COMMISSIONER FOR INDIA.

465. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state the functions entrusted to the High Commissioner for India in London, and also the qualifications which the holder of that office is expected to possess?

Mr. G. G. Sim: The attention of the Honourable Member is invited to my reply to a similar question asked by Diwan Bahadur M. Ramachandra Rao on 1st March last. Since then, the duties in connection with the payment of leave allowances of military officers in civil employ have also been transferred to the High Commissioner. The Government have prescribed no qualifications but select the one who seems most suitable at the time when required.

PURCHASE OF RAILWAY STORES.

466. ***Mr. Jamnadas M. Mehta:** (a) Will Government state whether they have decided to take over to the Indian Stores Department some of the staff at present employed by the "Home" Board of the East Indian Railway Company.

(b) If so, is it because the Indian Stores Department, London, is not considered sufficient for handling the additional work which might be placed with them?

(c) Is it true that the Indian Stores Department is making large purchases for the railways in future so that the total amount of purchases which may go to the Indian Stores Department in London, during the next year will not materially increase as the Indian Stores Department, India, will have taken over a considerable amount of the purchase hitherto made by the railways through London?

(d) If the reply to (c) is in the negative will Government be pleased to state what steps they have taken in connection with the promise of Sir Charles Innes that the Indian Stores Department, will make all purchases for railways in India?

(e) Will Government be pleased to state the result of the circular which they sent round to the various railways for larger utilisation of the Indian Stores Department and of the conference which the Railway Board had with the Agents to push forward Government's policy in this direction?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The reply is in the affirmative.

(c) The Indian Stores Department has made purchases of a substantial aggregate volume on behalf of railways, and there is every probability that that Department will be utilized by the railways to a larger extent in future; but as a large proportion of the requirements of the railways consists of specialised types of technical stores which are not manufactured in India it is improbable, so long as the existing arrangements for the purchase of stores manufactured abroad continue, that the utilization of the services of the Indian Stores Department by railways will serve to counterbalance the increase of business that will devolve on the India Store Department, London, as a result of the resumption by Government of the control of the East Indian Railway.

(d) The attention of the Honourable Member is invited to the replies given to the following questions:

Question No. 2185, by Mr. K. C. Neogy on the 17th September, 1924,

Question No. 2322, by Mr. W. S. J. Willson on the 22nd September, 1924.

(e) Since the issue of the circular referred to by the Honourable Member various railways have made greater use of the Indian Stores Department and have up to date placed with that Department indents amounting to over 32 lakhs of rupees.

RULE TENDERS.

467. ***Mr. Jamnadas M. Mehta:** (a) Will Government be pleased to state whether they passed orders in regard to the Rule for calling of tenders in India in Rupees?

(b) Will Government be pleased to state why there has been a delay of about a year in considering the Assembly's Resolution with regard to Rupee tenders and passing orders thereon?

(c) Will Government be pleased to state whether the Secretary of State or the Indian Stores Department has raised any objection to the proposal for establishing the rule of Rupee tender in India?

(d) Will Government be pleased to lay on the table all correspondence that has passed between them and the Secretary of State or the High Commissioner on this subject?

The Honourable Sir Bhupendra Nath Mitra: (a) and (b). The Government have not yet come to a final decision in regard to the Resolution adopted by the Assembly to which the Honourable Member refers. As explained by the Honourable Sir Atul Chandra Chatterjee in his reply to question No. 2081, asked by Mr. Willson on the 17th September, 1924, the

question is one which has to be examined in many complicated aspects. This House may, however, rest assured that the matter is receiving the most earnest attention of the Government.

(c) and (d). There has been no correspondence between the Government of India and the Secretary of State for India or the High Commissioner for India on this subject since the Resolution was passed by this House on the 14th February, 1924.

Mr. W. S. J. Willson: Can the Honourable Member give any idea as to when Government are likely to come to their final decision?

The Honourable Sir Bhupendra Nath Mitra: I regret it is not possible for me to give any definite idea on the subject, but as I have said Government are trying their best to come to a decision as quickly as possible.

Mr. Jamnadas M. Mehta: Do not Government regard a period of one year as long enough to make up their mind?

The Honourable Sir Bhupendra Nath Mitra: Sir, in view of the various and complicated aspects of the case I can assure the Honourable Member that the time is not too long.

Sir Purshotamdas Thakurdas: Will the Honourable Member say what are the complicated aspects of the case which embarrass Government and prevent them from coming to a decision within the one year that has elapsed?

The Honourable Sir Bhupendra Nath Mitra: Well, Sir, I cannot answer that question fully without taking up a good deal of the time of this House; but I can tell the Honourable Member broadly this, that the first question with which we are contented is what are the classes of stores to which the policy advocated by this House can be applied.

Mr. W. S. J. Willson and Mr. N. M. Joshi: All stores?

The Honourable Sir Bhupendra Nath Mitra: Well, I may observe that it may be impossible to apply the policy in the case of technical stores of a specialised class; but as I have already said the matter is engaging the earnest consideration of Government. I am not in a position to make a more definite pronouncement on the subject at the present moment.

Mr. Jamnadas M. Mehta: Cannot Government apply this Resolution whenever and wherever they think they can do so with advantage and leave the rest to the future?

The Honourable Sir Bhupendra Nath Mitra: That is precisely what we are attempting to do. We are trying to find out which are the class of articles to which we can apply the Resolution without adding to the expense involved in obtaining those stores and, thus raising their cost to the taxpayer.

INDIAN REPRESENTATIVE ON THE STANDING HEALTH COMMITTEE
OF THE LEAGUE OF NATIONS.

468. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government please state if it is a fact, that the Health Committee, whose constitution was determined by a resolution of the Fourth Session of the Assembly of the League of Nations, contains no representative of India?

(b) If so, will they please state as to why it is so?

(c) Do they propose to see that in future the representative of India obtains a seat on the Health Committee referred to in (a)?

Mr. J. W. Bhore: (a) India has no representative on the Health Committee of the League of Nations but has a representative on the Permanent Committee of the Office International d'Hygiene Publique, Paris, which acts also as the General Advisory Health Council to the League.

(b) Every effort was made to secure a place for an Indian representative on the Committee which is strictly limited in numbers, but in view of the fact that probably 39 countries were competing, they did not meet with success on the last occasion.

(c) The Honourable Member may rest assured that the Government of India will, as in the past, do their best to try and see that India finds a place on the Committee.

Mr. Gaya Prasad Singh: Sir, may I know the names of the Indian representatives on the other Committees of the League of Nations?

Mr. President: That does not arise out of the question.

INDIAN REPRESENTATIVES ON THE COMMITTEE ON THE ALLOCATION OF EXPENSES OF THE LEAGUE OF NATIONS.

469. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Will the Government please state if there have been any representatives of India on the Committee on the allocation of expenses since the establishment of the League of Nations up to the last session of it?

(b) If so, will Government please state his or their names?

(c) If not, why not?

Mr. L. Graham: The answer to part (a) is in the negative, part (b) therefore does not arise.

(c) The Committee as at present constituted consists of eight members and the Honourable Member will no doubt realise that it is not possible for every member of the League to be represented on it.

INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

470. ***Khan Bahadur Sarfaraz Hussain Khan:** Will the Government please state the amount paid by India to the League of Nations by way of contribution, since the establishment of the League up to its last session?

Mr. L. Graham: The Honourable Member is referred to part (a) of the reply to unstarred question No. 7 asked by Mr. D. V. Belvi, on the 22nd January, 1925.

REPORT OF THE ADVISORY COMMITTEE OF THE LEAGUE OF NATIONS ON THE TRAFFIC IN OPIUM, ETC.

471. ***Khan Bahadur Sarfaraz Hussain Khan:** With reference to the resolution "The Assembly expresses its deep appreciation of the very valuable work done by the Advisory Committee on Traffic in opium and

other dangerous drugs, and adopts its report together with the resolution embodied therein" published in the Gazette of India, December 27th, 1924, Part I, page 1148, para. 1, will the Government be pleased to lay on the table copy of the report with the resolution embodied therein?

The Honourable Sir Basil Blackett: A copy of the report of the Advisory Committee on the work of its sixth Session has been placed in the Library.

EXPORTS OF OPIUM.

472. ***Khan Bahadur Sarfaraz Hussain Khan:** Will Government please state the quantity of opium exported from British India during the years 1920, 1921 and 1922, respectively?

The Honourable Sir Basil Blackett: The figures are given in the report on the traffic in opium and other dangerous drugs for the years 1921 and 1922, which has been submitted by the Government of India to the League of Nations. A copy of this report has already been placed in the hands of the Honourable Member.

CONVERSION OF THE TURNSTILE CROSSING AT THE CHATRA RAILWAY STATION INTO A LEVEL CROSSING.

473. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Has the attention of Government been drawn to the letter published in the issue of the *Forward* of the 31st December, 1924, page 12, under the heading "Chatra Railway Crossing"?

(b) If so, will Government please state, if the statements made therein are correct?

(c) If correct, do they propose to issue necessary instructions to the railway authorities concerned to redress the grievances complained of?

Mr. G. G. Sim: (a) Government have seen the letter referred to.

(b) Inquiry made shows that one boy was knocked down killed on the 18th November 1924 by reason of his own carelessness.

(c) The question of converting this turnstile crossing into a pucca level crossing is receiving consideration.

INTIMIDATION OF WITNESSES AND JURORS IN BENGAL.

474. ***Pandit Nilakantha Das:** (a) Are the Government aware of the fact that Earl Winterton the Under Secretary of State for India said last December, while replying to Sir John Scurr to the effect that the internees could not be put on public trial because the jurors and the witnesses had been intimidated on former occasions and are in danger of being intimidated again on a public trial of internees being undertaken?

(b) How many cases of such intimidation have been reported and published in the past?

(c) Are the Government in possession of any facts to show that any juror in any political case was intimidated or even approached by the accused parties?

The Honourable Sir Alexander Muddiman: (a) Yes.

(b) and (c). The Government of India are satisfied that frequent attempts have been made to intimidate courts, jurors, witnesses and prosecuting officers in Bengal. I gave the House such details as it is possible to give in my speech the day before yesterday.

APPOINTMENT OF INDIANS AS MANAGING GOVERNORS OF THE IMPERIAL BANK OF INDIA.

475. *Mr. K. C. Neogy: (a) Will Government be pleased to describe the procedure, by which a vacancy in the post of the Managing Governor of the Imperial Bank of India is filled up?

(b) Will Government be pleased to state how many such vacancies have occurred since the constitution of the Imperial Bank?

(c) Will Government be pleased to state why there has not been any attempt to appoint an Indian to this position?

(d) Will Government be pleased to state their intentions, if any, in the direction of appointing an Indian in this position for the future?

The Honourable Sir Basil Blackett: (a) The Honourable Member is referred to section 28 (1) (v) of the Imperial Bank of India Act, 1920.

(b) There have been four such vacancies, since the original appointments were made.

(c) and (d). The intention of the Government is to appoint the persons best qualified irrespective of race after considering the recommendations of the Central Board, which, I may mention, contains several Indians. The question of a duly qualified Indian has not hitherto arisen.

LOSSES ON REVERSE BILLS, ETC.

476. *Mr. Jamnadas M. Mehta: Will Government be pleased to place a statement on the table showing the amount of losses incurred from—

- (a) Reverse Bills;
- (b) post office money orders;
- (c) sales of Gold;

between 1st January 1920 and 31st December 1921, and showing how much of these losses was met from current revenues and how much from long and short term borrowings respectively and the actual form of such borrowings?

The Honourable Sir Basil Blackett: As regards the amounts of losses, I would invite the attention of the Honourable Member to the Memorandum on Exchange gains and losses which appears at pages 549 to 560 of the Council of State Debates of the 24th January 1923. As regards the manner in which the losses were met, he is no doubt aware that the years 1919-20 and 1920-21 were years of deficit and the losses had accordingly to be met from borrowings. The borrowings were not earmarked for particular objects. Details of them will be found in Accounts Nos. 82 and 82A, of the Finance and Revenue Accounts for those years.

TEMPORARY LOANS RAISED BY THE SECRETARY OF STATE FOR INDIA BY THE ISSUE OF INDIA BILLS.

477. *Mr. Jamnadas M. Mehta: (a) Is it the practice of the Secretary of State to raise money on 3, 6 or 12 months bills on London market?

(b) Will Government be pleased to furnish a statement of the amounts so raised in the 5 years ending with the 31st March, 1924, the date of sale of such bills and the discount per annum at which they were sold as also the market rate of discount on the same day for 3 months bills?

(c) Will Government be pleased to furnish a similar statement for the 5 years ending with 31st March 1914?

The Honourable Sir Basil Blackett: The last year in which money was raised by the Secretary of State on bills was 1915-16. Part (b) does not arise. As regards part (c), I place on the table a statement giving the information so far as available.

Statement showing temporary loans raised by the Secretary of State by the issue of India Bills during the five years ending 31st March, 1914.

Year.	Amount raised.	Time of issue.	Period for which current.	Discount.	Market rate of discount for 3 months' Bills at the time of issue.	REMARKS.
	£			£ s. d.		
1909-10, 1st issue	1,000,000	April 1909	12 months	2 3 11-68	Information not available.	Previous years' Bills renewed.
„ 2nd „	2,500,000	June 1909	„	3 1 11-43		
„ 3rd „	2,500,000	December 1909	„	3 3 10-29		
Total	6,000,000					
1910-11, 1st issue	1,000,000	April 1910	„	3 10 9-29		
„ 2nd „	2,500,000	June 1910	„	3 1 5-75		
„ 3rd „	1,500,000	December 1910	„	3 5 4-70		
Total	5,000,000					
1911-12, 1st issue	1,000,000	April 1911	„	2-13 6-27		
„ 2nd „	2,000,000	June 1911	„	3 1 6-76		
„ 3rd „	1,500,000	December 1911	„	3 0 7-256		
Total	4,500,000					
1912-13	Nil.	...		
1913-14	Nil.	...		

HOME DISBURSEMENTS OF THE GOVERNMENT OF INDIA ON REVENUE AND CAPITAL ACCOUNT.

478. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to lay a statement on the table showing the actual disbursements by the Secretary of State for India month by month during each of the years 1921-22, 1922-23 and 1923-24, with some indications, where the payments have been abnormally heavy in any particular month, of the reason for the excess?

The Honourable Sir Basil Blackett: A statement showing the Home disbursements of the Government of India for their London balances on revenue and capital account, is laid on the table.

Statement showing the Home disbursements of the Government of India on revenue and capital account (In millions of £).

Month.	1921-22.	1922-23.	1923-24.	REMARKS.
April	4.1	4.3	3.5	Payments on account of interest and Railway annuities.
May	3.0	1.6	2.9	
June	2.3	2.9	2.2	
July	4.9	4.7	5.1	Ditto.
August	3.2	2.5	2.5	
September	1.7	1.3	1.6	
October	4.9	5.7	4.8	Ditto.
November	2.4	1.9	4.5	
December	2.6	1.8	2.4	
January	7.1	5.5	5.6	Payments on account of interest and Railway annuities and in 1921-22 payments to War Office debitable to Military.
February	1.8	3.2	2.7	
March	6.2	5.5	5.6	Payments on account of Stores.
Total	44.2	40.9	43.4	

LICENSE FEES OF STALL KEEPERS AND PLATFORM VENDORS ON THE SOUTH INDIAN RAILWAY.

479. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the stall keepers and the platform vendors on the South Indian Railway used to pay Rs. 6 per month as rent for the site of their stalls and about a rupee as a license fee for selling coffee and other articles and that these fees have recently been revised to about Rs. 150 and Rs. 6 respectively. If so, why have the fees been increased?

Mr. G. G. Sim: Inquiry is being made and the Honourable Member will be informed of the result in due course.

REDUCTION OF FARES ON THE SOUTH INDIAN RAILWAY.

480. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that when the Great Indian Peninsula, Bombay, Baroda and Central India, Madras and Southern Mahratta and other Railways increased their first and second class fares by about 12½ per cent., the

South Indian Railway increased its fares by 25 per cent. and that with the recent reduction in fares of the former Railways, the latter railway has not reduced its fares? If so, why?

Mr. G. G. Sim: The percentage of increase in 1922 on the South Indian Railway was the same as that introduced on the Bombay, Baroda and Central India, Great Indian Peninsula and Madras and Southern Mahratta Railways, with the exception that over the latter railways the increase applied only to the first 300 miles of the journey. Government understand that the possibility of reducing fares on the South Indian Railway is now under the consideration of the Company.

GRIEVANCES OF THE SUBORDINATE STAFF OF THE SOUTH INDIAN RAILWAY.

481. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they are aware of the great discontent existing among the subordinate staff of the South Indian Railway working on the line on account of the fact that they do not get in time leave even for urgent purposes owing to the stiffness of leave rules and for that reason also, they could not be relieved of their duty when they fall sick? If so, what steps do they propose to take to remove these grievances? If not, will they be pleased to inquire into the matter and report their findings to the Assembly?

Mr. G. G. Sim: Government have received copies of memorials addressed to the Agent by the subordinate staff of the South Indian Railway. The grant of leave to Company's servants is a matter which must naturally be left to the discretion of the Company's Agent but Government will send the Honourable Member's question to him for such action as he may consider necessary.

COLLECTION OF EXCESS FARES FROM PASSENGERS ON THE SOUTH INDIAN RAILWAY.

482. ***Mr. N. M. Joshi:** Will Government be pleased to state whether it is a fact that the authorities of the South Indian Railway have recently framed rules or issued a circular compelling the ticket collectors and the travelling ticket examiners to show every month a certain percentage of collections from passengers in the shape of excess fares?

Mr. G. G. Sim: I would refer the Honourable Member to the reply given to question No. 257.

ADMISSION OF PASSENGERS TO THE PLATFORMS AT TRICHINOPOLY AND ERRODE JUNCTIONS.

488. ***Mr. N. M. Joshi:** Will Government be pleased to state whether their attention has been drawn to the complaint made in the September-October issue of the *Railway Guardian* (pages 79-80), to the effect that at Trichinopoly and Errode Junctions, passengers are not admitted to the platforms before the actual arrival of trains? If so, do they propose to take steps to remove this complaint and allow the passengers on the platforms sufficiently early before the arrival of the trains? If not, why not?

Mr. G. G. Sim: Government have not seen the complaint referred to, but this is a matter which might suitably be brought to the notice of the Agent through his Local Advisory Committee. The Government will send a copy of the question and answer to the Agent

REDUCTION OF STAFF ON AMALGAMATION OF THE EAST INDIAN AND
 OUDH AND ROHILKHAND RAILWAYS.

484. *Mr. N. M. Joshi: Will Government be pleased to give the following information:

- (a) After the East Indian Railway comes under the State management and is amalgamated with the Oudh and Rohilkhand Railway, is there any likelihood of both the superior and inferior staff of both the railways being reduced?
- (b) If so, what will be the percentage of reduction in the superior and inferior services of each railway company?

Mr. G. G. Sim: (a) and (b). Eventually we hope that the amalgamation will result in economy but it is quite impossible at present to say how this economy will affect different classes of railway servants.

ALLEGATIONS IN THE WEEKLY MAZDOOR OF LUCKNOW AGAINST
 RAILWAY ADMINISTRATION.

485. *Mr. N. M. Joshi: With reference to the reply given to my question No. 2280 put on the 19th September, 1924, will Government be pleased to state what action, if any, has been taken by the Agent of the O. and R. Railway Company in respect of the allegations made in the *Weekly Mazdoor* of Lucknow?

Mr. G. G. Sim: As already stated in reply to a similar question by Khan Bahadur Sarfaraz Hussain Khan the matter is still under consideration.

INDIAN FOREMEN ON THE BOMBAY, BARODA AND CENTRAL INDIA
 RAILWAY.

486. *Mr. N. M. Joshi: With reference to my question No. 2190 asked on the 18th September, 1924, will Government be pleased to state, whether, in view of the fact that there are only three Indian foremen and only one Indian under training on the whole Bombay, Baroda and Central India Railway line, they have taken or propose to take any steps to secure more Indians to these posts? If so, what steps they have taken or propose to take? If not, why not?

Mr. G. G. Sim: The selection of men to fill appointments in the service of the Bombay, Baroda and Central India Railway Company is a matter for the Company's Board and their Agent to decide. Government have, however, inquired from the Agent who states that a scheme for training Indians for the posts referred to is under his consideration.

RECOMMENDATIONS OF THE DECK PASSENGER COMMITTEE.

487. *Mr. N. M. Joshi: With reference to the reply given to my question No. 2187, on the 18th September, 1924, will Government be pleased to state whether they have now considered the views of the Local Governments and Chambers of Commerce on the recommendations of the Deck Passenger Committee and whether they have come to any conclusion? If so, will they be further pleased to state what their conclusion is?

The Honourable Sir Charles Innes: The matter is still under consideration.

PAY AND LEAVE OF RUNNERS IN THE POSTAL DEPARTMENT.

488. ***Mr. N. M. Joshi:** With reference to the reply given to my question No. 2271 put on the 19th September, 1924, will Government be pleased to state what relief in respect of pay and leave has been given to the "Runners" in the Postal Department as a result of the consideration of this question by the Postal Inquiry Committee of 1920?

The Honourable Sir Bhupendra Nath Mitra: With respect to the pay of runners, the Honourable Member is referred to the Resolution of the Government of India, Department of Commerce, No. 4737, dated the 30th July 1920, which was published in the Gazette of India, dated the 31st July 1920.

The Postal Inquiry Committee of 1920 made no recommendation in regard to leave for runners.

MEMBERSHIP OF WELFARE COMMITTEES ON THE BENGAL AND NORTH-WESTERN RAILWAY.

489. ***Mr. N. M. Joshi:** (a) With reference to part (b) of the reply given to part (b) of my question No. 2278 put on the 19th September, 1924, will Government be pleased to state whether it is a fact that compulsion is brought upon the men in the railway workshops of the Bengal and North Western Railway in the matter of making them members of the Welfare Committees?

(b) If the answer to (a) be in the affirmative, do Government propose to take immediate steps to stop this practice?

Mr. G. G. Sim: (a) No.

(b) Does not arise.

EUROPEAN, ANGLO-INDIAN AND INDIAN RAILWAY SCHOOLS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

490. ***Mr. N. M. Joshi:** (a) With reference to the reply given to my question No. 2283 put on the 19th September, 1924, will Government be pleased to state (a) the number of schools that the M. S. M. Railway has provided for the children of its Anglo-Indian servants with the number of children taking advantage of these schools and (b) the number of schools started for the children of its Indian servants with the number of children attending them?

Mr. G. G. Sim: A statement giving the information asked for by the Honourable Member is placed on the table.

Statement showing the number of European and Anglo-Indian and Indian Railway Schools on the Madras and Southern Mahratta Railway on the 31st March 1924 and the number of pupils attending them.

Class.	Number of Schools.	Number of Pupils.
European and Anglo-Indian	18	817
Indian	5	808

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

491. ***Mr. N. M. Joshi:** With reference to part (d) of the reply given to my question No. 2288, will Government be pleased to state whether they have arrived at any conclusion in respect of the question of assistance given by railways towards the education of their employees' children, which they are considering? If so, will they be pleased to announce it? If not, will they state when they are likely to come to some decision in this matter?

Mr. G. G. Sim: The question is one of considerable difficulty and Government have not yet arrived at any conclusion in respect to it. It is not possible to say at present when an announcement can be made.

REVISION OF THE LEAVE RULES OF RAILWAY EMPLOYEES.

492. ***Mr. N. M. Joshi:** With reference to the reply given to my question No. 2189 of the 18th September, 1924, will Government be pleased to state the result of their inquiry in respect of revising the leave rules for all railway employees with a view to bringing them more into accord with conditions of employment in other industrial concerns? If they have not yet come to any decision, when are they likely to finish their deliberations and arrive at some conclusion?

Mr. G. G. Sim: The revised rules have been drawn up, but it is not possible to say at present when they will be issued.

Mr. N. M. Joshi: May I ask, Sir, for how long this question has been considered by the Government of India?

Mr. G. G. Sim: The question has been under consideration for the last six months.

Mr. N. M. Joshi: May I request the Government to inquire from the office how long this question has been considered?

Mr. G. G. Sim: I have already stated, for the last six months.

Mr. N. M. Joshi: I want Government to make further inquiries.

RAILWAY COLONY AT JONESGANJ, AJMER.

493. ***Mr. N. M. Joshi:** 1. With reference to the information supplied to me by the Railway Board in reply to my question No. 899 of 20th March, 1924, will Government be pleased to furnish further information on the following questions arising from the answer given:

- (a) Were the leases granted to the house-owners of Jonesganj, signed on behalf of the Railway by the Agent of the Railway Company, who under clauses 63 and 75 of the Company's Contracts, dated 24th September 1884 and 8th April 1917 respectively, is the only authorised Agent in India to sign such documents on behalf of the Company?
- (b) Had the Carriage and Wagon Superintendent legal authority to sign agreements or leases for land on behalf of the Railway Company under the terms of the Company's charter or under clauses 63 and 75 of the Company's Contracts of 1884 and 1907 respectively, with the Secretary of State for India?

- (e) Was the ground rent recovered from the house-owners reserved to the Railway Company, or to form a permanent village fund for "all purposes of the village" as laid down in Resolution No. 207 of Official Meetings of the Rajputana-Malwa Railway for 1891?

2. If the answer to (c) of the above question be in the affirmative, will Government be pleased to state whether the ground rent recovered from the house-owners of Jonesganj was reserved to the Railway, was it ever credited to the Railway Revenue Account Abstract K, as laid down in paragraph 584 of the State Railway Open Line Code, Volume I, and paid into the Government Treasury as required by clauses 21 and 32 of the Company's Contracts of 1884 and 1907 respectively, with the Secretary of State for India; or was the ground rent credited to the Village Funds which are quite separate and independent of the Railway Accounts?

RAILWAY COLONY AT JONESGANJ, AJMER.

494. *Mr. N. M. Joshi: With reference to the information supplied to me in reply to part (2) of my question No. 900 of 20th March, 1924, will Government be pleased to state whether the Resolution 207 of the Official Meetings of 1891 laid down any restrictions as to ownership of the houses and whether it did not provide for "leases in due form" to "effect" the ownership of the colonists in the houses?

RAILWAY COLONY AT JONESGANJ, AJMER.

495. *Mr. N. M. Joshi: With reference to part (3) of my question No. 900 of 20th March, 1924 and the reply thereto, will Government be pleased to state whether the Resolution 207 of the Official Meetings of 1891 mentioned *internal* administration of the community affairs, or whether it stipulated a Working Committee for the transaction of all affairs of the village, such as recovery of advances made from the Fine Fund to the Village Community; Watch and Ward and Conservancy of the village, regulation of buildings, purchase of houses of men leaving the village, re-sale of such houses, control over tradesmen, disposal of produce of village land, etc.? What, if any, were the external affairs of the village?

RAILWAY COLONY AT JONESGANJ, AJMER.

496. *Mr. N. M. Joshi: With reference to part (4) of my question No. 900 of 20th March, 1924 and the reply thereto, will Government be pleased to state whether the Railway Company ever paid for any of the houses taken over from men who left the village; if so, from which head or sub-head of Railway Account were the payments made and how many houses were paid for by the Railway Company in this way?

RAILWAY COLONY AT JONESGANJ, AJMER.

497. *Mr. N. M. Joshi: With reference to question No. 902 of 20th March 1924, will Government be pleased to furnish (a) a copy of letter No. 3126-A., dated 30th May, 1898, from the Carriage and Wagon Superintendent, Ajmer; and (b) a copy of letter No. 1481-R. S., dated 30th January 1917, from the Carriage and Wagon Superintendent, Ajmer, as also a copy of the other suggestions made side by side by that officer?

Mr. G. G. Sim: I propose to reply to Questions 498 to 497 together.

The information asked for in these questions is being obtained from the railway administration concerned and will be communicated to the Honourable Member on receipt.

Mr. N. M. Joshi: May I take it, Sir, that all these questions have been answered up to 497?

Mr. G. G. Sim: Yes.

ADMISSION OF POSTAL RUNNERS AND VILLAGE POSTMEN TO THE
BENEFITS OF THE WORKMEN'S COMPENSATION ACT.

498. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether they propose to bring the postal runners and village postmen within the scope of the Workmen's Compensation Act? If not, why not?

The Honourable Sir Bhupendra Nath Mitra: No. The occupations of these men are not particularly hazardous and provision is already made for these workers in the Civil Service Regulations.

Mr. N. M. Joshi: May I ask whether Government have made inquiries as to how many runners and village postmen are either killed or injured each year by going through forests and floods?

The Honourable Sir Bhupendra Nath Mitra: Sir, the decision of Government has been arrived at after a full consideration of the statistics referred to by my Honourable friend, Mr. Joshi.

Mr. N. M. Joshi: May I request the Government to give the House the statistics which they have found out?

The Honourable Sir Bhupendra Nath Mitra: I shall require notice of that question, Sir.

REVISION OF THE CONDITIONS OF SERVICE OF MENIALS IN ALL
GOVERNMENT DEPARTMENTS.

499. ***Mr. N. M. Joshi:** Will Government be pleased to state whether their inquiries regarding the question of revising the conditions of service of menials in all Government Departments are now completed? If not, why not? If the inquiries are completed, when will they publish their decisions?

The Honourable Sir Alexander Muddiman: I regret that it has not yet been possible to issue orders in this matter. But it has been fully considered and we hope to issue orders shortly.

CARRIAGE OF THIRD CLASS PASSENGERS IN GOODS WAGONS.

500. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state the total number of third class passengers carried in goods wagons?

(b) Have the Government of India consulted their legal advisers as to whether railways carrying passengers in goods wagons and charging them third class fares, are not guilty of a breach of the law?

(c) Will the Government of India be pleased to state when they will be in a position to discontinue the practice of carrying passengers in goods wagons?

Mr. G. G. Sim: (a) The information asked for is not available.

(b) So far as Government are aware, the carriage of passengers in goods vehicles on occasions when coaching vehicles are not available is not a breach of any law.

(c) Government cannot give a definite date, but instructions have already been issued to railway administrations that steps should be taken as far as practicable to put a stop to this practice.

Mr. N. M. Joshi: I did not ask what is the opinion of the Government. What I really want to know is whether Government have consulted their legal adviser. I want Government to consult their legal advisers whether the carrying of passengers who pay third class fares by goods wagons is not illegal?

Mr. G. G. Sim: If the Honourable Member would suggest any particular law, that is contravened, the legal advisers would have something to advise about.

Mr. N. M. Joshi: This is the law of common sense that you must carry those who pay third class fares in the third class.

Mr. G. G. Sim: One does not ask for legal advice in matters of common sense.

Mr. Darcy Lindsay: Is it not a fact, Sir, that goods wagons are only used in cases of extreme emergency and in particular to meet the occasional rush of pilgrim traffic and that in such cases the wagons are made as comfortable as possible?

Mr. G. G. Sim: Yes.

Mr. Gaya Prasad Singh: How are goods wagons made as comfortable as possible?

Mr. G. G. Sim: In many cases they are provided with electric lights.

Mr. Gaya Prasad Singh: Are Government aware that this practice does not obtain on the Bengal and North-Western Railway? I can speak authoritatively.

Mr. N. M. Joshi: May I ask whether Government will be prepared to reduce the fares to those passengers who are carried in goods wagons?

Mr. G. G. Sim: No, Sir.

Mr. N. M. Joshi: May I ask the reason why?

Mr. M. A. Jinnah: Public interest.

PROHIBITION OF THE EMPLOYMENT OF WOMEN UNDERGROUND IN MINES.

501. ***Mr. N. M. Joshi:** (a) Will Government be pleased to publish the reports they may have received from Local Governments regarding the prohibition of the employment of women underground in mines?

(b) Have they considered the reports? If so, what is their decision?

INTRODUCTION OF SHIFTS IN COAL MINES.

502. ***Mr. N. M. Joshi:** (a) Will Government be pleased to publish the reports they may have received from the Local Governments regarding the introduction of shifts in coal mines?

(b) Have they considered the reports and, if so, what is their decision?

The Honourable Sir Bhupendra Nath Mitra: I propose to answer questions 501 and 502 together. The Government of India have received the replies of Local Governments to their circular letter on these questions, but they have not yet formulated their decisions. The question of publishing the replies will be considered.

MATERNITY BENEFIT SCHEMES IN INDUSTRIAL UNDERTAKINGS.

503. ***Mr. N. M. Joshi:** Will Government be pleased to publish the reports they may have received from Local Governments regarding the introduction of Maternity Benefit Schemes on a voluntary basis in industrial undertakings?

The Honourable Sir Bhupendra Nath Mitra: Government intend to publish the information after all the replies have been received.

TRUCK ACTS.

504. ***Mr. N. M. Joshi:** (a) Has the attention of the Government of India been drawn to two articles recently published in the *Servant of India* on the necessity of Truck Acts?

(b) Will they be pleased to ask the Local Governments to inquire into the question and publish the reports?

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

(b) The Government of India do not consider it necessary at present to take the action suggested.

Mr. N. M. Joshi: May I ask, Sir, the reason why Government are unwilling to make that inquiry?

The Honourable Sir Bhupendra Nath Mitra: The reason is, Sir, that the Government consider the inquiry to be unnecessary under present conditions in India.

Mr. N. M. Joshi: May I ask, Sir, if Government have not made any inquiry as to the existence of the evil, how can they know that the evil does not exist and that there is no necessity for an inquiry?

The Honourable Sir Bhupendra Nath Mitra: The decision was arrived at by Government with reference to the knowledge they possess about present conditions in India.

Mr. N. M. Joshi: May I ask that Government should possess better information about these labour conditions than they possess to-day?

The Honourable Sir Bhupendra Nath Mitra: I leave it to the Honourable Member to form his own conclusions in that matter. I have already explained the Government view, Sir.

REDUCTION OF THIRD CLASS FARES ON RAILWAYS.

505. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to reduce the third class fares on Indian railways? If not, why not?

Mr. G. G. Sim: The Honourable Member is referred to the answer given to question No. 259.

Sir Campbell Rhodes: Do Government anticipate that they will be able to reduce third class fares after the proposed committee on grievances of railway employees has done its beneficent work?

The Honourable Sir Charles Innes: The answer, Sir, is in the negative.

ESTABLISHMENT OF A PROVIDENT FUND IN PLACE OF PENSIONS FOR GOVERNMENT SERVANTS.

506. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they have considered the proposal of establishing Provident Fund for the benefit of the Government employees as an alternative to pensions? If so, will they state their decision and will they state what steps they had taken to give effect to the proposal?

The Honourable Sir Basil Blackett: The attention of the Honourable Member is invited to the reply given to Mr. Harchandrai Vishindas (question No. 69) during the current Session.

AMENDMENT OF THE ASSAM LABOUR AND EMIGRATION ACT.

507. ***Mr. N. M. Joshi:** Will Government be pleased to state what steps they have taken for the revision of the Assam Labour and Emigration Act, for the removal of penalties for absence from work and other labour offences?

The Honourable Sir Bhupendra Nath Mitra: The penal provisions to which the Honourable Member refers have been withdrawn by notifications.

Mr. N. M. Joshi: What I wanted to know was whether Government are going to revise the Assam Labour and Emigration Act?

The Honourable Sir Bhupendra Nath Mitra: Sir, I have already replied to the specified inquiry which the Honourable Mr. Joshi has made. If he has something else in his mind, I shall be glad if he will give notice.

Mr. N. M. Joshi: I have nothing in my mind. The answer given by the Honourable Member is not a reply to my question at all. I never asked whether certain provisions have been withdrawn by notification or not. There is no mention of that at all in my question.

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member asked whether certain action has been taken for the removal of certain penalties. I have replied to him that the penal provisions have already been withdrawn by notifications.

Mr. N. M. Joshi: I am asking about the Assam Labour and Emigration Act. My question has not been answered.

The Honourable Sir Bhupendra Nath Mitra: The question of the revision of the law does not arise because the penal provisions have been withdrawn by notifications.

Mr. N. M. Joshi: Government have already published that information that these penal provisions have been withdrawn by notifications. The question is whether they want to remove the penal clauses from the Act. This information is being given to me for several years. What I want to know is whether Government are going to remove the penal provisions from the Act.

The Honourable Sir Bhupendra Nath Mitra: Government have no immediate intention of doing so.

Diwan Bahadur Ramachandra Rao: May I ask the Honourable Member to state whether the notifications referred to by him were issued under any provisions of the Act and to state what that provision is?

The Honourable Sir Bhupendra Nath Mitra: The notifications were issued undoubtedly under the provisions of the Act.

Dewan Bahadur M. Ramachandra Rao: May I know under what provision of the Act?

The Honourable Sir Bhupendra Nath Mitra: I have not got a copy of the Act here, and I shall be obliged if the Honourable Member would give me notice of that question.

PUBLICATION OF THE ANNUAL REPORT OF THE AGENTS OF THE
GOVERNMENT OF INDIA IN CEYLON AND MALAYA.

508. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to publish an annual report of the work done by their Agents in Ceylon and Malaya? If not, why not?

Mr. J. W. Bhore: The suggestion will be considered.

APPOINTMENT OF AN AGENT OF THE GOVERNMENT OF INDIA IN
MAURITIUS.

509. ***Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to appoint an Agent in Mauritius? If not, why not?

Mr. J. W. Bhore: The Government of India are not at present considering the question of appointing an Agent in Mauritius. They are awaiting the report of the special officer who has lately been deputed to that colony to investigate certain matters.

RECEIPTS FROM FEES FOR EXTERNAL LABOUR EMIGRATION.

510. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state the amount they have so far received from the fees for external labour emigration?

(b) Will they be pleased to state how they propose to spend the amount?

Mr. J. W. Bhore: (a) A statement giving the information required is laid on the table.

(b) It is the policy of Government to spend the income from these fees on all legitimate objects relating to External Emigration.

STATEMENT.

Quarter ending.	Receipts.	
	Rs.	A. P.
June 1923	5,805	0 0
September 1923	88,458	0 0
December 1923	49,618	0 0
March 1924	44,843	6 7†
June 1924	61,375	0 0
September 1924	1,43,117	0 0
Total up to the end of September 1924	3,88,211	6 7

PUBLICATION OF REPORTS OF INDIAN DELEGATES TO THE ASSEMBLY OF THE LEAGUE OF NATIONS.

511. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state whether it is a fact, that the Government publishes a report made by their representatives for the Assembly of the League of Nations?

(b) Do they receive reports from their representatives for the Annual International Labour Conferences? If they do, are these reports published? If not, why not?

(c) Will they consider the advisability of publishing these reports?

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

(b) Reports are received. They are not at present published as the delegates have prepared them on the understanding that they will be kept confidential.

(c) Government will consider the possibility of publishing reports in future.

Mr. N. M. Joshi: Are Government aware that when their representatives at the International Labour Conference make confidential reports, such reports sometimes leave the impression on the minds of the labour and other delegates that the Government delegates have made certain criticisms about the conduct of the labour representatives behind their back?

The Honourable Sir Bhupendra Nath Mitra: I shall require notice of that question.

UTILISATION OF THE GOLD STANDARD RESERVE FOR PURPOSES OTHER THAN SUPPORT TO THE CURRENCY SYSTEM.

512. ***Dr. K. G. Lohokare:** Will Government be pleased to state when, for what purpose and how much, was spent on each occasion from 1893 to end of 1924, from the Gold Standard Reserve and the interest therefrom on purposes other than support to the Currency system?

† Includes Rs. 934-6-7 credited to Government on account of estates of deceased emigrants.

The Honourable Sir Basil Blckett: In the years 1907-1908 and 1908-1909 a sum of £1,123,655 was appropriated from the Gold Standard Reserve for Railway Capital Expenditure. This is the only occasion on which the Gold Standard Reserve was utilised for purposes other than support to the Currency system. Beginning with the year 1923-24 interest, etc., earned the investments held by the Reserve have been appropriated to general revenues so long as the capital is not less than £40,000,000 and have not been added to the Capital of the Reserve. The amount so appropriated in 1923-24 was £1,199,127. Figures for 1924-25 are not yet ascertainable.

**DISMISSAL OF MR. G. D. KANADE, STATION MASTER, ADARKI, ON THE
MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

513. ***Dr. K. G. Lohokare:** (a) Is it a fact that Mr. G. D. Kanade, Station Master, Adarki, had been peremptorily dismissed from the services of the Madras and Southern Mahratta Railway on 10th April, 1923?

(b) Is it a fact that this person had applied for a judicial hearing of his departmental case in which it was alleged that he allowed 4 passengers to get into the goods train, while he was allowed no opportunity of a hearing when the case was decided departmentally?

(c) Is it a fact that the General Secretary of the Amalgamated Society of Railway Servants had applied to the Agent, Madras and Southern Mahratta Railway for allowing this case a hearing before an impartial tribunal, as published in the *Railway Times* of 6th October, 1923?

(d) Is it a fact that this servant had a clean previous record of 17 years' service?

(e) Is it a fact that the dismissal meant in addition to losing service, losing gratuity too?

(f) Do Government propose to look into the case?

**CASE OF MR. K. R. DESHPANDE, LATE A BOOKING CLERK ON THE
MADRAS AND SOUTHERN MAHRATTA RAILWAY.**

514. ***Dr. K. G. Lohokare:** (a) Is it a fact that Mr. K. R. Deshpande, Coaching Clerk, Poona City Booking Office, Madras and Southern Mahratta Railway, was asked to resign in May, 1923, by the District Traffic Superintendent orally—as an alternative to his transfer to Marma Goa because the Poona City Booking Office was then abolished?

(b) Is it a fact that this person had offered to accept a lower salary post even, if he was transferred to the Belgaum District instead of to Marma Goa, to be able to look to the education of his children placed in Poona?

(c) Is it a fact that this employee has put in 18 years of service with a clean record?

(d) Is it a fact that gratuity has been refused in his case simply because he resigned, and that too on the understanding given by the District Traffic Superintendent that he would not stand to lose anything else?

(e) Do Government propose to inquire into the case?

CASE OF MR. R. K. KARMAKAR, LATE A GOODS CLERK ON THE
MADRAS AND SOUTHERN MAHRATTA RAILWAY.

515. ***Dr. K. G. Lohokare:** (a) Is it a fact that Mr. R. K. Karmarkar, Goods Clerk, Poona, Madras and Southern Mahratta Railway, was orally asked to resign service in April, 1923, by the District Traffic Superintendent, Belgaum, without allowing him a hearing in a case alleged against him?

(b) Is it a fact, that on the next day of his resignation, he put in an application to withdraw his resignation and that the withdrawal of resignation was not allowed?

(c) Is it a fact that the person has a clean record of 22 years' service?

(d) Is it a fact that in this case gratuity was disallowed?

(e) Do Government propose to inquire into the case?

Mr. G. G. Sim: I propose to reply to this question and the two following together. The Government have no knowledge of the incidents referred to, and since no right of appeal lies to them, they do not propose to inquire.

Dr. K. G. Lohokare: Are Government aware of the fact that these persons had appealed to the Agents in question and they received a negative answer?

Mr. G. G. Sim: No, Sir, the Government have no information whatsoever.

Dr. K. G. Lohokare. Will they please inquire?

Mr. G. G. Sim: No, Sir, the Government do not propose to inquire, since no right of appeal lies in the matter.

516. (This question was answered on the 26th January, 1925.)

PRICE OF IRON AND STEEL PURCHASED FROM ENGLAND AND THE
CONTINENT.

517. ***Mr. T. C. Goswami:** Will the Government state:

(a) the price of iron and steel ordered by them from England and the Continent since the beginning of 1924, up to date, with the quantities ordered?

(b) which of the steel and iron goods ordered from abroad were not or could not be produced in India?

The Honourable Sir Bhupendra Nath Mitra: I should be glad to show the Honourable Member, if he would call at my office, a statement giving such information as is available on the points raised in the question. The statement is of some length, and Government do not think it would serve any useful purpose to lay it on the table.

SAVINGS ON THE PURCHASES OF STERLING.

518. ***Mr. Jannadas M. Mehta:** (a) Has the attention of Government been drawn to the statement in the *Statesman* from its Delhi correspondent, dated the 13th November 1924 to the effect that in the course of the current financial year a saving of a crore and a half of rupees is expected to accrue from the purchases of sterling under the present rate of exchange?

(b) Will Government be pleased to state if that figure is approximately correct; if not, will Government state what is the amount of probable saving expected from that source?

(c) Are Government aware that the total exports from India now run into the neighbourhood of 350 crores?

(d) Do Government realise that most of these exports consist of agricultural produce either in a raw or semi-manufactured condition?

(e) Are Government aware that every penny of higher exchange means a loss of 20 crores of rupees to the producer of these agricultural products?

The Honourable Sir Basil Blackett: (a) and (b). The Government have seen the statement referred to, but I am sure the Honourable Member does not expect me to anticipate my Budget statement or express an opinion on the accuracy of the figure quoted. I would ask him to wait till February 28th.

(c) and (d). The statements are I think approximately correct.

(e) The statement is clearly incorrect. It ignores most of the relevant factors by which the position of producers is affected. It also ignores entirely their interests as consumers.

INCOME FROM STAMPS ON BANK CHEQUES.

519. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to state the income from stamps collected on bank cheques in each of the three financial years 1921-22, 1922-23 and 1923-24?

The Honourable Sir Basil Blackett: The income from stamps on bank cheques is not separately recorded in the books of Government. The total receipts in India from one-anna impressed stamps on cheque forms as well as receipt forms amounted to Rs. 8,25,600, 8,32,860 and 8,32,880 during the years 1921-22, 1922-23 and 1923-24 respectively. Cheques can under the law be stamped with ordinary postage and revenue adhesive stamps, as can receipts. I would remind the Honourable Member that the receipts from this duty are provincial.

Mr. Jamnadas M. Mehta: Do Government desire to encourage banking habits in this country?

The Honourable Sir Basil Blackett: Yes, Sir.

Mr. Jamnadas M. Mehta: In that case will they consider the question of abolishing one anna stamps on cheques?

The Honourable Sir Basil Blackett: No, Sir.

Mr. Jamnadas M. Mehta: If they think that it is desirable to encourage banking, then is not the second answer quite inconsistent with the first?

The Honourable Sir Basil Blackett: I have nothing to add.

Mr. Jamnadas M. Mehta: Yes; you cannot usefully add anything.

VALUE OF IMMOVEABLE PROPERTY BELONGING TO THE MILITARY, RAILWAY, PUBLIC WORKS AND OTHER DEPARTMENTS.

520. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to lay on the table a statement showing approximately or even roughly the value of immoveable property held by (i) the Military, (ii) the Railway, (iii) the Public Works and other Departments of the Government of India?

The Honourable Sir Bhupendra Nath Mitra: Information sufficient to give even a rough estimate is not available and the collection of it would involve an amount of labour which in the opinion of Government is incommensurate with the value of the information when collected.

Mr. Jamnadas M. Mehta: Do Government realise that the information is absolutely essential if the House is to consider the question of the reduction and the avoidance of public debt?

The Honourable Sir Bhupendra Nath Mitra: No, Sir.

Mr. Jamnadas M. Mehta: No cost can be regarded as too great when a question of such vast magnitude is concerned?

The Honourable Sir Bhupendra Nath Mitra: I did not catch the Honourable Member's question. Will he please repeat it?

Mr. Jamnadas M. Mehta: No expenditure can be regarded as excessive when a question of such great importance is to be considered. Government ought to spend time, labour and money, in fact they must spend themselves, in order to supply materials for considering the question of the avoidance of public debt?

The Honourable Sir Bhupendra Nath Mitra: I have said, Sir, what the Government's view in the matter is. If the Honourable Member holds a different view I can only leave it at that.

Diwan Bahadur M. Ramachandra Rao: Do not Government consider it desirable to know the book value of all the immovable properties held by the Public Works Department, the military authorities and the Railways?

The Honourable Sir Bhupendra Nath Mitra: As I have said, Sir, we have not got the information readily available; that is to say, our accounts do not contain a separate record of these items. They have to be collected by means of a special compilation; and as already stated, the view of Government is that the special compilation would involve an amount of labour which would not be commensurate with the value of the information when collected.

Diwan Bahadur M. Ramachandra Rao: Is it not desirable that the Government should know the amount of investment in respect of the immovable properties referred to in the question? In certain cases the Government are already taking that into account. If Government were to introduce a system of commercialised accounts, the book value will come out?

Mr. E. Burdon: Might I suggest to the Honourable Member that it would be a difficult thing, in fact an impossible thing, to arrive at an approximate estimate of the value of Fort St. George or Fort William.

Diwan Bahadur M. Ramachandra Rao: May I know whether it is not important that we should know the amount of non-recurring expenditure that has been incurred by Government up to date in regard to the various classes of buildings mentioned in the question, that is the exact amount invested in the various classes of buildings now in the occupation of the military authorities?

Mr. E. Burdon: It would be quite impossible to say that. Even if the information asked for is collected, it will not reveal that. Many buildings in the possession of the military authorities were acquired by conquest.

Diwan Bahadur M. Ramachandra Rao: Many barracks and other buildings have been constructed.

Mr. President: That is a matter of argument rather than a question requiring an answer. The Honourable Member might perhaps put it in the form of a Resolution.

NUMBER OF INDIAN OFFICERS OF THE INDIAN CIVIL SERVICE WITH SECRETARIAT EXPERIENCE, ETC.

521. ***Mr. Jamnadas M. Mehta:** Will Government be pleased to give information as follows:

- (a) A statement with the names, in order of seniority on the general list of Indian officers of the I. C. S. of more than 18 years' standing who have had secretariat experience giving the nature and length of such experience, as also the posting of each such officer on 1st December 1924?
- (b) A statement with the names of the Indian officers posted on 1st December, 1924, in each of the Departments of the Government of India as Secretaries, Joint Secretaries, Deputy Secretaries or Under Secretaries?
- (c) A statement giving the Departments of the Government of India where no Indian is at present employed in any such capacity?
- (d) Have Government received requests from responsible Indian quarters to the effect that in every Department of the Government of India in the charge of a British Member, there should be at least one Indian Secretary or Joint Secretary?
- (e) Have Government themselves accepted and acted upon the principle that whenever the High Commissioner of India in England, is an Indian, his Secretary should be a British officer?
- (f) What is the explanation for the entire absence of Indian officers of the standing mentioned under (b) from the Departments referred to under (c)?

The Honourable Sir Alexander Muddiman: (a) The information is available from the History of Services of Gazetted Officers and the Civil Lists published by the Provincial Governments.

(b) and (c). A statement giving the information asked for is laid on the table.

(d) There is no record of any specific request in the precise terms suggested by the Honourable Member but representations have been made to the Government of India recommending generally an increase in the number of Indians in the Departments of the Government of India.

(e) and (f). The policy of the Government of India is to appoint Indians in increasing numbers to Secretariat posts but they are not prepared to agree to any fixed ratio of Indians in such posts which are essentially

selection appointments nor are they prepared to make a rule that either the Secretary or the Joint Secretary in a department must be of a different race from the member or that the High Commissioner and his Secretary must invariably be one an Indian and the other a British officer.

STATEMENT.

Departments in which Indians are employed in the offices of Secretary, Joint Secretary, etc.

Home Department	Mr. T. C. S. Jayaratnam, I.C.S., Under Secretary.
Finance Department	Mr. S. C. Gupta, Under Secretary (on deputation to England). Mr. V. S. Sundaram, Under Secretary.
Legislative Department	Mr. S. C. Gupta, Bar-at-Law, Deputy Secretary.
Department of Education, Health and Lands	Mr. J. W. Bhore, I.C.S., Secretary. Mr. G. S. Bajpai, I.C.S., Deputy Secretary. Mr. M. S. A. Hydari, I.C.S., Under Secretary.
Department of Industries and Labour	R. B. J. P. Ganguli, Under Secretary (Officiating).

Departments in which no Indians are employed as Secretaries, Joint Secretaries, etc.

- Army Department.
- Foreign and Political Department.
- Commerce Department.

ELECTED PRESIDENTS FOR THE DELHI MUNICIPALITY.

522. ***Lala Piyare Lal**: Are the Government aware that while all municipalities in the principal cities of India have their elected Presidents the Delhi Municipality is deprived of this privilege? Are the Government prepared to extend this privilege to this municipality as well?

Mr. J. W. Bhore: The Deputy Commissioner, Delhi, is still President of the Delhi Municipal Committee. It is not the intention of Government that this arrangement should be adhered to permanently but the immediate present is not a suitable time for making any change.

GOVERNMENT CONTRIBUTION TO THE DELHI MUNICIPALITY.

523. ***Lala Piyare Lal**: Are Government aware that while large contributions are regularly made by the Government to the Notified Area Committee of Delhi, every year, none are made to the Delhi Municipality for its general expenses which have increased to a large extent by the location of the Government of India at the place? Are Government prepared to take this matter into consideration at the time of the next budget?

Mr. J. W. Bhore: Although the grants to Delhi Municipality have usually been made for specific purposes the Municipality has been treated with great liberality in the past: and it at present derives from Government properties a considerable income which is devoted to general expenses. The Chief Commissioner has recently submitted certain proposals which recognise the fact that the location of the Government of India at Delhi has indirectly increased the general expenses of the Municipal Committee, and suggests an increased annual grant to the Committee. These proposals are now under the consideration of the Government of India. I may add for the information of the Honourable Member that the circumstances of the Civil Lines, Notified Area, are entirely different as this area besides containing the temporary winter capital of the Government of India includes a large number of recreation grounds which involve considerable expense and are maintained very largely in the interests of the inhabitants of Delhi City.

INDIAN CLERKS' QUARTERS AT RAISINA.

524. ***Lala Piyare Lal:** Will the Government be pleased to state if the Indian clerks of the Imperial Secretariat were consulted as to their requirements before quarters for their occupation were built at Raisina in New Delhi?

The Honourable Sir Bhupendra Nath Mitra: The Honourable Member's attention is invited to the answer given by Sir Atul Chandra Chatterjee on the 3rd March, 1924, to starred question No. 577, asked by Mr. Bhabendra Chandra Roy.

RENTS OF INDIAN CLERKS' QUARTERS AT RAISINA, ETC.

525. ***Lala Piyare Lal:** (a) Is it a fact that the rents of the Indian clerks' quarters at Raisina have been increased since they have gone to occupy these quarters to a large extent? If it is so, will Government be pleased to state the reasons for this increase?

(b) Is it a fact that Indian clerks of the Imperial Secretariat have complained about the unsafety of these quarters and a large number of thefts have occurred there?

(c) If the answer to part (b) is in the affirmative, will the Government be pleased to state what steps have been taken to remove these complaints?

The Honourable Sir Bhupendra Nath Mitra: (a) The assessed rents of the clerks' quarters in Raisina were formerly calculated on the basis of $3\frac{1}{2}$ per cent. of interest on capital outlay. In accordance with the Fundamental Rules interest on outlay incurred on quarters occupied for the first time after 1st July 1922 has to be calculated at 6 per cent. of the capital outlay. The interest charges were accordingly pooled and the pooled rate is 4.64 per cent. for buildings, 4.83 per cent. for special services and 4.57 per cent. electrical installation as compared with the previous rate of $3\frac{1}{2}$ per cent. This mainly accounts for the increase in the assessed rents. Recoveries have, however, been made hitherto at concession rates which have been gradually withdrawn as facilities have increased in the New Capital Area.

(b) The answer is in the affirmative.

(c) As the result of a representation received in 1921, the compound walls of all the quarters were raised by 2 ft. and bars were provided to certain windows. Two other representations have been received, one from certain occupants of B, C and D class quarters asking for iron bars to kitchen windows and one from the Imperial Secretariat Association asking for certain other protective measures against theft. These representations are under consideration and orders will shortly be passed by Government.

RETRENCHMENTS OF APPOINTMENTS ON BIG SALARIES.

526. ***Lala Piyare Lal**: Will the Government be pleased to state if it is a fact that certain high posts carrying big salaries recommended by the Inchcape Committee to be abolished have been retained, restored or transformed into new appointments? Is it the policy of the Government to apply the Inchcape Committee's axe to smaller appointments and to grants for educational and other useful institutions leaving the higher appointments intact?

The Honourable Sir Basil Blackett: If the Honourable Member will specify the posts which he has in mind I shall endeavour to answer the first part of his question. As he himself is well aware, the answer to the second part is in the negative.

WITHDRAWAL OF TROOPS FROM MUZAFFARPUR.

527. ***Mr. Gaya Prasad Singh**: (a) Are Government aware that the public of Muzaffarpur assembled in a mass meeting in May last, under the presidency of Maulvi Mohamad Shafi, M.L.A., protested against the construction of barracks for the permanent location of troops in that town?

(b) Are Government aware that the District Board of Muzaffarpur passed the following resolution at a meeting held on the 22nd November, 1924:

"That this District Board recommends to the Government of Bihar and Orissa to move the Government of India that they may be pleased to remove the troops located at Muzaffarpur, and not to build quarters for them, as their presence has already led to friction between them and the peaceful citizens of this town and suburbs, and as their permanent location is likely to lead to breaches of peace and bitterness"?

(c) Are Government aware that the Municipal Board of Muzaffarpur passed the following resolution, at a meeting held on the 25th November 1924:

"That this Board requests the Government of Bihar and Orissa to move the Government of India to withdraw the troops from Muzaffarpur, and not to build barracks, as their continued presence is likely to lead to breach of peace and bitterness between them and the citizens of the town and suburbs, many instances of which have already occurred in the past"?

Mr. E. Burdon: (a), (b) and (c). The Government of India have no information of the meetings and resolutions to which the Honourable Member refers.

Mr. Gaya Prasad Singh: May I take it, Sir, that the Government of Bihar and Orissa do not keep the Government of India informed of all the facts of this case?

Mr. E. Burdon: In the recent continuous correspondence which I have had with the Government of Bihar and Orissa they have not mentioned any of the meetings or resolutions to which the Honourable Member has referred.

Mr. Devaki Prasad Sinha: Sir, have the Government of Bihar and Orissa in the recent correspondence to which the Honourable Member refers drawn attention to the fact that there is considerable feeling in Muzaffarpur on account of the troops being kept there?

Mr. E. Burdon: The fact to which my Honourable friend refers was certainly mentioned—it certainly came into the correspondence—it is impossible that it should not have in view of the questions and answers that have taken place both in this House and in the Bihar and Orissa Council.

Mr. Devaki Prasad Sinha: Sir, do the Government of India propose of their own accord to consult public opinion on this question of the troops being at Muzaffarpur or do they propose to give effect to the resolutions which have now come to their notice in questions and answers, Sir?

Mr. E. Burdon: I have in answer to previous questions explained that the Government of India do not propose themselves directly to consult local opinion in Bihar and Orissa on this subject.

Mr. Devaki Prasad Sinha: Sir, do the Government of India at all propose to change their determination in regard to the troops being kept at Muzaffarpur?

Mr. E. Burdon: No, Sir.

DISALLOWED RESOLUTIONS.

528. **Mr. Gaya Prasad Singh:** Will the Government be pleased to lay on the table a statement, giving the Resolutions which have been disallowed under Rule 22 (1) of the Indian Legislative Rules, separately, since January 1924 up to date, together with the dates of such disallowance?

Mr. L. Graham: It is not the practice to publish Resolutions which have been disallowed by the Governor General. The Government of India therefore regret that they are unable to accede to the request of the Honourable Member.

Mr. Gaya Prasad Singh: When was this practice formed, Sir, may I know during the last five years?

Mr. L. Graham: I think, Sir, it was in the first session of the last Assembly. It was certainly in the time of the Membership of the Honourable Dr. Sapru.

Mr. A. Rangaswami Iyengar: May I know, Sir, why the practice should not be varied?

Mr. L. Graham: The question of Resolutions is a matter between individual Members and the Governor General who exercises his statutory discretion. It is not desirable that it should be put before the House in any form.

Mr. A. Rangaswami Iyengar: Is it not a fact that this disallowance ought to be made on the ground of the public interest and that therefore it is in the public interest that this disallowance should be made public?

Mr. L. Graham: Sir, may I refer the Honourable Member to rule 22(1). It is possible that Resolutions may be disallowed on the ground that they cannot be moved without detriment to the public interest, but very few Resolutions are disallowed by the Governor General under this rule and they are practically all I may say—not absolutely all—disallowed under the second part of the rule on the ground that they relate to a matter which is not primarily the concern of the Governor General in Council.

Mr. Gaya Prasad Singh: Sir, is this practice formed under any rule made by the Government of India or His Majesty's Secretary of State?

Mr. L. Graham: The general rule of desirability.

CONSTRUCTION OF THE HARDWAR-KARNPRAYAG RAILWAY.

529. ***Mr. Gaya Prasad Singh:** With reference to my starred question No. 28 of the 1st February 1924, will the Government be pleased to state if they are prepared to invite private companies to take up the construction of Hardwar-Karnprayag Railway line, in the District of Garhwal, as a business proposition?

Mr. G. G. Sim: Government have recently sanctioned the construction of the Rikhikesh Road—Rikhikesh section of the Hardwar-Karnprayag Railway project, but have had to defer consideration of the remaining portion in view of the fact that it is not likely to be remunerative. Government do not consider that the construction of the remainder could be undertaken as a business proposition and in the circumstances are not prepared to invite any private company to take it up.

Mr. Gaya Prasad Singh: Sir, are Government not prepared to invite private companies to take up this project?

Mr. G. G. Sim: I said the project is not a remunerative one and no private company would take it up.

RAIDS IN THE NORTH-WEST FRONTIER PROVINCE.

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

- (a) if it is a fact that in the North-West Frontier Province half the population belongs to settled districts and half to unsettled districts?
- (b) whether the number of raids in the province has been steadily increasing or decreasing from the time of the separation of the Frontier Province from the Punjab up to the year 1923?
- (c) whether the judgments of the Judicial Commissioner of the province are appealable to the Chief Commissioner or are they final?

Mr. Denys Bray: (a) Approximately. The detailed figures are given in the Census Report.

(b) There appears to have been no steady decrease or increase. The figures for the last 16 years are given on page 15 of the North-West Frontier Inquiry Report.

(c) The judgments are final.

Nawab Sir Sahibzada Abdul Qaiyum: Will the Government be pleased to state how the state of crime in the North-West Frontier Province compares with the state of crime in Bengal during the same period?

Mr. Denys Bray: I should require prolonged notice of that question.

POST OFFICE ESTABLISHMENT.

531. ***Khan Bahadur Sarfaraz Hussain Khan:** (a) Is the number of officials of different cadres in the Post Office Department, as noted below, correct?

1. Postmasters (including Sub and Branch, Inspectors, Clerks and Sorters)	27,006
2. Postmen and Mail Guards	29,800
3. Official of inferior service (including Road and River staff)	32,000
4. Extra-Departmental Agents	12,670

(b) If not, will the Government please give correct figures?

Sir Geoffrey Clarke: The numbers on the 31st March, 1924, were:

1. 26,885
2. 29,687
3. 29,718
4. 12,628

These figures are exclusive of season, temporary and experimental establishments and, in the case of items 1 and 3, of staff employed in administrative offices, who are not engaged on purely postal work.

STATEMENT OF BUSINESS.

Mr. President: I would like to ask the Honourable the Leader of the House whether he is in a position to make a statement regarding the business for next week.

The Honourable Sir Alexander Muddiman (Home Member): Sir, as far as I can see at present, the following will be the course of business during the next week. On Monday, the 2nd February, elections will be held for the Standing Finance Committee and the Public Accounts Committee, as already announced in the House. Motions will be made for the reference to Select Committee of the Cotton Ginning and Pressing Factories Bill and the Trade Unions Bill. Motions will also be made for taking into consideration and passing the Workmen's Breach of Contract (Repealing) Bill and consideration of the Indian Paper Currency (Amendment) Bill will be resumed. It is also proposed to ask for leave to introduce the President's Salary Bill and the Indian Income-tax (Amendment) Bill. Motions will be made either on the 2nd or on the 4th for the acceptance of the recommendations of the Council of State to reference to Joint Committees of the

Indian Succession (Consolidation) Bill and the Indian Succession (Amendment) Bill and for the appointment of Members to these Committees. I may say in connection with this business that I have just mentioned would be put down for Monday that it is a long list and that I do not think we would be able to get through it on that day. Probably a good deal would have to be carried over to Wednesday. I may mention for the information of Members that the last item on the list would be the Trade Unions Bill and I may warn Members that very probably it will have to go on to Wednesday. On Wednesday the 4th, in addition to any legislative business which may be left over from Monday, a motion will be made to take into consideration the further amendments made by the Council of State in the Provident Funds Bill, and it is also proposed to move for leave to introduce a Bill to amend the law relating to the carriage of goods by sea and to move for its circulation. It is possible that on the same day leave may be asked to introduce a Bill relating to contempt of court and that we may proceed with the consideration of the Indian Merchant Shipping Bill which deals with the Haj. Tuesday, the 3rd, is a day allotted for non-official Bills and Thursday, the 5th, is a day allotted for non-official Resolutions. There will be no meetings of the Assembly either on Friday, the 6th, or on Saturday, the 7th.

With reference to my remarks regarding Government time for non-official business I regret I am unable to give Government time for further consideration of the debate on the Bengal Ordinance which was adjourned the other day. But I am perfectly prepared, with your permission, Sir, and if it is the wish of the House, to resume the debate on either of the non-official days next week. I do not know whether Thursday would be a day which would meet the wishes of the House, if you agree.

Mr. President: Failing information to the effect that Honourable Members who have been successful in the ballot for the first non-official day, namely, Thursday, the 5th, are prepared to dispense with their rights in order to give priority to the resumption of the debate on the Bengal Ordinance, we shall have to wait till a further opportunity arises. Meanwhile, the list of business for Thursday will contain the Resolutions which were successful in the ballot and, at the end, the proposal that the adjourned debate on the Bengal Ordinance be resumed. If by that time the Members who have obtained a place in the ballot have been persuaded by their leaders or friends to give up their rights, we shall come to the debate on the Bengal Ordinance as the first item.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): May I ask, Sir, what becomes of the debate on the Railway Resolution which was adjourned the other day?

Mr. President: I shall have to consider that point. My Honourable friend says that the first item on the list of business for the next non-official day is the adjourned debate on the Resolution relating to the grievances of subordinate railway employes. I shall have to consider that matter. I think, however, that both these Resolutions were moved by the same Honourable Member.

Mr. A. Rangaswami Iyengar: No, the Railway Resolution was moved by Mr. M. K. Acharya.

Mr. President: Yes. As these two gentlemen sit together, perhaps they may have a conversation on that point.

Mr. A. Rangaswami Iyengar: May I know, Sir, if it is not possible under the rules now in force for you to take the adjourned debate on this non-official Resolution of Mr. Duraiswami Aiyangar exactly on the same terms as those of the non-official Resolution of Mr. Acharya, especially as the Chair is prepared to treat the one as if he were the other?

Mr. President: The Honourable Member perhaps does not quite appreciate that the Resolution on the railway grievances not having been finished on the original non-official day, it automatically passes on to the next non-official day and must appear as first in the list. Under the ballot rules it must then be followed by the Resolutions which have been successful in the ballot for that day. I was proposing to put the Bengal Ordinance Resolution as last on the list on the assumption that the Members in charge of the Resolutions standing higher up on the list would give up their rights in its favour.

Mr. M. A. Jinnah (Bombay City: Muhammadan Urban): Sir, is it not possible, with the consent of the House, which I think can be obtained, that the Railway Resolution should stand first on Thursday, next in order should stand the debate on the Ordinance and thereafter those Resolutions which have been drawn in the ballot by other Honourable Members, so that it may be possible to finish the Railway Resolution, to finish the debate on the Ordinance and possibly give a chance at least to one, if not more, of the Resolutions which have been drawn in the ballot for that day?

Mr. President: I must have time to consider that proposal. But my Honourable friend will realise that the Bengal Ordinance Resolution stands in a class by itself for various reasons. The only reason I am concerned with now, however, is that it is not a Resolution which has found a place in the ballot and therefore it would be a dangerous precedent to establish that the Chair should, even following the unanimous desire of the House, upset the order of the ballot except by the consent of those who have been successful in the ballot. I may point out that I am using wrong language even there. I am not proposing to upset the ballot with anybody's consent. I am inviting Honourable Members to consult among themselves and to persuade Honourable Members who have been successful to dispense with their rights in what may be called the public interest.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): May I ask the Honourable the Leader of the House, with your permission, Sir, to make a statement of all official business for the whole month of February? It will be a great convenience to all those gentlemen who have got other engagements if the official business for the whole of the month is put down.

The Honourable Sir Alexander Muddiman: It would be a great pleasure to me if I could make such a statement. It would not only be a great convenience to Honourable Members of the House but it would be a great convenience to me also. But I regret that the course of public business cannot be foreseen so far about as to enable me to make a prophecy. It depends very largely on the progress of business in the House.

Mr. A. Rangaswami Iyengar: May I suggest to the Honourable the Leader of the House that all this difficulty would be got rid of if we have one of the off days for the discussion of this Resolution? It can be easily adjusted. Otherwise, this difficulty will continue to face us.

The Honourable Sir Alexander Muddiman: I am always ready, Sir, to meet the wishes of the House, as far as I can, and I think the House recognises that I have met them as far as I can in this matter. But it is really impossible for us to sit longer than we do. It may sound perhaps strange from the point of view of non-official Members, but we have our work to do and I regret I am not able to accept that proposal.

Mr. C. Duraiswami Aiyangar: May I know whether the Government, having kindly consented to give an official day for the moving of this Resolution, are not now estopped from not giving another official day for it?

The Honourable Sir Alexander Muddiman: I think it is a little unfair to press them. When I acceded to my Honourable friend's request I made it perfectly clear that it would be extremely difficult to give official time.

Diwan Bahadur M. Ramachandra Rao: May I suggest to the Leader of the House that his religious objection was to sitting on Saturdays and that Friday is a day on which we are not sitting? May I ask whether he will find it convenient to take this Ordinance debate on Friday next?

The Honourable Sir Alexander Muddiman: Friday is a day fixed for the meeting of the Executive Council. Last Friday we proceeded direct after the debate in this House to the Executive Council at a quarter past five and there we sat for such a period that we were unable to do very much work till next morning.

Pandit Motilal Nehru (Cities of the United Provinces: Non-Muhamadan Urban): May I suggest that on the next non-official Resolution day, which I understand is the 5th February, the adjourned debate on the Ordinance Resolution may be put immediately after the other adjourned debate on the Resolution regarding the grievances of railway subordinate employees, with the consent, which I am glad to inform the House I have obtained, of all the gentlemen who have got Resolutions balloted for that day with the exception of Raja Raghunandan Prasad Singh who is not present? I have wired to him and I have very little doubt that he will consent. I would further beg you to consider whether you could dispense with the question hour on that day and begin with the Resolutions from the very beginning at 11 o'clock. I suppose one hour would be enough for the adjourned debate on the Railway Resolution and then we will have the rest of the day for the Ordinance Resolution.

Mr. President: I pointed out a moment ago that it would be improper on my part in response to any request from the House to upset the established order of the ballot. When the ballot has been held the control of business for that day passes out of the hands of the Chair and the order on the list of business for that day must be set down as it emerges from the ballot. I am perfectly prepared to meet the Honourable Member, as he knows, in every possible way to enable this debate to be carried on for the maximum amount of time made available for it. He has only to ask the Honourable Member from Madras who is in charge of the Railway Resolution to curtail his remarks in reply and the Honourable Commerce Member to curtail his, to provide practically a full day for the further discussion on the Ordinance Resolution. I may here and now say that I am perfectly prepared to dispense with the question hour for that purpose.

Mr. M. A. Jinnah: May I ask for your ruling on one point? I can quite appreciate your difficulty to disturb the ballot which has placed the Resolutions for Thursday. Supposing those Members who have drawn the ballot and are in charge of those Resolutions give their consent individually to give precedence to the Ordinance debate after the Railway Resolution, is that possible, with their consent, not with the consent of the House?

Mr. President: Their consent can only be given, so far as I am concerned, either by their absence from the Chamber when their names are called, or by their rising in their places then and saying, "I beg to withdraw the Resolution". Withdrawal of a Resolution in that way leaves the Honourable Member who has drawn the ballot for that Resolution perfectly free to put it in for another ballot. It is only where a Resolution has been withdrawn by the leave of the Assembly that it cannot be discussed again. Where it has been withdrawn from discussion it can find a place in a subsequent ballot.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AGE OF CONSENT.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): I beg to move that the Bill further to amend the Indian Penal Code, as reported by the Select Committee, be re-committed to the Select Committee. Sir, I would only add that instead of the name of Sir Malcolm Hailey the name of Sir Alexander Muddiman for obvious reasons be substituted in the list of members of the Select Committee which was constituted to consider this Bill.

Honourable Members will find that the report of the Select Committee on this Bill, popularly known as the Age of Consent Bill, was presented to this House on the 15th March 1924, after which it was recirculated for public opinions. These opinions have now been collected and Honourable Members will find that they are of the usual type. There is a body of men which is opposed to all change and those who were opposed to the change on the last occasion are equally opposed to the change now. They are the irreconcilables so far as this piece of legislation is concerned. There remain those who, while favouring a change in the case of persons other than those married, would deprecate a change in the case falling within marital relations. Lastly, there is a body of opinion in favour of the raising of the age from 12 to 18, and some opinion in favour of raising it to 14. Well, Sir, it will be the duty of the Select Committee to re-examine the collected opinions and to draw up a fresh report for the information of this House. I need not therefore detain the House any longer and I move that the Bill be re-committed to the Select Committee.

Dr. S. K. Datta (Nominated: Indian Christians): Sir, I rise to support the motion made by Sir Hari Singh Gour, but I have certain difficulties which I desire to place before the House. In the first place, the Select Committee did not contain any member of the Indian Christian community with the result that it completely overlooked that the actual

Statute law of marriage among Indian Christians—the Christian Marriage Act—is affected, indirectly if not directly, by this measure. If you will turn to Part VI of the Christian Marriage Act, XV of 1872, under the head of Marriage of Native Christians, section 60 says :

“ Every marriage between Native Christians applying for a certificate shall, without the preliminary notice required under Part III, be certified under this Part, if the following conditions be fulfilled, and not otherwise :

- (1) the age of the man intending to be married shall exceed sixteen years, and the age of the woman intending to be married shall exceed thirteen years.”

In other words, if the age of consent is raised to 14 we shall have to change the age of marriage in this Act also. I may say that there are two great sections of the Christian community in India. The majority are Catholics and a minority are Protestants. In the past few years there has been a tremendous advance of opinion among the Protestant section of Indian Christians and they would desire that the age of consent as well as the age of marriage should be raised. On the other hand the Catholics, as far as I am aware, have at present been unable to accept (though in informal conversations and not in any public manner) proposals to enhance the minimum age of marriage beyond what is prescribed in the Act. Indeed quite recently the Right Reverend the Bishop of Bombay and myself have been appointed to negotiate with the authorities of the Catholic Church in India regarding the raising of the marriage age. In the second place we have not had an opportunity of placing our views and opinions before the Select Committee. The National Christian Council of India on my initiative has collected a great deal of evidence on the facts relating to the age of consent and the minimum age of marriage; we have obtained opinions, medical and social, which we would desire to place before the Select Committee. In short I ask that this measure should be sent back to the Select Committee for reconsideration and might I also urge that the defect from my point of view from which that Select Committee suffers should be cured at this time. I venture to ask that the one Member representing the Indian Christian community in this House should no longer be excluded from the Select Committee.

Sir Hari Singh Gour: I have great pleasure in suggesting to the House that I might be permitted to add the name of Dr. S. K. Datta to the list of Members of the Select Committee.

Mr. President: The question is :

“ That the Bill further to amend the Indian Penal Code, as reported by the Select Committee, be re-committed to the Select Committee.”

The motion was adopted.

Mr. President: As far as the substitution of the name of the present Home Member for that of the late Home Member is concerned that is automatic under the operation of the Standing Orders. The Members of Government to whose department the Bill relates must under the Standing Orders be a member of the Select Committee.

Mr. N. M. Joshi: May I suggest that the name of Dr. Datta be added?

Mr. President: The question is that Dr. S. K. Datta's name be added to the Select Committee.

Mr. S. C. Ghosh: I move that Mr. Amar Nath Dutt be added as a member of the Select Committee.

Mr. President: The question is that Dr. Datta be added as a member of the Select Committee.

The motion was adopted.

Mr. President: The question is that Mr. Amar Nath Dutt be added to that Select Committee.

The motion was adopted.

THE HINDU RELIGIOUS AND CHARITABLE TRUSTS BILL.

Mr. President: The Assembly will now proceed to the further consideration of the motion moved by Sir Hari Singh Gour on the 16th September 1924 in the following form:

"That the Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties, be referred to a Select Committee consisting of Mr. N. C. Kelkar, Sir P. S. Sivaswamy Aiyer, Diwan Bahadur T. Rangachariar, Mr. Gaya Prasad Singh, Mr. Ambika Prasad Singh, Baba Ujagar Singh Bedi, Lala Hans Raj, Pandit Madan Mohan Malaviya, Pandit Motilal Nehru, Mr. K. C. Neogy, Maulvi Abul Kasem, Mr. C. Duraiswami Aiyangar, Mr. M. A. Jinnah, Mr. T. C. Goswami, Mr. Chaman Lall, Mr. S. C. Ghose, Rai Sahib M. Harbilas Sarda, Pandit Harkaran Nath Misra, Pandit Nilakantha Das, Mr. M. C. Naidu, and Sir Hari Singh Gour; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

Honourable Members will remember that that motion was originally moved by Dr. Gour in the September Session last year and that on the motion of the Honourable the Home Member the debate was then adjourned in order to provide further opportunity for the consideration of the matter.

The Honourable Sir Narasimha Sarma (Law Member): The Honourable the President has already informed the Assembly that it was at the request of the Government that the Assembly was pleased to adjourn the further debate on this question to a date in the Delhi Session in order to enable the Government to examine carefully the opinions forwarded by the various Local Governments and public bodies and to state their attitude towards the Bill to the Members of this House. I fully appreciate the difficulties under which this House as well as the Government are placed by reason of a Bill of a somewhat similar nature having been passed into law in respect of Muhammadan *wakfs*. I also fully realise that there is a general desire amongst all classes that everything that can be done by this Legislature and by the Government for placing Hindu religious and charitable endowments on a correct basis should be done as far as may be possible. To that extent the Government are in full sympathy with the objects of Dr. Gour's Bill, and that view is reflected in the opinions which have been forwarded by the various Local Governments. But I hope I shall have the attention of the House when I place before them the various difficulties which I foresee in enacting this Bill into law in respect of Hindu religious endowments. The Honourable Sir Hari Singh Gour has very correctly, in referring this Bill for opinions, stated that all that he was doing at that time was to elicit the opinions of the Hindu community

and the various Local Governments and that there was time for this House to take into consideration the views so expressed before they came to any particular decision, and I therefore hope that the Government are not wrong in interpreting the wishes of the Local Governments and the public bodies when they ask this House to pause a little and give further consideration to the matter in the light of the observations which I hope to make on this subject. It has already been stated, and I do not wish to lay any very great emphasis or stress on the point, that the position with regard to Hindu religious and charitable endowments has completely changed with the reforms, the subject being now a provincial transferred subject. The answer to that objection, as far as I could read from the records of the debate, is that it could be equally urged against the Muhammadan Wakfs Bill, and, secondly, that all that this Bill does is to enable the Local Governments to utilise the provisions of this Bill if they choose to do so, and that therefore it is a harmless measure which places a statutory duty upon trustees to place accounts before the Courts if the Local Governments in the various provinces choose to apply the provisions of this Bill.

Now, Sir, the main object which Sir Hari Singh Gour placed before this House in asking for all-India legislation, apart from the question of equality of treatment, is that it was his ambition and it ought to be the ambition of every one to have a national register from which one could see exactly what the trusts were, what the income of those trusts is, and how those trust monies are being appropriated. Well, I fear that here his ambitious designs are likely to be frustrated and rendered hopeless from the attitude which the principal Local Governments have adopted with reference to this measure. Honourable Members will see and especially the Hindu Members will know that the principal provinces in which shrines and *mutts* of very great and all-India importance to which Hindus generally resort are situated mainly in the United Provinces, Bihar and Orissa, Madras, and then you may place Bengal and Bombay. One of the reasons why it was said that there should be an all-India measure is that most of these shrines are shrines at which not merely the local population, but the whole Hindu population worships, and therefore it is but legitimate and right that this Assembly should be seized of the matter and place its foundations on a proper footing. But then the shrines, according to the proposed Bill itself, are going to be regulated only by the Local Governments, and if the Local Governments say that they would not touch this Bill, that they are in favour of their own provincial legislation, that they see dangers in this Bill, I think it is but reasonable that we should fall in with the spirit of the reforms and that we should respect the wishes of the Ministers and the Local Governments and allow them to follow their own wishes. And there is the more reason for that when we have not got the power as this Bill does not propose to do anything which is compulsory in its character. I can understand a Bill which says that in India there shall be a register on which every trust shall find a place, and which provides machinery for doing that, something like a record of rights which is to be common to the whole of India. But that would be possible only with compulsory legislation and this Bill does not propose to do that. I can understand an all-India legislation without which Local Governments might be powerless to deal with the shrines. That was the case as a matter of fact previous to the reforms. Whenever a Local Government or whenever public opinion

[Sir Narasimha Sarma.]

favoured reforms, they were met with the statement that the Government of India were really the master in the matter and that without their lead nothing could be done. That was the reason why the Government of India had to move and move cautiously in placing the Act of 1920 on the Statute-book. But now what are you proposing? You are empowering the Local Governments to do what they can and do without any all-India legislation. To that extent it is a work of supererogation. You are empowering the Local Government to do what they can do and what they desire to do without your help, without any all-India legislation. Therefore the main object, namely, of having an all-India register is not likely to be attained by reason of the attitude of the Local Governments. Secondly, it is a work of supererogation because Local Governments do possess the power already of doing whatever may be necessary for the purpose of placing religious and charitable endowments on a sound basis, for demanding accounts, for punishing people who do not in various ways comply with the statutory provisions. I think I should at this stage read a few of the opinions of the Local Governments in order to show that I am justified in these remarks. I said I thought the United Provinces Government the most important in this respect, because most of the shrines are situated in what the Hindus call Aryavarta. I do not want to read the whole of it. They say:

"For the reasons given above the Governor in Council is not in favour of the Bill. He would leave it to Members of the local Legislature interested in the questions involved to initiate legislation in the Provincial Legislatures."

He gives various reasons and shows how this legislation would be infructuous, ineffective and dangerous in some particulars. I shall not deal with the details of the criticism at this stage which show that the United Provinces Government are against it. Then the next Government is that of Bihar and Orissa where the famous shrines of Puri, Gaya and others are situated. Their view is:

"For this reason and for the reasons mentioned in paragraph 3 above the Local Government consider that the legislation should be left to the Provincial Councils."

And then they say:

"The Local Government consider the Bill as drafted is quite unsuitable."

The Bihar and Orissa Government think that orthodox opinion is decidedly opposed to this measure. Then we come to Madras. Madras has had a measure of this kind already on the Statute-book and Honourable Members will remember what great opposition it has aroused in various quarters. Then we come to Bengal. Bengal are emphatically against this measure. They say:

"On the above grounds Dr. Gour's Bill is unacceptable to the Government of Bengal. They are further of opinion that legislation on the subject cannot suitably be undertaken by the Central Legislature not only because conditions must vary in the different provinces, but because religious and charitable endowments are a transferred provincial subject and it should be left to the Minister in charge to formulate his own policy."

In connection with that statement I may also point out that the Calcutta High Court deprecate any legislation on this subject and the British Indian

Association emphatically protest against the attitude of the Central Legislature generally in respect of legislation of this description. This is what the Calcutta High Court says:

"It appears to the Honourable the Chief Justice and Judges that the Bill is intended to affect not only public religious and charitable endowments but also private *debutter* properties in which no one outside the family of the grantor has any concern. There are numerous such *debutter* properties in Bengal, and there are also properties which are not absolute *debutter* but charged with the performance of the *sheba* of an idol. . . . As regards public trusts there is the recent Act XIV of 1920, under which the public interested in the administration thereof has been given some control. The Honourable the Chief Justice and Judges do not know as yet whether any advantage has been taken of its provisions. Their Lordships do not see any necessity for the contemplated legislation at present."

So Bengal may be said to be against it. As regards Bombay, the Government of Bombay are of opinion that they should undertake local legislation on the subject. They are therefore opposed to Dr. Gour's Bill and recommend that the sanction of the Government of India to it may be withheld. . . .

Diwan Bahadur R. Ramachandra Rao: I do not wish to interrupt the Honourable Member, but may I ask whether any of these opinions were obtained subsequent to the last debate, or were they already there before the last debate took place?

The Honourable Sir Narasimha Sarma: I believe most of these opinions had been received but not been considered by the Government at the time and that is the reason; time was taken by the Honourable the Home Member in order that the Government may arrive at some decision for themselves. I am not sure as to whether one or two might not have been received later. Therefore, Sir, the major administrations including the Ministers are against this Bill, or at any rate favour only local legislation. The Hindu community cannot, therefore, be said to be enthusiastic in respect of this new legislation. I am not speaking of the educated classes; they naturally guide society in certain respects, but I am afraid do not carry sufficient influence in respect of social matters. Generally speaking, therefore, the Hindu community cannot be said to be enthusiastic; in fact a section of it is absolutely opposed to it, as my friend the Honourable Dr. Gour put it on a previous occasion; and I shall quote only one statement to show the depth of feeling amongst some of the most orthodox people, and Honourable Members will realise the danger to which Government would be exposing themselves if they were not to respect the wishes of the orthodox community who after all are the bulk of the population with which the actual administration has to deal. I am quoting from a letter from the Punjab:

"That your petitioners (the Mahants of local Hindu temples and the Baragi Sadhus of the Ludhiana District) have heard with horror and dismay that the Government intends to pass a Bill demanding the submission of quarterly accounts of the Hindu temples"

and so on.

I have read these words "horror and dismay" to show the impression any legislation on this subject is likely *prima facie* to create, and that we as a Legislature ought to be very chary when we undertake legislation in advance of the times or which public opinion does not endorse, unless it is of a character which must be undertaken in the general interests of the country.

Then, Sir, it is asked, will not Government help in demanding accounts from persons in charge of rich *mutts* whose assets are generally wasted? The answer to that is that there is already a statutory provision compelling

[Sir Narasimha Sarma.]

these various trusts to maintain accounts and there is already statutory provision under which any person interested in these trusts can compel the trustees to give all the information that is required under this Act, and there is also a procedure provided for effectuating that object. Under Act XX of 1863—I do not say it covers all, but it covers most of the institutions which are worth mentioning—it shall be the duty of every trustee, manager and superintendent of a mosque, temple or religious establishment to which the provisions of this Act shall apply to keep regular accounts of his receipts and disbursements in respect of the endowments and expenses of such mosque, temple or other religious establishment; and then there is machinery provided for compelling them to do so and suits also have been provided for. Under Act XIV of 1920 there is further machinery provided under which any person interested can move a Court to compel any of these trustees of public and charitable endowments to state all the particulars roughly that are required by some of the principal clauses of the Bill under consideration. Therefore the Government of India have not been remiss, have not been negligent in their duties in the past. They have rendered it compulsory to keep these accounts and they have enabled the public who are interested in the matter to get the accounts. The only difficulty has been really that, except where there are factions in a village or there is gross mismanagement, there was nobody really interested to enforce these provisions. I have had something to do with these institutions, both as beneficiary as my Honourable friend, Pandit Motilal Nehru, put it, because I derived a portion of my income from defending and prosecuting claims against Mahants, and I was also a member of a body which poked its nose into these matters and irritated everybody in Madras whose interests were affected by trying to establish these religious foundations on a correct basis. So I know something of what I am speaking. The real trouble is there must be some machinery which will take charge of this and compel the trustees to do it. An attempt has been made in Madras to create such a machinery. This Bill therefore is perfectly innocuous, ineffective and useless because there is no machinery provided, and no machinery can be provided except by the Local Governments. It provides for a registry, a record of rights as it were, to achieve which there is no machinery. Sir, I do not wish to try the patience of this House very much longer. I would ask the Honourable Members to remember this that it is undesirable to legislate in advance of the times. It is undesirable to expose the educated public, the reformers, to the charge that the masses cannot be safe in their hands. Speaking for a moment as an individual and not as a Member of the Government, I do consider it desirable to state that all those who are keen about the rapid advance of self-government should pause a little and realise the dangers to which they would be exposing themselves if an impression should be created on the general Indian public that their religious interests would not be safe in the hands of a Legislature composed of their representatives. I am not saying that we should shirk our duty in placing institutions on a correct foundation if we can do so effectually and if there is a great reason for it. But the Legislature has wisely provided a division of functions and has left to Local Governments an absolute discretion in dealing with this matter unhampered by the Central Legislature or the Central Government not even the bureaucratic Government. In a matter of that description where it is a provincial transferred subject, where the public can enforce their desires by forcing the hands of Ministers is it desirable that we should step in and create the impression that the

central body is, like all bureaucratic bodies, desirous of encroaching upon the privileges of other bodies, that it grasps at power, that it is not satisfied with leaving to Provincial Legislatures on the reform basis the discharge of the duties entrusted to them, and that the religious public, the orthodox public, should be under the impression that there is no longer safety for them in a Legislature composed as it is at present. I have given my best consideration to this matter and I ask, not merely with reference to this measure, but generally with reference to such measures, that we should consider once, twice and thrice before we undertake a compulsory legislation in advance of the times and also unnecessarily. Sir, I have said enough which precludes the Government, much as they sympathise with the object which the Honourable Sir Hari Singh Gour has in view, from doing anything but oppose the further progress of this Bill. They do so, Sir, in the interests of the Local Government under the reforms so that we may not encroach upon their privileges and also because this legislation, as it stands, is unnecessary, ineffective and useless and has not been accepted by Local Governments for whose benefit alone it is supposed to make provision. I would like to add only one word more. I have read the debates on the previous occasion and I know that several Honourable Members have taken the *prima facie* view that there can be no harm in putting these trusts on a proper basis and that they would be discharging their duties properly if they were to vote for the further progress of this Bill. I ask them, Sir, respectfully to reconsider their attitude if it is possible to do so and support the Government in upholding, as I have said, the cause of provincial self-government.

Lala Piyare Lal (Delhi: General): I submit, Sir, that, so far as my community is concerned, it will not be affected by this measure because I find that the definition of the word "Trust" is so worded that it has not covered my community. The words are:

"'Trust' means the permanent dedication by a person professing the Hindu faith . . ."

We are Hindus as we profess a religion which has its origin in India, but of course we do not profess the Hindu faith. I therefore submit, Sir, that my community will not be affected by this measure at all. But so far as my community is concerned, I think they do not favour the idea of this measure at all. They think this measure will be of very doubtful value. In the first place honest trustees will be saddled with the additional duties of keeping accounts and filing them in the Courts, while the lawless ones will get very good opportunities of cooking their accounts and filing them in the Courts. My community has already protested against the Madras Religious Endowments Act. A deputation waited upon His Excellency to veto it. I submit, Sir, that this measure, so far as the orthodox community even of Hindus is concerned, does not look with favour on it, because in the first place people are not very willing to expose the whole of the assets of their shrines and trust properties, but so far as I am concerned, I think the motion of the Honourable Member should not be given effect to, and that the Local Governments should be left the discretion of introducing legislation.

Mr. K. Venkatarama Reddi (Guntur *cum* Nellore: Non-Muhammadan Rural): I think, Sir, I also must oppose this Bill. After the lucid explanation of the Honourable Member opposite I think the Honourable Mover will be well advised to withdraw this Bill. I do not think I can usefully

[Mr. K. Venkatarama Reddi.]

add anything to what the Honourable Member said, but I would say that the ideas relating to religious and charitable institutions, and the principles on which they are based differ from community to community and from province to province, so I think it would be safer to leave this question to the Provincial Governments to legislate if public opinion demands. Diverse trusts cannot be analysed and cannot be brought under the purview of legislation from this House because the trusts differ in their incidence and character. Then there are difficult questions arising as to the class in which a trust falls. There are private trusts and there are those not absolutely private. Again there are trusts which are partly pious and partly given to maintain families which are entrusted with the duty of wishing prosperity to the donor and his family. Property attached to a trust might have come from different sources, that is property might have been earned by self mortification of the trustee; it might have been donated by the votaries, and property might have been given by various charitable persons, I do not think, Sir, that because this Legislature has passed the Wakf Act, we are justified in giving assent to this Bill also. The ideas relating to religious and charitable institutions are quite different from those relating to *wakfs*. On these grounds I oppose this Bill.

Diwan Bahadur T. Rangachariar (Madras City: Non-Muhammadan Urban): Sir, much as I sympathise with the general aspect of the question presented to the House by my Honourable friend the present Law Member as regards leaving this matter to Provincial Legislatures, the recent Madras experiment in this matter has convinced me that in the matter relating to public trusts, it is safer that the all-India Legislature handles the subject rather than the Provincial Legislatures. An all-India Legislature can act with that caution and deliberation in these delicate matters affecting Hindu religious rights and usages, while perhaps a Minister in charge belonging to a party as he does is oftentimes dissuaded from the right course of action, or rather from the cautious course of action which he ought to pursue, by party attractions. In fact the Madras Legislature have passed legislation which has evoked a storm of opposition from whole sections of the community. If this Legislature, for instance, had the handling of the subject I am sure some of the provisions which have found a place in that legislation would have been more carefully weighed before they became provisions of law.

Another reason which induces me to think that this Legislature is the proper authority to deal with the subject is that we have already on the Statute-book two pieces of legislation dealing with this subject, that is, Act XX of 1868 referred to by my Honourable friend, and this Act XIV of 1920. Both of them are Acts of the Central Legislature. In fact if you leave it to the various provinces to deal with these subjects, they enact provisions which are in opposition to measures already contained in these pieces of legislation. For instance, section 22 of Act XX of 1868 is a very general provision which was introduced, as Honourable Members who have studied the history of the subject will remember, after careful consideration as to the non-intervention of Government or Government officers in matters of religious institutions. It formed the subject of keen controversy, and section 22 of Act XX of 1868 was deliberately enacted for that purpose, the Parliament also having carefully considered that question. Any departure from such a general principle by any local legislation should be carefully considered by the central authority, and I know in the case of Madras that

provision was introduced there without previous consultation with the Government of India. The hands of the Government of India were forced in that matter when a departure from the principle contained in that section was introduced in the Madras Act, and of course when the matter comes up to the Governor General as the vetoing authority merely it becomes a difficult matter for him to interfere at that stage. So that the subject is a very delicate one. You cannot be too cautious in matters of this kind, and a central legislature is the proper body to deal with these subjects because it can bring impartial judgment to bear on the various questions in examining the provisions of a Bill. Nobody denies that the legislative provisions which now exist for the protection of religious endowments are defective. They have to be revised, and how best they can be revised is a matter for consideration—which is the best authority which can consider it without local prejudices and passions? I think the Central Legislature is the body which can deal with that subject free from these passions and prejudices which actuate the local people. I therefore, Sir, think that orthodox people who object to provisions of this sort will welcome legislation from a central body like this rather than from the local legislatures. I therefore support the motion of Sir Hari Singh Gour to recommit this Bill to Select Committee.

Maulvi Abul Kasem (Bengal: Nominated Non-Official): Sir, I have heard the halting, hesitating opposition of the Honourable the Law Member to the motion of my friend, Sir Hari Singh Gour. We have been told times out of number that this is a matter for provincial legislation and that the Central Legislature should not interfere. We have been hearing this for the last four or five years, but have the Provincial Governments or the Provincial Legislatures taken any action in the matter? An appeal has been made to our feelings, to our sentiments and to our responsibility by saying that people will think that we are anxious to grab all the powers and do not want to leave to the Local Legislatures work which ought properly to be done by them. I submit, Sir, that the Local Legislatures, as pointed out by my learned friend from Madras, are not the proper people. Their personal interests interfere with questions like these. Supposing the Minister in charge of Religious Endowments were to introduce a measure like this and there happen to be in that Council about 6 or 7 members who are trustees of these religious and charitable endowments, he will not dare to do so for fear of his salary not being sanctioned; and it has been done in some cases. Secondly, Sir, there is nothing in the provisions of this Bill which can cause, as it has been said, horror to either the Mahants themselves or to the most orthodox section of the community. The only thing that is asked in this Bill, as was very ably pointed out by the Honourable Law Member, was that they have to register trust properties. That is the only thing. Why should it cause horror to anybody only to go to the Collector's office and make a statement what the property which he holds in trust is and what is its income? In my part of the country every landholder, big and small, has to go to the Collector for his notices, assessments, and not only to register the names of his property and its extent and income, but also the individual rent he realises from each tenant. That does not cause much horror or much trouble to these people. Why should a trustee be so much afraid to get his trust properties duly registered? The only other thing he is asked to do is to submit at the end of the year an account of the receipts and expenditure. There is nobody to question it;

[Maulvi Abul Kasem.]

the only thing he has to do is to prepare for public inspection an account of his income and expenditure. It has been said that there is a provision in the law by which anybody interested in the trust can compel a trustee to submit his accounts. We all knew that; but the fact remains that the man who is interested, in order to compel the trustee to submit accounts, has to institute a suit and to follow it up, and those who have to deal with our law Courts, especially Civil Courts, know how difficult it is to institute a suit and follow it up and prosecute it to the end. Nobody will take the trouble and the expense and the worry of civil litigation simply to discharge a public duty. Besides that, if he files a suit he does not know what is the trust property, what is the income and what the terms are of the trust by which that money has to be spent; whereas the trustee has got all the advantages for his defence. Under the circumstances, Sir, I think it will be really shirking our duty and responsibility if we delay the passing of this Bill into an Act any longer. This has been hanging fire for some time. In fact in the beginning of this reformed Council, when I introduced my Bill, I was asked not only by Muhammadans but by Hindus as well, to make it an Act applicable to both communities, Hindus and Muhammadans. I knew that the trustees of Hindu religious endowments were very wealthy; they had a mint of money behind them and could produce an agitation against it. So I was nervous about it, and I left out the Hindu element from my Bill in order to have a clear sailing for the Muhammadan Wakf Act, and after that was passed into law, my friend took up the present Bill and now realises why I avoided the Hindu element. It has been said, Sir, that the Mahants strongly object to it. Of course they would, because if they have to submit an account, true or false, they will be liable to submit an explanation. Then it will be easier for people interested in the Trust to come forward and ask for removal of a Mahant if they find that there is something wrong in the accounts. It is only in rare cases that such suits are filed. Whenever a wealthy territorial magnate is insulted by a Trustee or Mahant, then he goes to Court and files a suit for removing the Mahant, and as soon as the suit is filed, it is found that the Mahant has been misappropriating the trust money for very many years and that it is necessary to remove him. I refer to the late Mahant of Devgarh.

Then it has been said that the Bengal Government is very much against the introduction of this measure in this House, and they say that it will hurt the Hindu sentiment and Hindu feelings. How did the Bengal Government fare during the fracas which took place at Tarakeshwar. The Mahant was on one side and the people were on the other side. The Bengal Government was not able even to protect the property or at least the vested interests of the Mahant of Tarakeshwar during this time. At the same time, the Bengal Government refused to legislate and impose upon the Mahant the duty of registering his trust properties and submitting an annual account of his receipts and expenditure. It is very fine for the Bengal Government to say that it will hurt the religious feelings of Hindus and that it is a matter for the local Legislature to deal with, and all such arguments in favour of their contention, but when time for action came, when the Mahant, who, I believe as everybody knows, has been misappropriating the princely trust moneys of the Tarakeshwar estates was assailed by the Hindu

public, rightly or wrongly, when the people went over to his place and interfered with the performance of his duties, rightly or wrongly, it is a fact that the Bengal Government could not protect him and he had to run away from Tarakeshwar to save his skin. Of course, the Bengal Government apprehended so many people on the ground that they had committed an offence under certain sections of the Act and hundreds of young men were sent to jail. All these troubles can be avoided. Why not make it compulsory on the trustees of the properties which belong to the public and which they have a right to enjoy, to submit a statement of their receipts and expenditure and facilitate the prosecution of a case against them, if necessary, and save all unnecessary trouble? Instead of that, they want to have the law as it is and create difficulties both for the public and for themselves. I hope, Sir, that wiser counsels will prevail and the House will support the motion of my Honourable friend Dr. Gour. I also hope, Sir, that before this Session comes to a close, this measure will be put on the Statute-book.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot, Non-Muhammadan Rural): Sir, in the Statement of Objects and Reasons appended to this Bill, the Mover in support of his contention that legislation of this kind ought to be taken up by the Central Legislature, has given the reason that because the Central Legislature protected the trusts and endowments of one community it must protect the trusts of another community also. That is the only reason which he has adduced why the Central Legislature must take up legislation of this kind. That argument was supplemented by my Honourable friend Diwan Bahadur Rangachariar who said that it was dangerous to leave legislation of this kind to a popular Minister in a province, who might be actuated by party considerations and other motives. Sir, when questions of provincial autonomy and decentralisation are talked about, my Honourable friend, Mr. Rangachariar, becomes very eloquent and adduces very many reasons why provinces ought to be placed on a more autonomous basis than they are at present. But evidently he is one of those who will have provincial autonomy but will not accept the implications of provincial autonomy. The framers of the Government of India Act have very rightly made the subject of religious and charitable endowments not merely a provincial subject, but a provincial transferred subject under the control of Ministers. My Honourable friend, Mr. Rangachariar said that a great deal of caution is required before legislation of this kind can be launched upon and that it is the Central Legislature sitting in the cool atmosphere of Delhi or Simla that can be trusted to have that caution and not the local Legislature sitting in the blazing heat of Madras or any other province. Well, Sir, if the history of the measure that has recently been passed in Madras is to be a criterion of the caution exercised by Local Governments, then I must say that they have erred too much on the side of caution altogether. The question of reforming and placing on a better footing religious and charitable endowments has been engaging the attention of the Madras Government for about half a century and it was when the Legislature became a popular House and when this subject came to be under the control of a popular Minister, that the problem was boldly tackled and legislation was passed. The example of Madras would therefore show that Provincial Governments have rather erred on the side of caution than otherwise. The plea of caution will not therefore justify the Central

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Legislature in taking upon itself to legislate on a measure of this nature. Sir, I was one of those who were responsible for piloting the Hindu Religious Endowments Act through the Madras Legislature, and I know by personal experience, though I am convinced that that Act is a very good measure in spite of some of its defects, the volume of opposition that was launched against that measure. One of the very salutary provisions of that measure which is sought also to be embodied in the Bill that is now before us is that heads of religious institutions and *mutts* and other persons in charge of charitable and trust property must be called upon to render an account to the public. When this provision was enacted, the heads of *mutts* in my part of the country set up a great agitation and maintained that they were not responsible, by virtue of their position, to any human authority and that it was derogatory on their part to be called upon to submit an account to any human Minister. That agitation was headed by my Honourable friend, Mr. T. Rangachariar. And here, Sir, my Honourable friend gives his blessing to the Bill that is now before us, the only provision of which is that the heads of religious institutions must be called upon to submit an account. As my Honourable friend, the Law Member, very rightly pointed out, the measure that is now before us is absolutely innocuous and useless. I do not know whether by the enactment of this legislation you will take away from the Local Governments the power that has already been given to them by the Government of India Act. You cannot do that. If this Assembly wants to arrogate to itself the sole responsibility for legislating in a matter like this, they cannot do that because the Government of India Act has very rightly delegated the power to the local Legislatures. If your object is to circumscribe the power which has already been given to the local Legislature, I think it is not a wise measure. Sir, legislation sometimes is undertaken in advance of public opinion. More often, legislation is taken after public opinion has been formed and in response to public opinion, and from the bitter experience that we have had in Madras over the Hindu Religious Endowments Act, which was passed by that Legislature, I am led to think that in legislation of this nature, it will be far better that we follow public opinion than be in advance of it. I strongly oppose the motion which has been brought forward by my Honourable friend Sir Hari Singh Gour.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Sir, I have heard my Honourable friend, Sir Narasimha Sarma. His most important point is that the Central Legislature should not take up this business, and that under the Reform Act it is the Provincial Legislatures that ought to have taken up this matter. This is not the place to discuss whether our religious matters, which are practically like those concerning the Ecclesiastical Department, and which concern Hindus and Muhammadans throughout India, should have been given over to the Provincial Governments so early. But now that they have been given, in principle legislation ought to be introduced in the provinces. But, as a matter of fact, except in Madras, for these five years no other province has taken to legislation in this matter. I come from a province which stands in the opinion of the Honourable Sir Narasimha Sarma second in importance. I belong to Bihar and Orissa. Especially I belong to the Orissa Division, the whole of which is "holy ground", full of religious shrines and endowments. It is more for Orissa than for Gaya that perhaps Bihar and

Orissa stands second in the list. But as for the horror and dismay quoted by my Honourable friend, I belong to a most orthodox community and I live in a part peopled by orthodox Brahmins and high-caste men. If there was any horror and dismay on the part of the people. I should not have been allowed by my constituency to support this motion which I am here doing. I know that people of my constituency are looking up to the Government of India for such legislation, and as it may be innocuous and ineffective as my Honourable friend has stated, it will mean no loss to Government and at the same time it will undoubtedly have some moral influence, and it will create an atmosphere in the country under which the heads of religious and charitable endowments will find it difficult to behave as they do now. This will have a great moral effect though as piece of legislation it may, as he said, be ineffective, for it is in danger of not being accepted readily by many Provincial Governments. As for the Provincial Governments taking up this legislation, I think that it should proceed from this Indian Legislature, because as my Honourable friend, Maulvi Abul Kasem, has remarked the heads of Hindu religious and charitable endowments are very rich, and if money means influence they have got a good deal of influence in their localities. I do not know if it will be quite proper to mention it here, that I have known big mahants in Puri spend thousands and thousands of rupees in giving parties to Governors, and dancing attendance on Executive Council Members, Ministers and other high officials. This it is, and not the proposed Bill, that has actually been looked upon by the people with *horror and dismay*.

We have been told that the former enactments on this subject provide enough safeguards. But so far as I remember, my Honourable friend, Maulvi Abul Kasem, has clearly pointed out during the discussion of the Mussalman Wakf Bill, how it is practically impossible for people to act according to that legislation specially when they will have to go against mahants and heads of religious endowments who are very rich men. In one case it costs something like Rs. 65,000 as my Honourable friend mentioned—I do not remember the exact figure. If it is a safeguard at all, the safeguard which this Bill proposes is of a similar nature, but only this is easier for people to handle effectively and with small expense.

As for the disadvantages to the provinces and the people, the Mussalman Wakf Act has been passed and it was passed by this reformed Legislature. It has not created any disadvantages in the country. I do not claim equal treatment in this matter for I am not one who claims equality of rights on communal grounds. If the Muhammadans have it, and if the Hindus are not going to have it, for good reasons, I shall remain satisfied; I do not claim equal treatment on that ground. If the point is that it will create disadvantages to Government, where are the disadvantages? Under the Mussalman Wakf Act there are no disadvantages and this Bill, if passed into law, will create none. On the other hand, this will simply create, if not anything else, a moral atmosphere in the country, and for the present so long as the Local Governments are unable or find it impossible, for various reasons which I need not mention here, to take up legislation, so long will it effect as a moral atmosphere in the country. As for the orthodox opinion being against it, I assure the House on behalf of my constituency that there will be no *horror or dismay* or opposition from the people. They will be rather glad, for they look up to this Central Legislature to pass some such Act as will give some

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moral nerve to the people and have some moral influence on the heads of endowments. With these few remarks I appeal to the House to support this motion.

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

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

Colonel Sir Henry Stanyon (United Provinces: European): Sir, as a European I speak with some diffidence on a subject which is essentially one for my Hindu friends. Nevertheless, with some experience of India and its people I offer my views for what they may be worth. Whether or not this measure is a logical sequence of the Mussalman Waqf Act of 1923, as claimed in the Statement of Objects and Reasons, I am not sure. There is much more variety in Hindu law, Hindu customs and Hindu religious views in different parts of India than, I think, in the law of Islam. I say, with all respect, that this is not a case to which one could apply the well-known saying, that " what is sauce for the goose is sauce for the gander ". What may be applicable to the Muhammadans is by no means necessarily as good for the Hindu community. Therefore I do not base my support of the motion on what might be a controversial ground. But the first and main question is this. Is there need for reform? Of that I have no doubt. Twenty years ago, as Judicial Commissioner in Berar, I had before me a well-known case which showed an urgent need for the existence of some such measure as is now before the House. All my other experience has pointed in the same way. Trustees of public funds, and particularly of religious endowments, in many cases claim (as we have heard to-day they have done in Madras), that they are not responsible to human authority for the management of the public money entrusted to them. They desire to render accounts in heaven. It will be said that the proper power for bringing such accounts down to earth is the public opinion of the community concerned and not the Legislature. Sir, public opinion on many matters in this country is silent or shy or apathetic or dumb. We have been told that orthodox public opinion is against Sir Hari Singh Gour's measure. That is a fine sounding phrase and would be decisive of this debate if we could be sure that the so-called orthodox public opinion sent up to Local Governments is something more than petitions instigated by influential trustees and formulated by paid scribes. In the present condition of India public opinion has to be led towards reform. In some cases indeed it has to be forced. Reform must come from above. It will be argued, again, that the Assembly is not the proper place for a purely moral reform. Is the reform here proposed purely moral? Is it not as much a legal reform as any other legislative measure for the prevention and detection of crime against public property? At the same time I agree with my Honourable and much valued friend, Mr. Rangachariar, that we must proceed, as a House, with the utmost caution in handling a subject so closely connected with the religious sentiments of the largest community in India. But I think that in a reasonable way this is just what is being done. Sir Hari Singh Gour is to be congratulated on the moderation and care with which his Bill has been drafted, and the proposal now is merely to refer that Bill to a large

Committee, representative of Hindu sentiments all over India, with only one European, I think, and two Muhammadan Members on it. This Committee can be trusted to thresh out the measure in all its bearings, and in particular on the question whether provincial or central legislation would meet the requirements of the case. Personally, I incline to the view that provincial legislation would be preferable. But I should be guided in this matter by the opinion of this representative Committee. I shall be agreeably surprised if that Committee can reach a unanimous report. I anticipate a cleavage of opinion for and against the measure, and for and against provincial legislation. But at all events here we have a matter in which this House, by legislation, seeks to lead and educate public opinion on a matter of reform, call it social or moral if you like, bearing on what is the peculiar business of one of the Indian communities. And it seems to me that this is a move in the right direction, and that the Government would do well, at least, not oppose this effort to discharge the responsibility that undoubtedly does lie on this House to lead the country towards enlightenment. With these few remarks I beg to support the proposal to refer this Bill to the Select Committee.

Mr. K. Rama Aiyangar (Madura and Ramnad *cum* Tinnevely: Non-Muhammadan Rural): Sir, I wish to say a few words in connection with the question of the Act itself. The Government of India Act is intended to serve a transitional stage and the questions relating to religious rites and usages have been specifically reserved for the Indian Legislature. Section 67 of the Act clearly mentions it and even there the Governor General's previous sanction is required to the introduction of any measure in this Legislature also. A confusion of ideas has arisen by the fact that religious and charitable endowments are included in the list of transferred subjects. That confusion must be clarified if the Act is to be understood. Section 67 of the Act, as I said, excludes religious rites and usages from the operation of the Provincial Councils because of sub-rule (2) of Rule 3 of the Devolution Rules, which runs as follows:

"Any matter which is included in the list of provincial subjects set out in Part II of Schedule I shall, to the extent of such inclusion, be excluded from any central subject of which but for such inclusion, it would form part."

From this it will be seen that the religious and charitable endowments are transferred but religious rites and usages are reserved. So, religious rites and usages, apart from religious and charitable endowments, stand part of a central subject. It is not only that. You will again see in the Reservation Rules the same thing. Under rule 2 of the Reservation Rules questions affecting the religion or religious rites of any class of British subjects in British India shall be reserved for the consideration of the Governor General by the Governor of any province when there is any legislation undertaken in that legislature for subjects connected with that. So that it will be seen that under both the Devolution Rules and the Reservation Rules and section 67 of the Government of India Act religious rites and usages, apart from religious and charitable endowments, are excluded from the Provincial Legislatures. So, such questions can actually be taken up only here. I submit, therefore, that the real difficulty has arisen like this. Finding that religious and charitable endowments are included in the transferred list, legislation has been undertaken in the Provincial Councils not only in respect of them but also covering much wider ground. It practically covered religious funds and endowments for secular purposes. That portion, therefore, in the present transitional constitution of the law has made it clear that such subjects ought to be practically

[Mr. K. Rama Aiyangar.]

within the guidance and control of the Governor General and that his sanction ought to be got and the same considered by the Central Legislature and not by any Provincial Legislature. The whole power therefore is not with this Legislature. It is only for certain purposes and for training them to understand the system better that some subjects have been transferred, but religious rites and usages have been particularly reserved. Under those circumstances, what I wish to place before this Assembly is that the Act has not been properly construed in the matter connected with the Religious and Charitable Endowments Bill of Madras which clearly interferes with religious rites and usages, as I said, in the case of *mutts* as also by allowing them for secular purposes. But the real difficulty seems to have arisen in connection with the Reservation Rules where it is said that the Governor of a province, if he finds it interferes with religious rites and usages, shall reserve it to himself. The discretion which is given to the Governor of a province does not mean that, if the Bill actually interferes with religious rites and usages, he can declare that he thinks that it does not interfere with religious rites and usages. Therefore, I say that, if a Governor in his discretion declares that an Act does not interfere with religious rites and usages, it is the province of the Governor General to decide whether it does or not. If it is so, then the Governor General will have to reserve it and see that this Legislature alone takes it up and that it is not allowed to be done by the Provincial Legislature. In the case of the Madras Presidency this fight has been going on between the Governor General and the Provincial Government. It is, of course, a matter for the authorities to decide whether the Act itself interferes with religious rites and usages or not. I dare say the matter will have to be settled at last by the Secretary of State. That, however, is a different matter. The present Bill that has been introduced requires certain powers to ask the people who claim to be the sole lords of the trust monies, religious or charitable, to render their accounts and to do certain other things which are provided in the Bill. That portion of the Bill, I submit, can never be undertaken by a Provincial Legislature. It is wrong to suppose that the Governor General can allow such a thing. I know the Governor General may permit a Provincial Legislature to take up a question and to place it before him for consent and he may sanction such a Bill. But, ordinarily, the right of this Legislative Assembly to consider such questions cannot be taken away. I do not think it is a matter which the Government ought to oppose. Questions may arise where it may be pleaded that religious sanction has been given to particular heads not to give accounts to anybody in this world, as was suggested by Colonel Sir Henry Stanyon. Even such cases can, with the sanction of the Governor General alone, be taken up only by this Legislature and not by any Provincial Legislature. I submit, Sir, that under those circumstances it is not a case in which it is open for the Government to oppose the Bill altogether. It will have to be taken up. If they subsequently think that any portion of it relates to the charitable and religious endowments and that the Provincial Legislature might be trusted to look to the details of the management and other things, it may be done. But that is quite a different matter. Broad questions relating to the interests of persons who religiously lay claim to that right have to be dealt with here and only here—with the previous sanction of the Governor General and in this Legislature. I submit under these circumstances it is a mistake and it is not proper for the Government to oppose this Bill. I know that the Religious Endowments Bill of Madras was by the action of

the Government of India considerably encouraged to be done the wrong way; but that is no reason why the present Bill should meet with opposition here. I submit that under the structure of the Act itself and according to the real intention of those who framed the Act, the Governor of any province is bound to reserve when he finds any interference with religious rites and usages. But here is a question of seeing that money intended for religious purposes is not used for other purposes is interference with religious rites and usages. Under these circumstances I submit this Assembly has got the power to deal with this matter, and I support the motion of my Honourable friend, Sir Hari Singh Gour.

Mr. L. Graham (Secretary, Legislative Department): Sir, I had no intention of taking part in this debate though after what he said just now I feel I must accept the challenge of my Honourable friend opposite. I understand—I hope I am taking it in the right way—his first point was that the Madras Religious Endowments Act—which somehow or other seems to be the centre of conflict in the House at the present moment, although I thought we were engaged on another motion—was outside the jurisdiction of the Madras Legislative Council, and his reason for saying that apparently was that the provisions of section 67 of the Government of India Act require that, if a measure is introduced in the Central Legislature affecting religious rites and usages, the previous sanction of the Governor General shall be obtained. From that he proceeded to the conclusion that because sanction is required in the Central Legislature to the introduction of legislation of this sort, such legislation could not constitutionally be introduced in a Provincial Council. Sir, I venture to differ. The powers conferred on Provincial Legislatures are extremely wide. In the first place, they may make laws for the peace and good government of the territories for the time being constituting that province; and they can frame laws for the administration of subjects which are allocated to them as provincial subjects under the Devolution Rules. Now one of these subjects which have been declared to be provincial subjects is Religious and Charitable Endowments. I do not think it can be contested for a moment that the main subject-matter not only of the Bill before us but also of the Bill about which all this contention is really raging, is the regulation of religious endowments; and that subject is a transferred provincial subject.

Now in making the distribution between central and provincial subjects, we have left on the central list Civil Law, Criminal Law and various large heads like that; but in legislating for provincial subjects the Provinces have inevitably to some extent I will not say trespassed but overrun the border. This was contemplated when the Act was framed. There is this express provision under section 80A of the Government of India Act that where a Provincial Legislature proposes to pass legislation which in any way regulates a central subject, the previous sanction of the Governor General shall be obtained.

Now, Sir, the main subject-matter both of the Madras Bill and of the legislation now before us is undoubtedly religious and charitable endowments; and therefore the first place in which you would expect legislation on this subject to be introduced is the Provincial Legislature. If Honourable Members will look at the back of the Bill before them they will find an endorsement to the effect that the required sanction of the Governor General has been obtained to its introduction. Now, why was that done? Because under section 67 of the Act this Bill before us is one regulating a provincial subject. The Honourable Member opposite, I may say, tried

[Mr. L. Graham.]

to draw the House away by what are really minor issues which do not arise on this Bill at all, when he referred to the matter of Bills affecting religion and religious rites. The Bill before us does not affect religion or religious rites. I think I have the agreement of the author of the Bill when I say that. It is a Bill affecting the management of religious and charitable endowments. Therefore, this contention which was introduced, this further apple of discord thrown into the House by the Honourable Member was entirely off the point. It might happen that a Bill providing for the regulation of religious and charitable endowments might to some extent affect the religion or religious rites of a class of British subjects, but that, Sir, is no reason why a Bill of which the main subject-matter is the regulation of religious and charitable endowments should not be introduced in a Provincial Legislature. In fact, Sir, if a Bill of which the main subject is to regulate religious and charitable endowments is to be introduced anywhere, the proper place, in the first instance, is the Provincial Legislature. It might be introduced here, but in that case the sanction of the Governor General is required, as has been done in this case. But I repeat, Sir, that the proper place both for the Madras Bill and for this Bill is the Provincial Legislature.

Mr. E. H. Ashworth (United Provinces: Nominated Official): Sir, the object of this Bill is the better provision for the management of Hindu trust properties throughout India. Whether the Bill will effect that better management is a question, I think, that is open to doubt. The machinery is that accounts should be filed in the Court of the District Judge. What will actually happen I think I am in a position to explain to Members of this House; they may not themselves otherwise be aware of it. The accounts that are filed will be put in the charge of a clerk in the District Judge's Court. I should be very much surprised if the clerk put in charge of that department is a clerk who would draw more than Rs. 60 a month. Whether a clerk who receives such salary is a clerk who can scrutinise such accounts is a matter that I leave to the House to judge. There is no machinery in the Bill whereby the District Judge himself is called upon or expected to scrutinise these accounts, unless some private person interested in the particular endowment should come forward. We all know how difficult it is, even in the advanced industrial city of London, to require companies to put in accounts which shall not be misleading. I venture to think that the provision of this Bill which it is intended should improve the management of Hindu trusts will be a dead letter. In coming to that conclusion I am fortified by the admission of a Member who supported this Bill, who himself, if I heard him rightly, said that the Bill will be a dead letter or may be inoperative, but that it would be a fine moral gesture, on the part of this House, to show that the opinion of this House is that Hindu trusts and Hindu endowments should be better managed. This brings me to the position which I wish to take up at a very early stage in my association with this House. It is that the Statute-book is not the proper place for moral gestures and for sermons. I was
 3 P.M. unable to catch the eye of the President on the last Bill, but I was going to make exactly the same point. In that Bill there is a provision which in the opinion of many in this House is likely to be a dead letter, and it is proposed to put it into the Statute-book because it will demonstrate the opinion of this House that marital relations should not begin before a certain age. That again is what I may call an attempt to use a section in the Statute-book to preach a sermon. The Indian Statute-book, as it is, is voluminous enough, without increasing its volume-

by measures of this character. The Honourable Mover of this Bill has, I believe, in another place a Resolution to clear the Statute-book of what is irrelevant and unnecessary. It will not assist him in that labour if he himself adds to the future labour by putting on the Statute-book unnecessary and inoperative enactments. I would ask the House very carefully to consider the desirability of keeping away from the Indian Statute-book any measures which, however fine moral gestures they may make, fail really to make operative law. If the House does not see its way to curtail the Statute-book in this way, I would suggest, as a Judge who has to constantly refer to the Statute-book that, for the convenience of the Bench and the Bar, these Statutes of a moral nature, or what I may call sermon Statutes, might be printed in a different style; they might have a different binding, say pink or something different to the sombre colour which the really operative Statutes at present bear.

Sir Hari Singh Gour: Sir, I should very briefly reply to the various criticisms that have been hurled against my Bill, and in doing so, I shall give the place of honour to the Honourable the Law Member. I am surprised, Sir, that a member of the bureaucracy should for once pose as a champion of democracy. The best part of his speech was devoted to convincing this House that we must be extremely chary and jealous of the rights of the Provincial Legislatures and that we should not encroach upon and trample down the rights and privileges of the Provincial Governments and the Provincial Ministers. It was very refreshing to hear the Honourable the Law Member propound his proposition, but I hope he will remember it in the proper time and place when the result of the reform inquiry is to be announced to this House.

My Honourable friend said that this is a subject which is more appropriate to the Provincial Legislature, and in doing so he gave three very good reasons which, he said, were reasons against it. Those reasons were that all previous Acts of the Indian Legislature deal with Religious and Charitable Endowments. From the year 1863 down to 1923 every Act dealing with Religious and Charitable Endowments is an Act of the Central Legislature. My friends will say, but what about the reforms? I have not forgotten the reforms, and I know this House has not forgotten the reforms either. The last Act, the Muhammedan Charitable and Religious Trusts Act, was enacted after the reforms and under the present constitution and by the Central Legislature. My friend admits that.

The second point to which my Honourable friend drew the attention of this House was that these Hindu shrines lie scattered throughout the length and breadth of the country. As my friend, Mr. Das pointed out, some of these shrines are very sacred to the people of all India and therefore it is necessary that an all-India Legislature should deal with them and control them. Having therefore categorised three most weighty objections why a piece of legislation of this character should be in the hands of the Central Legislature, he then brushed aside the whole question and said: but this is a matter which is essentially within the province of the Local Government. Well, Sir, if this were a matter within the province of the Local Governments, the Governor General would not have certified my Bill as appropriate for introduction in the Central Legislature; and I go further and say that in 1923 when a similar measure affecting the Muhammadan endowments in this country was brought forward, the question was considered and after consideration it was decided that this is the proper place for the enactment of this legislation. I submit, therefore, the matter is *res judicata*. And my learned friend on the Bench opposite

[Sir Hari Singh Gour.]

is too late in the day in trying now to re-canvass the question which has once been settled and settled against him. (My friend, Mr. Jinnah, says it is equally time barred.) Well, Sir, then my learned friend on the other side read scraps from here and there to convince this House that the provinces were against it. I shall only give you two examples of what his scrappy reading led to. First of all, he said: "A very large number of valuable endowments are situate in the United Provinces" and therefore he said: "I shall read to you the opinion of the Government of the United Provinces," and he read it. Now I ask the Honourable the Law Member to bear with me while I read to him the very next sentence which he did not read and this is what is said on page 85. He read to you the first sentence, now read the second sentence which I will continue to read:

"In view of the comparatively small use made of the existing law by which the better control and administration of trusts can be secured, the Governor in Council doubts whether the remedy does not lie in the education of public opinion rather than in additional legislation."

Public opinion is so apathetic in the United Provinces. They say: "Here is a man who is misappropriating other people's money, what business is it of mine to interfere?" That is the view they take in the United Provinces and therefore the Government say: "Very well, educate public opinion, let this dormant, apathetic public opinion be roused to a sense of public wrong from which they suffer on account of the continuous malversation of funds and public money, and then it will be time for legislation." Is this saying anything against my Bill? Certainly not. (*A Voice*: "Of course it is.") Then he says: "It is the opinion of the Government of Bihar and Orissa". Now, Sir, I will also read the opinion of the Government of Bihar and Orissa. I read from page 38 of this compilation. This is what the Bihar and Orissa Government say:

"Although, therefore, there is probably some feeling in Orissa in favour of legislation of this kind owing to the alleged mismanagement of religious endowments in that division, Government consider it certain that a very large majority of Hindus in Bihar proper would be definitely opposed to any legislation at all."

The Government of Bihar and Orissa say that in Orissa the feeling is strong in favour of legislation and the strength of feeling has been further made firm by reason of mismanagement of these endowments, and as regards Bihar Hindu opinion is against it. Now, Sir, I wish to ask what Hindu opinion is against it? Well, if I happen to possess large property which is not mine and I happen to enjoy it, I should certainly be most firmly opposed to anybody interfering with the enjoyment of that property, and I venture to submit that most of the opposition that has been engineered against my measure has come from interested quarters.

Then it is said that Bengal and Bombay are opposed to it. Now, Sir, a very large number of endowments in this country have been made by the Marwari community, and I invite the attention of the House to the opinion given by the Marwari Association, who have not only supported the measure but have opined that it is rather weak to meet the requirements of the case. I therefore submit that so far as public opinion is concerned, it supports my measure. What better forum of public opinion can I demand than the opinion of this House, and if the Government challenge a division, they will very soon have the opinion of this Assembly as to whether it is in favour of this measure or against it. Then, Sir, it has been said that this measure is innocuous, it is futile, it is unnecessary. If these are all adjectives which can be safely applied to my measure, why any opposition at

all? Let this innocuous, futile measure go on the Statute-book. Honourable Members who accuse it of innocuousness and futility know that it serves a great purpose, the purpose being first to place upon the national register all the public endowments which belong to the public and which are fast falling into private hands, and, secondly, that the trustees should render to the public an account of the trust and thus retain their character as trustees and not arrogate to themselves, as they too often do, the position of masters and owners. That, I submit, Sir, is the short purpose of my Bill, and I ask this House to support it.

The Honourable Sir Alexander Muddiman: (Home Member): Sir, let me in the first place express my full sympathy with the chivalrous attitude of the Honourable Knight from Nagpur in attacking the grave scandals which we all deplore. The prevention of the malversation of public funds, which I believe from what I have heard to be common, is obviously an object which must be the care of all of us, and particularly of the Government. I have no quarrel at all with the objects of this Bill, but I have certain matters which I should like to lay before the House in connection with it more especially in connection with the constitutional position. Let me make it perfectly clear that I sympathise with and admire the object of this Bill and the ardour with which the Mover of this Bill has put forward his case. We are at one with him and there is no ground whatever for difference in the matter. We all desire the same end, though we may desire to attain it by somewhat different means. I have been extraordinarily interested in the debate of this morning. I have heard people speaking from different points of view and there have been cross currents, if I may so call them. But it has been a very interesting morning indeed for me. The debate has shown curious tendencies. It may in some instances be perhaps due to not entirely appreciating the constitutional position. But in other cases I can hardly believe that it entirely explains the views which were put forward. Now, my Honourable friend, the Law Member, has dealt with the legal aspect of the matter with his usual admirable manner and I do not desire to add one word on that. But I will put one question to my Honourable friend, the Mover of the Bill. It was raised by the Honourable the Law Member in his speech, but I do not know that the Honourable Mover definitely dealt with it. It is a question raised by the Calcutta High Court. The question is, does the Honourable Mover intend this Bill to apply to private trusts or does he not? If he does, is he asking this House at this moment to say that the legislation he brings forward is suitable legislation in the case of those private trusts which are referred to in the letter from the Calcutta High Court?

Sir Hari Singh Gour: That can be settled in the Select Committee. On the last day of the debate I pointed out that this is a matter for the Select Committee. They can cut out private trusts if they like.

The Honourable Sir Alexander Muddiman: I should like to point out that it is a matter of great importance whether the Bill applies to private trusts or not, and it should be decided by this House before it goes to the Select Committee and I have not heard a definite expression of my Honourable friend's intention in the matter. It is not a matter for Select Committee but a point of principle for the House itself. The Honourable Sir Narasimha Sarma dealt with the point of view that there are apprehensions in the minds of the orthodox section in regard to this Bill. On that subject I do not propose to go further. My Honourable friend is a lawyer,

[Sir Alexander Muddiman.]

a Brahmin and a liberal-minded man and if he thinks that there are apprehensions in the minds of the orthodox section, it is certainly not for me to say no. I will not proceed further on that point. At any rate I think those of us in this House who are not Hindus might well weigh his opinion, his considered opinion carefully, and if there are apprehensions, however fallacious, in the minds of the orthodox community, it is a matter for serious consideration. So much, Sir, on the merits.

I come now to what I regard as the really important aspect of the case and that is the constitutional position. The point that I desire to develop is this. Religious endowments are a transferred subject and we have consulted the Local Governments on this Bill which relates to religious endowments. That is indubitable and it has not been seriously challenged. Who are the Local Governments who have given opinion on this Bill? Who are they? They are the Ministers, the elected representatives of the people, (*A Voice*: "Question") that part of the Government which is at any rate—you may deny they are all representative—(*Diwan Bahadur T. Rangacharior*: "I deny it") which is as far as we can ascertain it representative. We had urged before us on the Reforms Committee repeatedly that the Ministers were not able to express their opinions freely. I ask whether on a subject like this, a subject which concerns religious endowments, the Ministers are likely to be influenced or any one is likely to be tempted to influence their views. My own experience is that we perhaps sometimes pay too great attention to the opinions of our Indian friends on these matters: I am sure we do not pay too little. Therefore, these opinions are the opinions of Ministers and no one else and all these Ministers tell you,—they may be right, they may be wrong, on that point I am not prepared to express any opinion—but they tell you that this is a matter which they desire and which they think ought to be dealt with in the local Council. If you are satisfied with their opinion it has serious implications. I am well aware that my Honourable friend opposite takes the view that they are not competent to deal with a matter of this kind, that religious endowments are not a matter for Ministers and that they are a matter for the Central Legislature. That is a somewhat novel point of view. I do not propose to combat it, but still it is not the constitution as it now exists. The logical conclusion of that argument is that a subject should be retransferred and should be made Central and not Provincial. That is a matter on which I for one am not prepared to express an opinion at this moment, but that is the logical result of my Honourable friend's argument and I submit further that will be the logical result of a vote of this House if it should take to itself the power to enact measures which relate to a transferred subject when, mark you and that is the point in issue, all the Ministers concerned have expressed their views that the legislation should be local. Now, Sir, some one said to me (I do not wish to take up the point at great length because I am extremely reluctant to oppose this) as I was leaving the Chamber for lunch "What on earth have Government to do in this matter? Why don't you let these people have their own way? It is a matter which concerns their own religious endowments". The argument would be a good one if it were not for the constitutional position. It is not a light thing for you to override the opinion of Provincial Governments in this matter and to act against the theory of the constitution. It has been said that legislation has been undertaken in the Imperial Council. Well, that is perfectly true. There was one Bill in 1863 and another in 1920. That was before the reforms.

There was one afterwards in 1929, the Wakf Bill. I am not going to say anything about the Wakf Bill. Legislation was put through by the Government of the day and that is history. Still it has to be remembered that against that there has been legislation in the provinces. There has been the Madras Bill which, as my Honourable friend behind me reminded me, has figured very largely in this debate and has been influencing Members on the general question. There is another Bill. I think it is in Coorg. I am told there is a Bill that has been received from Bengal which is now under disposal here. So, on the merits, there has been Provincial legislation and there has been Imperial legislation and my Honourable friend, Mr. Shanmukham Chetty (I should like to congratulate him on his admirable and clearly expressed speech) pointed out the difficulties that had arisen and have been dealt with in Madras. Then I am told by my Honourable friend, the Mover, that the matter, because the Governor General gave his sanction to the introduction of this Bill, is *res judicata*. Now, surely, even in Nagpur the rule is not so harsh as that.

Sir Hari Singh Gour: I did not say that. What I said was the matter was settled in 1929 in connection with the Wakf Bill and that matter is *res judicata*.

The Honourable Sir Alexander Muddiman: The Wakf Bill is *res judicata* but the principle which led to the Wakf Bill is not *res judicata*. I submit this in all humility. I do not oppose this motion out of mere obstinacy or from any desire to go contrary to the wishes of the House. I do feel that this involves a serious constitutional question and the House is really on a side issue, while this important issue was not brought before the House at the previous debate and I honestly think was not considered by many Members who spoke. The question is whether in a transferred subject, where the Ministers have all reported in favour of local legislation, we should rush in this House and insist on legislating here. The tendency of all authorities is to amplify jurisdiction, but we must endeavour to resist that tendency as far as this Legislature is concerned and not encroach on the provincial sphere. My Honourable friend, Sir Henry Stanyon, suggested that the question between Central and local legislation should be left to the Select Committee. Now any suggestion from him must always receive the most careful consideration. But I do think this is a matter of principle. It is a question whether the House is going to exercise jurisdiction or not, and that I think is a matter for the decision of the House itself here and not a matter which can safely or rightly be transferred to any Select Committee, however large or however representative.

Well, Sir, I do not desire to go over the ground again but to repeat very briefly what I have said, my points are these. I have every sympathy with the Mover of the Bill. I have every sympathy with his ideals. I will not go so far as my Honourable friend, the Law Member and say the Bill will not do any good. I will not go so far as to say that as a moral gesture it is worthless. I do however think the Bill is not a very effective one and will do little good. I will not hide that from the House. But my main ground for opposing it is the constitutional ground which I regard as of great importance, which I regard as carrying with it if wrongly decided implications of great moment. If the House are prepared to undertake this legislation then they affirm a principle with decided implications which carry us much further than this Bill. I accordingly feel it my duty as a Member of the Government to ask for a recorded vote of this House and I shall take the motion to a division.

Mr. President: The question is:

"That the Bill to make provision for the better management of Hindu religious and charitable trust property and for ensuring the keeping and publication of proper accounts in respect of such properties, be referred to a Select Committee consisting of Mr. N. C. Kelkar, Sir P. S. Sivaswamy Aiyer, Diwan Bahadur T. Rangachariar, Mr. Gaya Prasad Singh, Mr. Ambika Prasad Singh, Baba Ujagar Singh Bedi, Lala Hans Raj, Pandit Madan Mohan Malaviya, Pandit Motilal Nehru, Mr. K. C. Neogy, Maulvi Abul Kasem, Mr. C. Duraiswami Aiyangar, Mr. M. A. Jinnah, Mr. T. C. Goswami, Mr. Chaman Lall, Mr. S. C. Ghose, Rai Sahib M. Harbilas Sarda, Pandit Harkaran Nath Misra, Pandit Nilkantha Das, Mr. M. C. Naidu, and Sir Hari Singh Gour; and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be seven."

The Assembly divided:

AYES—53.

Abdul Karim, Khwaja.
Abul Kasem, Maulvi.
Aiyangar, Mr. C. Duraiswami.
Aiyangar, Mr. K. Rama.
Akram Hussain, Prince A. M. M.
Alimuzzaman Chowdhry, Mr.
Chaman Lall, Mr.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Ghazanfar Ali Khan, Raja.
Ghulam Abbas, Sayyad.
Goswami, Mr. T. C.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Hans Raj, Lala.
Hussanally, Khan Bahadur W. M.
Ismail Khan, Mr.
Iyengar, Mr. A. Rangaswami.
Jeelani, Haji S. A. K.
Jinnah, Mr. M. A. A.
Joshi, Mr. N. M.
Lindsay, Mr. Darcy
Mehta, Mr. Jamnadas M.
Misra, Pandit Harkaran Nath.

Muhammad Ismail, Khan Bahadur Saiyid.
Murtuza Sahib Bahadur, Maulvi Sayad.
Naidu, Mr. M. C.
Nambiyar, Mr. K. K.
Nehru, Dr. Kishenlal.
Nehru, Pandit Motilal.
Nehru, Pandit Shamlal.
Neogy, Mr. K. C.
Patel, Mr. V. J.
Purshotamdas Thakurdas, Sir
Ramachandra Rao, Diwan Bahadur M.
Rangaohariar, Diwan Bahadur T.
Ranga Iyer, Mr. C. S.
Ray, Mr. Kumar Sankar.
Rhodes, Sir Campbell.
Sarfaraz Hussain Khan, Khan Bahadur.
Shafee, Maulvi Mohammad.
Shams-uz-Zoha, Khan Bahadur M.
Singh, Mr. Gaya Prasad.
Sinha, Mr. Devaki Prasad.
Sinha, Kumar Gangaranand.
Stanyon, Colonel Sir Henry.
Sykes, Mr. E. F.
Wajihuddin, Haji.
Willson, Mr. W. S. J.
Yusuf Imam, Mr. M.

NOES—39.

Abdul Qaiyum, Nawab Sir Sahibzada.
Abhyankar, Mr. M. V.
Acharya, Mr. M. K.
Ajab Khan, Captain.
Aney, Mr. M.-S.
Ashworth, Mr. E. H.
Bhore, Mr. J. W.
Blackett, The Honourable Sir Basil.
Bray, Mr. Denys.
Burdon, Mr. E.
Chetty, Mr. R. K. Shanmukham.
Clarke, Sir Geoffrey.
Clow, Mr. A. G.
Cosgrave, Mr. W. A.
Dalal, Sardar B. A.
Duval, Mr. H. P.
Fleming, Mr. E. G.
Ghose, Mr. S. C.
Graham, Mr. L.
Hudson, Mr. W. F.
Innes, The Honourable Sir Charles.

Makan, Mr. M. E.
McCallum, Mr. J. L.
Mitra, The Honourable Sir Bhupendra Nath.
Muddiman, The Honourable Sir Alexander.
Mutalik, Sadar V. N.
Piyare Lal, Lala.
Raj Narain, Rai Bahadur.
Reddi, Mr. K. Venkataramana.
Rushbrook-Williams, Prof. L. F.
Samiullah Khan, Mr. M.
Sastri, Diwan Bahadur C. V. Visvanatha.
Sim, Mr. G. G.
Singh, Rai Bahadur S. N.
Tonkinson, Mr. H.
Ujagar Singh Bedi, Baba.
Venkatapatiraju, Mr. B.
Webb, Mr. M.
Wilson, Mr. R. A.

The motion was adopted.

THE WEEKLY PAYMENTS BILL.

Mr. Chaman Lall (West Punjab: Non-Muhammadan): Sir, I move:

"That the Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to a Select Committee consisting of Mr. Ranga Iyer, Mr. N. M. Joshi, Colonel J. D. Crawford, Mr. T. C. Goswami, Mr. Devaki Prasad Sinha, Mr. Harkaran Nath Misra, Mr. Yusuf Imam and myself."

Some years ago Mr. Bernard Shaw, one of the greatest dramatists of our times, told me that the best translations of his plays had been made by people who had not understood his meaning. I think most of the opposition to this particular Bill of mine has come from people who have not understood my meaning. There is a French saying "*Tout comprendre c'est tout pardonner*"—To understand all is to forgive all. Unfortunately those who delude themselves that they understand everything are least inclined to forgive me my sins in presenting this Bill to this House. This Bill, Sir, is a very simple measure. There are just two points connected with it which ought to make this measure go through this House without any difficulty whatsoever, and these two points are these. Firstly the point of view of the worker, and secondly the point of view of the employer. We know that in Bombay and other industrial centres in India the workers are invariably in debt. This Bill is rather an inadequate measure for providing for the best means of enabling the workers to get out of the clutches of the money-lender. We find that when a worker and his family come in from the mofussil they have some little cash with them. If their cash can be replenished week by week by the employer, there is every chance that they will not resort to the money-lender who charges them a high rate of interest, or to the *mahajan* who charges them four annas in the rupee for every article of necessity they buy from him on credit. The second point is the point of view of the employer. I admit in this House there are very many employers and their interests are diametrically opposed to the interests of the workers; but I will appeal to them to realise that this is a measure of justice which they owe to the worker. Not very long ago in Bombay there was a huge strike amongst the mill hands and we discovered that the employers refused to pay them the wages that were due to them. This was a sort of victimisation they were indulging in to induce the workers to come back to work; they were trying to starve the workers to come back to work. Even papers like the *Times of India*, which cannot be said to be too highly sensitive to the point of view of the worker, as well as the *Bombay Chronicle*, were all in favour of the workers' point of view. They insisted in leading articles and notes that the employers had no justification whatsoever to withhold the wages of these workers, but the employers did not relent until the Government of Bombay were constrained to move in the matter and they, I believe, appointed a Committee. I do not know what the recommendations of the Committee were, but the Committee did work on these lines, and I believe there was a suggestion that the wages instead of being paid on the 15th of every month should be paid to the workers every fortnight. There are no doubt provisions in this Bill which can be cut out in the Select Committee, but I want to draw the attention of the representatives of employers here to the fact that there are many industrial centres in India where this system actually prevails to-day. I believe in many jute mills payment is made weekly; also in the coal area I am told payments are made in several places on a weekly basis. When you have this system in actual working order to-day and supported by a large body of opinion amongst employers or employers'

[Mr. Chaman Lall.]

representatives, I see no reason whatever why the employers' representatives here should raise their hands in horror when a measure of this kind is presented to them. It is a measure calculated to help the worker to keep on his feet. We are familiar with all the horrible tales relating to the woes of our industrial workers, where these workers live in the clutches of the money-lender. We know that when we took a census of Bombay, nearly 98 per cent. of the postmen were discovered to be in perpetual debt and there was no chance of their being redeemed into solvency. Such conditions should be abolished. I therefore very briefly, Sir, move that this Bill be referred to a Select Committee.

Mr. President: Motion moved:

"That the Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to a Select Committee consisting of Mr. Ranga Iyer, Mr. N. M. Joshi, Colonel J. D. Crawford, Mr. T. C. Goswami, Mr. Devaki Prasad Sinha, Mr. Harkaran Nath Misra, Mr. Yusuf Imam, and the mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

I may point out to the Honourable Member that the motion does not satisfy Standing Order 40, in that it does not contain the name of any one who can preside over the Select Committee.

Mr. Chaman Lall: I am sorry I was not present at that time, but may I add the name of Mr. K. C. Neogy?

Mr. President: Amendment moved:

"That the name of Mr. K. C. Neogy be added."

Mr. E. G. Fleming (Burma: European): Sir, I rise to oppose this measure. The views I have to express emanate principally from the large employers in Burma and I am convinced that the conditions existing there cannot be peculiar to that Province only. Firms connected with the forests and with rice and cotton mills are opposed to it. The River Transport Company is also definitely opposed to it. They do not see how they would be in a position to conform to the regulation if this measure were to become law. To give some details. Take for instance the timber industry. The officers and employees are away from their headquarters for months on end with absolutely no need or desire to have money with them. The risk of dacoity and such things are severe. The employees are well rationed, and at the end of two or three months they return to headquarters and draw the pay which is due to them. In the oil industry, which covers a large area, the paymasters going out to the fields are away from their headquarters paying the employees as long as three weeks out of every month, so that they are fairly well kept on tour the whole time. The cotton mills, of one of which I was myself for several years a Manager, found that pay day always entailed a certain cessation of work. That coming once a month is serious enough, and if it was to be repeated every week, would entail a considerable loss in output and other disorganisation of labour. As regards the river transport concern, the steamers are away from headquarters frequently for a month to six weeks on end, and it would be quite impossible and inconvenient to give the Commanders of these steamers funds to pay their men. Another point raised is that the labourers from India remit, monthly, considerable sums of money to their homes in India. If that money were to be remitted weekly, and the remitter were to entail the cost of say four annas a week instead of perhaps four annas a month, it might be prejudicial to the amount of money he would be able to remit, and might stop remittances altogether.

The general opinion, I think, on my side of the Bay is that the Bill is absolutely unnecessary. Where employees or staff, in a few cases, are in financial difficulties there is nothing in the way of their obtaining an advance from their employers; and it has even been suggested that for the first fortnight people taking up new employment could arrange to be paid by the day for the first two weeks and that would prevent them getting into the hands of money-lenders—which the Honourable Member suggests is the object of his Bill.

With these words I oppose the Bill.

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Sir, I beg to move an amendment to the motion which has just been placed before this House by my friend Mr. Chaman Lall. My proposal is that the Weekly Payments Bill should be circulated for the purpose of eliciting opinion thereon.

I submit, Sir, that it is hardly fair to ask this House to proceed to deal with this Bill until it is fully satisfied that the need for the measure in the present-day conditions of India is felt by the people whom it is intended to benefit and is admitted by the public at large. We must also know the views of the employers on this question. Mr. Fleming has already told us that employers in Burma and possibly throughout India are strongly opposed to the Bill. For these various purposes it seems to me that the Bill should be given the widest publicity. It is also necessary to obtain the opinions of the various Local Governments, for under the existing constitution welfare of labour is a provincial subject. I may state for the information of the House that in October last Government circulated the Bill to the various Provincial Governments for their opinions. Two of the more important Governments, namely, Bombay and Bengal, have however not yet found it possible to arrive at any definite conclusions on the subject and we have not received their replies. It may also interest the House to know that the opinions so far received seem to be in strong unanimity against the need for the measure. Several Local Governments have reported that most of the workers and employees in the province who have expressed any opinion on the subject of the Bill are opposed to its provisions. We are told that this is the view of certain employees' associations in the Madras Presidency; that the labourers of Rangoon have recorded a strong protest against the Bill, that the Jamshedpur Labour Association regard the Bill with apprehension as likely to deprive the monthly paid staff of payments for holidays and other privileges and concessions which they now enjoy; and that Government employees generally are opposed to the Bill. Sir, I accordingly move that the Weekly Payments Bill be circulated for the purpose of obtaining opinion thereon.

Mr. Chaman Lall: I am prepared to accept that amendment if it is acceptable to the Assembly.

Mr. President: The original question was:

"That the Bill to make provision for the weekly payment of wages to workmen, domestic servants and other employees, be referred to a Select Committee."

Since which an amendment has been moved

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The question I have to put is:

"That the Bill be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

THE INDIAN RAILWAYS (AMENDMENT) BILL.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I beg to move that the Bill further to amend the Indian Railways Act, 1890, be taken into consideration.

It will be remembered that this Bill was introduced in this House in September last with the object of prohibiting the labelling of compartments on railway trains as reserved for any particular class, community or creed. The evil which this Bill seeks to remove is very well known indeed, and Indian opinion has expressed itself in unmistakable terms in this Chamber as also outside it. The strength of Indian feeling may be gauged from the fact that there have been instances in which Indians have deliberately transgressed the railway regulations and sought to enter compartments reserved for Europeans with a view to court prosecution. I will not insult this Assembly by dwelling at any further length on this aspect of the question and give my justification for this Bill.

Now, a word as to the manner in which I propose to make the amendment. While the different High Courts were engaged in considering the question as to whether the railway authorities had the power to reserve compartments for the exclusive use of any particular community, class or creed, they had to examine the provisions of clause (2) of section 42 of the Indian Railways Act, which lays down that it shall be unlawful for any railway administration to show any undue preference to any person or passenger. As the decision of the High Courts turned upon the interpretation of section 42, I have sought to add an Explanation to clause (2) of section 42 to the effect that for the purpose of that section any such reservation shall be deemed to be undue preference. I do not suppose I need say anything more in support of my motion just now and I hope that the Government will gracefully accept my Bill.

The Honourable Sir Charles Innes (Commerce Member): Sir, I am afraid it is my duty to oppose this Bill, but I can assure Mr. Neogy that I shall do so as gracefully as I can. Sir, from the Statement of Objects and Reasons, I understand that the first object of this Bill is to remove a certain obscurity in the law. Now, Sir, I do not admit that this obscurity exists. I am not a lawyer, but I have taken the precaution of getting hold of the latest pronouncement of the learned Judges of a certain High Court upon this matter. I will quote the Law Report. It is Calcutta 51, 168—I believe that is the correct way to cite a law report. (Cries of: "It is not.") The substance of the judgment was this: The management of a railway is vested in the railway company and ordinarily it has power, unless expressly curtailed by law, (Mr. K. C. Neogy: "Exactly so") to make such arrangements as it considers necessary for the convenience of its customers. It goes on to say that section 42 (2) of the Act prohibits undue or unreasonable preference. What is or is not within the description of those words depends on the facts of each case. Now, as far as I can see, the law on the subject is perfectly clear. As I said, I am not a lawyer; but it seems to me that when you have a word like that "undue or unreasonable" the interpretation of that word must depend upon the facts of each case. I say, Sir, that the effect of this Bill will not be to clear up the law, but it will be to curtail the power of a railway company to make arrangements for the convenience of its customers, that is to say, the passengers.

It is next said that the object of the Bill is to bring the law into harmony with public opinion. I presume that Mr. Neogy's point is that public opinion is sensitive on this point because it is felt that this reservation implies a racial distinction. I join issue at once with Mr. Neogy. I have here the history of this reservation, and I shall proceed to show to the House that that reservation was introduced by the railway companies for no racial considerations at all but it was introduced by the railway companies at the definite request of Indians. In 1904, Sir, there was a conference held at Lucknow. That conference appointed a select committee to report on the grievances of third class passengers. Let me read resolution No. 42 of this conference. It recommended that:

"Every train be provided with a separate compartment for Europeans partitioned by planks, and not by iron bars, and that European third class passengers be restricted to the use of that compartment."

Sir, these racial distinctions are very deplorable things. Here we find a conference of Indians held as far back as 1904 asking that Europeans should be separated from Indian third class passengers not merely by iron bars but by wooden planks. But, Sir, I am prepared to admit that those who proposed this Resolution were not actuated by any racial motives at all. I happen to have here an account of this conference written by a very old officer of the railways who, I suspect, was actually present at the conference. He writes:

"It is not perhaps generally known that this reservation of railways arose from a demand made by Indians themselves at a conference held at Lucknow which was presided over by Sir Henry Burt who was at that time Agent of the Oudh and Rohilkhand Railway. Objection was raised that Europeans and Eurasians (as they were then called) eat beef and ham sandwiches in front of orthodox Hindus and Muhammedans thereby greatly offending against their tenets and susceptibilities and it was suggested by an Indian that the best way to get over the difficulty was to reserve a compartment for Europeans and Eurasians which was done almost universally on Indian railways from that time onwards."

Now, Sir, I think I have proved what I have said, that this reservation was introduced by the Indian railways at the request of Indians themselves for no racial considerations but merely for the convenience of passengers. That, Sir, is the view which the Indian railways have always tried to put forward and which has never been accepted by this House. It seems to me that it is a curious revenge that time brings. We do our best in the Railway Department to meet the views of our Indian passengers in the way of what they call their grievances. In 1904 we went out of our way to introduce this reservation at the request of Indians themselves. Now it is held up against us as a racial discrimination. It is nothing of the kind. It is nothing of the kind for another reason. We do not confine these compartments to Europeans or Anglo-Indians. We admit into any of these compartments Indians wearing European dress. The reason is that these compartments have been differently fitted up from the ordinary third class compartments in order to meet different habits of life and different dress.

Now, Sir, it will be said that, whatever public opinion may have been in 1904—mind you, orthodox public opinion in 1904 was strongly in favour of this reservation—it will be said that public opinion is now changing and that the railways should try to meet that public opinion. Sir, that is

[Sif Charles Innes.]

exactly what we have been doing and what we are doing now. I took the trouble only in last September in reply to a question to make a statement of our policy in the matter.

"We do not think", I said, "that the reservation of intermediate class compartments for Europeans and Anglo-Indians is any longer required by traffic considerations, and we have therefore issued instructions for its cessation on State-managed railways. These instructions will apply to the East Indian Railway when it comes under State management at the end of this year."

That is to say, now on all State railways we have abolished altogether the reservation of intermediate compartments for Europeans and Anglo-Indians. And the reservation of intermediate class compartments has already

been discontinued on all other company railways. It has also
 4 P.M. been our policy to reduce the reservation of third class compartments and from the statement which I laid on the table Honourable Members will see that the practice has already been to reduce it to very small dimensions. You will remember that the recommendation of the Lucknow Conference in 1904 proposed that a compartment should be reserved for Europeans on every train. Now, we have reduced it on the North-Western Railway to one small third class compartment on mail and fast passenger trains, on the Oudh and Rohilkhand Railway to one third class compartment on the Punjab and Dehra Dun Mails, on the East Indian Railway to one small third class compartment on mail and express trains, on the Great Indian Peninsula Railway to third class accommodation on mail and express trains. The Bombay, Baroda and Central India Railway in September last had one third class compartment reserved on mail and fast passenger trains only. Since then they have dropped it altogether. The Bengal Nagpur Railway has one third class compartment on mail and fast passenger trains. And so on. Now, Sir, I have shown that, in response to public opinion, the railways have been cutting down this reservation as much as they can. We have withdrawn it altogether in so far as intermediate compartments are concerned. As regards the third class accommodation, we merely reserve one small third class compartment on mail and fast passenger trains. I say, Sir, therefore that the proper way to deal with this matter is to regard it, as we in the railways regard it, as merely an administrative detail. We regard it in the railways not from any racial point of view at all. We try to run our railways as business concerns and it is our object to consult the convenience of our passengers. And we believe that by this reservation of this one third class compartment on mail and fast passenger trains we are consulting the convenience of our passengers, of our Anglo-Indian passengers as well as our Indian passengers. Though, Sir, this convenience seems to bulk very large in this House, I do not believe that among the vast majority of your third class passengers in India—and I beg you to remember that last year we carried some 600 millions of them—I believe that the vast majority of these like this reservation, they like it because they do not want to travel for long distances cooped up with men whose habits of life are different from their own. I am aware, Sir, as Mr. Neogy has said, that some Indians think it their duty to assert their right of travelling in these compartments. They think it their duty to court prosecution in order that they may vindicate their rights as Indians to do so. Sir, it seems to me a very extraordinary thing that any educated Indian should think it necessary to force his way into one of these reserved compartments in order to demonstrate that he is in no way inferior to an Anglo-Indian.

or to a European. Surely it is an entirely unnecessary thing to do. It brings this silly matter into far more prominence than it deserves. The fact is that as far as the railways are concerned, we do not care two straws whether this reservation is removed to-morrow or whether it is not. But we in the Government think this matter ought to be left to the railways to be dealt with as a purely business matter. We think it beneath the dignity of the Assembly to interfere in a matter of this kind, to legislate in a petty matter of this kind. What will be the effect of legislation of that kind? Sir, I believe myself that one of the most serious problems before the India of the future is the future of the Anglo-Indian community. It is very difficult for members of that community to see their path before them. It is very difficult for them to see what the future has in store for them. They are peculiarly sensitive as regards a little privilege of this kind. Is it generous, is it right for this House to mobilise all the forces of law to take away a little privilege which has grown up during the last 20 years? It will be misunderstood. It will be thought that it is a case of the majority imposing its will on the minority in an improper way. Mr. Ashworth just now said, that it would be wrong to put a moral gesture upon the Statute-book. Sir, I submit it would be wrong for this House to deal with this matter in this way and that you will be defacing your own Statute-book if you do so. Sir, I oppose the motion.

Khan Bahadur W. M. Hussanally (Sind: Muhammadan Rural): Sir, this subject comes before this Assembly for the third time. I was the first to bring up this subject before the Assembly in 1921, when I brought forward a Resolution asking that these reserved compartments be abolished. At that time or soon afterwards, Sir Danvers Waghorn, then President of the Railway Board, gave me an assurance that these reserved compartments would be done away with, except on one or two trains—I suppose he said only the mail trains. But as I thought he did not keep the promise I brought up this point again by Resolution in 1924 and there was a very big discussion upon the subject. My friend Maulvi Abul Kasem attributed the Resolution having come up before the Assembly to the vagaries of the ballot box, and he taxed me very severely for having brought up this petty matter before this Assembly once more. I now see that Sir Charles Innes also calls it a petty matter. (*A Voice*: "Silly".) Well, Sir, at that time, there was very considerable discussion, as you will see from the debates of that period, and my friend Colonel Gidney, whom I do not see here to-day, also opposed my Resolution tooth and nail, and called the reservation a necessity, whereas I argued that on several railways, and especially on the North-Western Railway with which I am more intimately connected, while Indian ladies could hardly find standing room in their compartments with a number of children, a solitary individual of a European or Anglo-Indian or domiciled person carried away a compartment which was meant for 15 to 20 persons, and was enjoying it all by himself. Very frequently this compartment travelled empty and yet the guard in charge of the train would not allow any Indian to get in. Then it was said that Indians travelling in European dress were now allowed to travel by these compartments. I argued at that time that if my son with a sola hat got into that compartment, he would be allowed to do so, whereas if I went in with my fez, I would be kicked out. Sir, at that time Sir Charles Innes again made a promise that these reserved compartments would be abolished, and it was on that assurance that I withdrew the Resolution once more. Since then I wrote a private note to Sir Charles Innes to say that these reserved compartments were still kept up, especially

[Khan Bahadur W. M. Hussanally.]

on the North-Western Railway and he gave me an assurance that they would be done away with. Well, Sir, I now find that on some trains the intermediate compartments have been done away with. But on others the reservation is still there. These compartments are to be kept up on the mail trains and fast passenger trains. Now on certain lines, and even on the main lines, on the North-Western Railway especially, we have hardly any slow train so that practically these reserved compartments are still kept up on the trains that are used mostly by Indian passengers. My friend Colonel Gidney said that these compartments were meant for only 6 or 8 individuals and I beg to assure him that this is not so. These compartments are so big as to contain more than 20 to 25 persons, and as there is congestion on every railway, surely the Indian passengers are entitled to accommodation as much as any European or Anglo-Indian or anybody else, and I do not see why these compartments should be reserved for any particular community. The Honourable Sir Charles Innes in his speech to-day says that it is a "privilege", and as I said just now, my Honourable friend Colonel Gidney called it a "necessity". I do not see any necessity at all, and recently, only about 6 or 8 months ago, there was a case in Karachi. A respectable Parsi gentleman of Karachi wanted to travel in a third class compartment reserved for Europeans. He was kicked out and very roughly handled. He reported the matter. The Europeans occupying the compartment were soldiers and eventually the matter went up before a court martial. But the case failed on account of bad identification. These are the circumstances in which this matter which is called "petty" and which is still maintained to be a "privilege" comes up a third time. I wrote to the Honourable Sir Charles Innes some time ago that I would be compelled to bring in a Bill to remove this reservation, but my Honourable friend Mr. Neogy has anticipated me and I am glad that this Bill has come up to-day so that once for all this vexed question may be settled. I do not see any reason at all why any particular community should have any reservation for itself in these days. The Honourable Sir Charles Innes has referred to a conference at Lucknow. He referred to it also in his speech on the last occasion about 18 months ago. But that conference took place about 25 years ago, and circumstances have since then considerably changed. I hope the House will vote with me and do away with this distinction. There have been several cases which were taken to the courts of law and even to the High Courts and different Judges have given different views. While some Judges have been of the opinion that under the Indian Railways Act there is no power reserved to Government or the railways to reserve any particular compartment for any particular community, other Judges have expressed a contrary view. Some of these cases I quoted in my speech when my Resolution came up and I need not go into them again, and those persons were eventually convicted. One of these cases went before a third Judge also in the Appellate Court and the man was convicted. Such cases crop up now and then and the Indian public is excited over this question petty though it may be. I think it is high time now that the power of reservation under the Act was removed, and I hope the House will support the motion.

Mr. M. V. Abhyankar (Nagpur Division: Non-Muhammadian): I am afraid the Honourable the Commerce Member's speech has been self-contradictory. He first told us that the reservation in its inception and conception was only intended for the benefit of the Hindus and Muhammadans and then he wound up his speech by saying that the reservation

is a privilege which the Anglo-Indian community would not like to be taken away. I do not know whether it was intended as a privilege for the Hindus and Muhammadans or as a privilege for the Anglo-Indians. Evidently, I take it that at the end of the Commerce Member's speech, though unconsciously, the truth came out and the fact is that the reservation is intended not for the convenience of the Hindus and Muhammadans but as a privilege for the Anglo-Indian community. If it is so, no railway company ought to have any right to confer any privilege on any community whatsoever. The Honourable the Commerce Member said that reservation is abolished on State railways and that reservation at present is being curtailed to a minimum on the company owned railways. If that is so, I cannot see why he should stand up and oppose this Bill. If he does not want reservation and if he tells us that the time would not be long before reservation would be absolutely abolished he ought to support this Bill rather than oppose it. Even though the Honourable the Commerce Member may say that in company owned railways they reserve or they are asked to reserve only small compartments on fast passenger and mail trains the fact is that there are no small compartments on these mail and fast passenger trains; there are only big compartments on these trains and particularly so during the last two or three years, and therefore whenever a compartment is reserved it is really a big compartment and only 10 or 15 passengers are found travelling in that compartment though it has got accommodation for 40, while other passengers are cramped, jammed and packed like sardines in other compartments where there is not even standing room. And then, Sir, if the primary and the sole object of this reservation is to protect the sentiments of Hindus and Muhammadans, that a Christian may not eat his beef or his bacon in the third class compartment, is there any condition on these railways that the Anglo-Indians will not travel in other compartments not reserved for them? What is the use then of this reservation. If over and above this reservation the Europeans and Anglo-Indians are allowed to travel in any compartment they choose, the sentiment of the Hindus and Muhammadans that is tried to be left undisturbed cannot remain so. Then the one thing that the Honourable the Commerce Member laid stress upon was that it was silly for Hindus and Muhammadans to try to get into this reserved compartment and create trouble. I should ask him what would be his feeling if he were to travel with a third class ticket and not find room in the train for himself and his people while Europeans and Eurasians are having reserved and comfortable accommodation without paying for it at the cost of other passengers. I think this Bill really ought to be passed by this House.

Maulvi Abul Kasem (Bengal: Nominated Non-Official). Sir, my friend from Karachi mentioned that, when he moved his Resolution on this subject, I had the misfortune to oppose it and to-day I stand up again to oppose the motion of my friend from Karachi. Legislation is intended to provide certain conveniences for the citizens. I would have wholeheartedly supported this Resolution if it provided some convenience or comfort to the third class passengers or any other class of passengers. My friend says that it is necessary because other third class compartments are cramped and the passengers are filled up like sardines while a compartment is reserved for Europeans and they travel comfortably. May I put the simple question, if this one compartment is thrown open to Indian passengers, how much will it add to their comfort and convenience? If that is so, the only thing you have to ask for is not to

[Maulvi Abul Kasem.]

abolish the reservation but to add another third class compartment for Indian passengers by that train, because that will be equally good. It certainly appeals to our sentiment and if without causing any loss of convenience to me some convenience is given to others I see no reason why I should grudge it. And there is another aspect to which reference has been made by my friend from the Central Provinces to the effect that there is no truth in the statement that the Indian passengers would also prefer the Anglo-Indians to travel in a separate compartment. He remarked that the Honourable the Commerce Member was contradicting himself when in the first place he said that it was for the convenience of the Indians and then concluded by saying that it is a privilege enjoyed by Anglo-Indians. It may look like a contradiction in terms but in fact I think the Commerce Member is quite correct in his statements; because in the first place I as an Indian would prefer to travel with Indian passengers rather than with any European passengers, because I would feel uncomfortable travelling with European passengers. I know there are countrymen of mine who would like to travel in the same compartment and who would feel quite comfortable and perhaps even prefer to travel with Europeans rather than with Indians; but for myself I would prefer to travel with an Indian and preferably with a Bengali rather than anybody else. And let us look at the facts. Who are the third class passengers? They are poor illiterate people and if you just thrust one Anglo-Indian into their midst he will cause a good deal of mischief. (Laughter.) And it is ten to one that at every station he will afford some trouble to the Indian passengers. (Inaudible interruptions.) Yes, there will be trouble. Why create trouble and then set out to remedy it. Then it has been said by my friend from Karachi that he has seen Indian ladies and children all crowded in a compartment while another was going with only 5 or 6 passengers in it. What I say is that the real remedy lies in providing for more rolling stock and thus enabling the railway companies to run their trains more often and with greater accommodation for these passengers, rather than to abolish the one third class compartment reserved for Anglo-Indians. It will save trouble and save inconvenience to your own people, because I am sure that if these Anglo-Indians are allowed to travel in the same compartment as Indians the Indians will be very much inconvenienced and uncomfortable. Whatever you may say they will create difficulties and trouble. Lastly, it has been remarked that under the present arrangement with this reservation Anglo-Indians are yet allowed to travel in other compartments. That is a fact. They are allowed to, but in practice they do not for their own sake, and the railway companies also ask them to travel in the reserved accommodation provided. I think the proper course would be to reserve these compartments for Anglo-Indians and not to allow them to travel in any other compartment. And I repeat again, Sir, in spite of the remarks of my friend from Karachi, that this is a very small matter and in these days we ought not to encourage differences racial or otherwise on small matters like this when there are greater things that we have to do and discuss. With these words, Sir, I oppose the motion of my friend.

Colonel Sir Henry Stanyon (United Provinces: European): Sir, when I read this Bill I was conscious of a familiar fragrance. I was under the impression that something very like it, though in a slightly different form,

had come before this House the year last; and I find on looking up the Legislative Assembly Debates that on the 10th of March 1923 there was a Resolution by my friend Mr. Hussanally in these terms:

"This Assembly recommends to the Governor General in Council that he will do away with reserved compartments for particular communities on all Indian Railways by all passenger trains unless fully paid for."

A rose by any other name will smell as sweet. What was a Resolution on the 10th March, 1923, appears to-day as a Bill of the Central Legislature. Nothing is worse to my mind than unnecessary legislation. We have heard, and we all know, that there is now no reservation of compartments in the way objected to in first, second or intermediate class railway carriages. Therefore, this House is now being asked to expend all its power and dignity in placing an enactment on the Statute-book to interfere with the railway management of third class passengers.* I was permitted in 1923 to waste the time of the House in making some remarks on this point. I do not suppose any one of the Members remember what I said then, and, as "history repeats itself", I do not see why a humble individual like myself should not do so. I therefore venture to impose on the House a few extracts from what I then said. It saves me from having to think on the point again, and my opinion on the whole subject remains entirely unchanged. I said:

"British India is full of social difficulties and social anomalies. Education and a spirit of compromise are at work and are steadily overcoming a good many of these difficulties and anomalies. In education and in the spirit of compromise to which I have referred is to be found the real remedy for them. The hard and fast cleavage and distinction between class and class, and race and race, is being steadily and gradually eliminated. The question is whether this Central Legislature is going to allow itself to be used as a social reform club, and to exercise its great powers and responsibility for the purpose of wasting time over pinpricks of this kind. Distinctions do exist. Call them racial if you like. I myself think that many which are so called are not really racial distinctions in the proper sense of the term. But they do exist, and for a long time to come they must continue to exist, and we must try, working together, to make the best of them."

Sir, I see railway stations with refreshment rooms reserved for Hindus and with refreshment rooms reserved for Muhammadans. I do not see at any station a refreshment room reserved for Europeans; and I am very glad not to see it. I am glad, however, to see that there are reservations of that kind made for Hindus and Muhammadans, because I have the highest respect for the conservative feelings which those communities entertain with regard to their food, their habits and so forth."

Now, Sir, coming to this motion itself, it boils down to this, that, a central, imperial enactment is to be passed to prevent a particular class of passengers, whose habits and manners are quite different or are very largely different from those of Indians and—I say it without hesitation though I am a European myself—whose habits in many respects may be offensive to our Indian friends, from being segregated by the railway administration when they journey by train. Now, to speak of this arrangement, which has rightly been described by the Honourable Sir Charles Innes as a travelling convenience, as an undue preference is, to my mind, an unjustifiable straining of language. Surely, education has gone so far, even in India, that no one can say, because I am put there and you are put here on account of the differences in our habits and to promote mutual convenience, that there is undue preference of the one over the other. If it had been the rule that every third class European passenger should

[Sir Henry Stanyon.]

have an intermediate compartment reserved for him, while third class Indian passengers must go in third class carriages, that certainly would have been preference. But, in fact, all pay the same amount of fare and all travel in the same kind of carriage. They are only separated in that carriage for the convenience not of one but of both parties. Are we by legislation going to take away this power of administering to the convenience of the travelling public from the railway administration? I do not want to specify cases. I have no wish to raise feelings about subjects on which there is much controversy. But I do say this that, if you take away this power from the railway administration to-day and to-morrow there should be a party of Brahmins going on a pilgrimage who may naturally wish to keep "untouchables" out of their compartment, no railway officer, to whom an appeal could be made to make suitable arrangements, will be in a position, in the face of this legislation, to put matters right for the comfort of those Brahmins? These are little, petty, matters of railway administration. My Indian friends pay a very poor compliment to themselves if they think that this distinction and discrimination mean racial or any other kind of preference. The European passenger is not raised any higher and the Anglo-Indian is not made any bigger by being put into his own particular place. It is as much a convenience to one party as it is to the other. As I said in my remarks in 1923, out of a hundred compartments, 99 could be reserved for Indians and one for the Anglo-Indians with whom Indians do not like to travel. But what is the simpler course? The simpler course is to reserve the one compartment for the small party. I urge the House to rise to a sense of its dignity and not lend itself to this petty legislation. Is this really the voice of the third class passengers? Scores of people will say that the illiterate third class passenger has nothing to do with it—that it is merely a political sentiment. I do not say that; but I think that the House will lend itself to it being said that, in order merely to give effect to political sentiment over a supposed racial preference given to the Europeans, an Imperial enactment has been passed. I say to my friend Mr. Neogy, who is one of the most learned and sensible men in this House, that this enactment, if passed, will not stand to the credit of this House. In the first place, as I have pointed out to describe the separation of different classes of passengers as an undue preference is a misuse of language. And, secondly, the legislation will constitute undue interference in a matter which should be left to the railway administration. We must trust the railway administration to carry out the wishes of the people in petty details of this kind. They have already proved their good faith in the matter, if any proof was necessary. The discrimination has been done away with in all classes of carriages except the third class by which large hordes of people travel and where there must be some sort of checking and arrangement to prevent quarrels, difficulties and trouble on the trains. It is a very small matter and I hope that the body of Members generally will rise not only to that dignity but also to that generosity and regard which is typical of the best Indian character.

Mr. A. Rangaswami Iyengar: I move, Sir, that the question be put.

The motion was adopted.

Mr. K. C. Neogy: Sir, I was not at all surprised at the speech which my Honourable friend Sir Charles Innes has thought fit to make in reply to mine. In fact I have had the opportunity of studying his mentality for the last four years, and the mentality of the department over which he presides. It is no wonder therefore to me that he has thought it fit to characterize my attitude as silly, and this piece of legislation as being *infra dig* for this House. I can at once tell my Honourable friend that I am not going to take any lessons from him in regard to matters relating to the dignity of this House. Sir, though my Honourable friend considers this to be a very petty matter, I can remind him that this matter had to engross the attention of at least four High Courts in India on more than one occasion in each case, and I suppose that the time and the prestige of the High Court is quite as valuable as the time and prestige of this House. (*An Honourable Member:* "Question?") Now, Sir, my Honourable friend made an apology at the very beginning that he was not a lawyer, but I find he has got into the trick of clever lawyers, in so far as he read out from a particular ruling the particular portion that helped his case and omitted to read out those portions that went against it. I will point out to my Honourable friend that one of the learned Judges in the particular judgment to which he has made reference observed as follows:—

"I cannot but feel that it is desirable that public bodies which exist for public convenience,"—I do not know whether my Honourable friend admits that description as a correct description of his department—"public bodies, which exist for public convenience." (I repeat), "for public convenience, derive their revenue from the general public and enjoy a monopoly in their trade under the law of the land, should take good care to remove all vestige of suspicion of preferential treatment of any particular class or community."

And then later on the learned Judge says:

"I am unable to conceive that such an apparently invidious distinction is not to be considered preference in favour of one community to the prejudice or disadvantage of another."

It is no doubt true that the Judges in that case had to decide upon the Railway Act as they found it, and upon an interpretation of section 42, clause (2), they said that it would have been a violation of the terms of section 42, clause (2) if the particular passenger who was accused in that case could prove that he could not get into other compartments because they were choke-full, and he was turned away from this particular compartment also. And that is what the learned Judges meant by saying it is a question of fact whether any such reservation would, in any particular case, amount to undue preference. And what does this Bill seek to do? It seeks to put it beyond doubt, beyond controversy, that such reservations shall be deemed to be undue preference. My Honourable friend said there is absolutely no obscurity about the law. But I would refer him to the Allahabad case in which the judgment of the High Court differs very materially from the judgments of the Calcutta, Bombay and Madras High Courts. The learned Judges of the Allahabad High Court thought that section 42 could possibly have absolutely no application to a case of this nature; so I think my Honourable friend will have the fairness to admit that there is some obscurity when we come to consider the conflicting rulings of the different High Courts. I was surprised to hear my Honourable and respected and learned friend Sir Henry Stanyon say that such a reservation could certainly not be construed as undue preference. I suppose he has

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been very long away from his judicial labours, otherwise I should have expected him to have some kind of acquaintance with the case law of the four Indian High Courts on this point. Now, Sir, my Honourable friend, Sir Charles Innes has pointed out that as matters stand at present these compartments are available for the use not only or exclusively of Europeans or Anglo-Indians; but Indians in European dress are also equally admitted. I fully admit the truth of the statement.

Pandit Shamlal Nehru: Except on the East Indian Railway.

Mr. K. C. Neogy: Well so far as I know, even the East Indian Railway has issued certain instructions to its officers to admit Indians who are in European dress to these compartments. Sir, I do not know whether a privilege which was a racial privilege so long has improved itself by being turned into a sartorial licence; and if it was not supportable as a racial privilege it is certainly less supportable as a sartorial privilege.

Now, Sir, what is European dress? Is the kilt of the Scotch Highlander to be classed as European dress for this purpose? If that be so, I think my Honourable friend Mr. Fleming might complain that the more picturesque and certainly more decent dress worn by the Burmans should not be tabooed. Again I ask my Honourable friend—is bifurcation of the nether garments to be the test of the European character of one's dress? If that be so, I do not understand why the more ample garments worn by my friend Nawab Sir Sahibzada Abdul Qaiyum should be ruled out. (Mr. K. Ahmed: "What about the use of the latrine?") I will leave my Honourable friend to deal with that himself. (Mr. K. Ahmed: "I cannot change your habits.") So, my Honourable friend (Sir Charles Innes) will realize that once he admits Indians wearing European dress he will be landing himself in a very difficult position. Perhaps the only solution of his difficulty will be if he were to spare a pair of his own trousers and hang it out of the window of every such reserved compartment as the pattern of dress to which every Indian should conform in order to entitle him to use such compartments. Sir, I remember to have seen a cartoon in a recent issue of a Bengali journal which represented an incident well worth relating here. A Bengali in his much abused *dhoti* was occupying one of these compartments labelled as reserved for Europeans. There was nobody else in the compartment at the time, but as the train stopped at a particular station a European—quite as dark as myself—came up and peremptorily asked him to vacate the compartment. But the Bengali was rather a tough customer for him, so he had to call in the aid of the guard. By the time the guard arrived on the scene, this wily Bengali managed to encase one of his legs in a trouser; and when the guard came up he asked "What is the trouble about?" The answer came, "Wait just a minute; I am becoming a European!" Now, Sir, are we really to have an apotheosis of the European dress? That is the question that I put to this House. Are we to concede this privilege, if not to the Europeans and Anglo-Indians for whom my Honourable friend pleads, to any man wearing European dress because he happens to wear European dress? (Diwan Bahadur T. Rangachariar: What about the Salvation Army men?) It was only the other day that my Honourable friend was holding forth very vehemently on the impropriety of letting politics interfere with the railway policy. I know what my Honourable friend considers to

be politics. It is not politics so long as the Railway Department recognises a special privilege in favour of the European or the Anglo-Indian; it becomes politics when Indian opinion demands that no such special privilege should be allowed. Well, my Honourable friend said the other day that if politics were allowed to interfere with the railway management, then, the railways might spoil this Assembly, and this Assembly might spoil the railways. I find that the Railway Department has spoiled my Honourable friend. He has thoroughly identified himself with the narrow outlook of that department which stands for racial discrimination wherever it possibly can. Sir, my Honourable friend said that those Indians who travel in these compartments by virtue of their wearing European costume like this arrangement and so do the Anglo-Indians. Quite right; but we do not like it; that is exactly what this Bill intends to say to the Honourable Member. Indian opinion does not like such an arrangement to be continued. I believe we have lately had a good deal of sympathy shown in this House for the poor Anglo-Indians. My Honourable friend, Sir Campbell Rhodes pleaded their cause in moving terms the other day in this House, and my Honourable friend Sir Charles Innes has followed suit. I make it quite clear here that I am not in favour of taking away any of the privileges enjoyed by the Anglo-Indians so long as those privileges can be enjoyed by the Indians alike; I am not in favour of discrimination against the Anglo-Indians, but I am absolutely opposed to any discrimination against the Indians. (*Mr. W. S. J. Willson*: "Reserve carriages for Indians, then.") My Honourable friend, Mr. Willson says, why not reserve carriages for Indians? If we are to accept the principle which has been laid down by my Honourable friend, Sir Charles Innes, we will have to reserve compartments not merely for Indians as a class; we will have to reserve compartments for people coming from the North-West Frontier Province, because a timid Bengali like myself ought not to be allowed to travel in a compartment where there is a single north-west frontier man. Then we will have to reserve compartments for Jains, for Sikhs, for Hindus and for Muhammadans; we do not know where this will end.

My Honourable friend, Sir Henry Stanyon, very innocently asked "Why should this Central Legislature be bothered about this?" For the very good reason that the Indian Railways Act happens to be a central subject; and for the very good reason that my Honourable friend, Sir Charles Innes and the department over which he presides cannot be depended upon to do the right thing in this matter. That is why we need legislation on this point; otherwise we could have perfectly rightly left it to be regulated by the Honourable Member and his department. He has thoroughly disappointed us. We put forward demands asking for the abolition of this distinction once or twice in 1923 and before; and what has he done? He says "We have got the reservation only for the third class". If it is good enough for the third class why not extend it to the first and second classes? He says "Well, the fittings have to be altered and made of a different kind." But are you sure that Hindus and Muhammadans who travel in the upper classes appreciate the sort of fittings that you have in mind, or are you going to have a regular class for them so as to give them lessons in certain things?

Sir, My Honourable friend Sir Henry Stanyon further asked, is it really the voice of the third class passengers? I am very much afraid that he does not read newspapers, because if he were reading the Indian papers he would have found that this Bill of mine has been supported by public opinion, especially at several meetings of passengers held in different parts

[Mr. K. C. Neogy.]

of India. I do not think, Sir, the House is going to accept the advice so very kindly tendered to it by S.r Henry Stanyon, nor do I believe that it will be influenced against this Bill by the sermon which my friend the Honourable Sir Charles Innes has thought fit to deliver. I hope that this motion will be carried by this House.

The Honourable Sir Charles Innes: Sir, Mr. Neogy accused me of having quoted from a judgment in 51, Calcutta,—I believe that is the correct way of putting it,—(*A Voice*: "No, Report")—I have consulted the Honourable the Law Member—Mr. Neogy accused me of having quoted from this judgment such passages as suited me and not quoting those which did not suit me. Sir, Mr. Neogy is entirely wrong. What I read out to the House was the head note. I have been told by the Honourable the Law Member that I was entirely wrong in doing so, but at any rate, it gave the substance of the judgment. Now, Sir, Mr. Neogy has been doing the very thing which I expressly refrained from doing. He has quoted from the judgment the passage which suited him and he has not quoted the other passages which did not accord with his case. Allow me, Sir, to follow the example of Mr. Neogy and read one or two passages which suit my side of the case. This is from one of the distinguished Judges who wrote the judgment.

"The setting apart of a compartment for Europeans is not apparently to accord invidious distinction to a particular class of passengers. The object is to secure the convenience of the travelling public with due regard to the diversity of their habits, customs and prejudices. An European especially of the class which ordinarily travels in such third class compartments may be more disagreeable to his Indian fellow passengers particularly of the orthodox type and peaceful disposition."

Sir, time is getting late, and I must confess that I think that we have spent more time over this little Bill than it really needed, and therefore I will not repeat at any length what I have already said. I wish to sum up my case, and I will say, Sir, that I do not believe that this Bill is necessary to clear up the obscurity of the law. I will say, Sir, that it certainly is not necessary from a railway point of view.

It has been said by my Honourable friend Mr. Wali Muhammed Husanally that the reservation of these third class compartments increases our difficulty in carrying ordinary third class passengers. Sir, that is not so. The compartments which we reserve on mail and fast passenger trains are compartments which hold 10 passengers only. The mere fact that we reserve a compartment holding ten passengers for Anglo-Indians or Europeans makes no difference at all to our carrying capacity for carrying third class passengers. (*A Voice*: "Question?") Therefore, I again ask the House what is the object which is going to be secured by carrying this Bill. Let me again follow Mr. Neogy's example, and read one more passage from this judgment.

"An attempt has been made to convert what is clearly only a question of railway administration into a racial question. So far as I can see no racial question whatever is involved in this case and it is to be regretted that attempts should have been made to make it one."

Mr. President: The question is:

"That the Bill further to amend the Indian Railways Act, 1890, be taken into consideration."

The Assembly divided

AYES—50.

Abdul Karim, Chwaja.
 Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Akram Hussain, Prince A. M. M.
 Alimuzzaman Chowdhry, Mr.
 Aney, Mr. M. S.
 Chamun Lall, Mr.
 Chetty, Mr. R. K. Shanmukham.
 Dalal, Sardar B. A.
 Das, Pandit Nilakantha.
 Dutt, Mr. Amar Nath.
 Ghazanfar Ali Khan, Raja.
 Ghose, Mr. S. C.
 Ghulam Abbas, Sayyad.
 Goswami, Mr. T. C.
 Gulab Singh, Sardar.
 Hans Raj, Lala.
 Hussanally, Khan Bahadur W. M.
 Ismail Khan, Mr.
 Iyengar, Mr. A. Rangaswami.
 Jeelani, Iaji S. A. K.
 Jinnah, Mr. M. A.
 Joshi, Mr. N. M.
 Lohokare, Dr. K. G.

Makan, Mr. M. E.
 Mehta, Mr. Jamnadas M.
 Misra, Pandit Harkaran Nath.
 Murtuza Sahib Bahadur, Maulvi
 Sayad.
 Mutalik, Sardar V. N.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Patel, Mr. V. J.
 Purshotamdas Thakurdas, Sir.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarfaraz Hussain Khan, Khan
 Bahadur.
 Shams-uz-Zoha, Khan Bahadur M.
 Singh, Mr. Gaya Prasad.
 Sinha, Kumar Ganganand.
 Venkatapatiraju, Mr. B.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

NOES—36.

Abdul Mumin, Khan Bahadur
 Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ahmad Ali Khan, Mr.
 Ajab Khan, Captain.
 Ashworth, Mr. E. H.
 Bhoze Mr. J. W.
 Blackott, The Honourable Sir Basil.
 Bray, Mr. Denys.
 Burdon, Mr. E.
 Clarke, Sir Geoffrey.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Duval, Mr. H. P.
 Fleming, Mr. E. G.
 Graham, Mr. L.
 Hudson, Mr. W. F.
 Innes, The Honourable Sir Charles.

Lindsay, Mr. Darcy.
 McCallum, Mr. J. L.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddiman, The Honourable Sir
 Alexander.
 Muhammad Ismail, Khan Bahadur
 Saiyid.
 Raj Narain, Rai Bahadur.
 Rhodes, Sir Campbell.
 Rushbrook-Williams, Prof. L. F.
 Sastri, Diwan Bahadur C. V.
 Visvanatha.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Webb, Mr. M.
 Willson, Mr. W. S. J.
 Wilson, Mr. R. A.

The motion was adopted.

Clauses 1, and 2, and the Title and Preamble were added to the Bill.

Mr. K. C. Neogy: Sir, I move that the Bill be now passed.

Mr. President: The question is:

“That the Bill further to amend the Indian Railways Act, 1880, be passed.”

The motion was adopted.

THE MATERNITY BENEFIT BILL.

Mr. N. M. Joshi: (Nominated: Labour Interests): Sir, I beg to move:

"That the Bill to regulate the employment of women in factories and mines and on those estates, to which the Assam Labour and Emigration Act, 1901, applies, some time before and some time after confinement, and to make provision for the payment of maternity benefit, be referred to a Select Committee consisting of Mr. L. Graham, Mr. A. G. Clow, Sir Purshotamdas Thakurdas, Seth Kasturbhai Lalbhai, Sir Campbell Rhodes, Mr. Darcy Lindsay, Dr. S. K. Datta, Mr. M. A. Jinnah, Khan Bahadur Sarfaraz Hussain Khan, Mr. Jamnadas M. Mehta, Dr. K. G. Lohokare, Mr. K. C. Neogy, Diwan Chaman Lall, Mr. B. Das, Sardar Gulab Singh, and myself, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

I would like to add to these names the names of the Honourable Sir Bhupendra Nath Mitra which I omitted by mistake, of Mr. Devaki Prasad Sinha, and of Khan Bahadur Mukhdum Syed Rajan Baksh Shah.

Mr. President: The Honourable Sir Bhupendra Nath Mitra is in charge of the Department under which this Bill comes?

The Honourable Sir Bhupendra Nath Mitra (Industries Member): Yes.

Mr. President: His name will appear automatically in the list. It is not necessary to put his name in the motion.

Mr. N. M. Joshi: My Bill is intended to protect the life and health of women employed in industries. It is a matter of great pity that married women of child-bearing age should be compelled by their economic condition to take employment in factories, mines and other undertakings where they have to work long hours in a very unhealthy atmosphere. Although it may not be possible for us to improve their economic condition to such an extent as to remove this necessity of their having to take work in industrial undertakings, I feel it is the duty of this Legislature to regulate their working conditions in such a manner as to remove the danger to their health, to their lives and to the health and lives of their babies. I think, Sir, there will be no one here in this House who will question the soundness of the proposition that work in factories, mines and other industrial undertakings for long hours at present allowed by law is detrimental to the health of women, especially during the critical stage of their confinement on account of child birth. My Bill therefore provides that the employment of women six weeks after confinement should be prohibited by law. It provides that if an employer knowing that a woman has given birth to a child employs her within six weeks of her confinement he will be considered to be guilty of a

The Honourable Sir Bhupendra Nath Mitra: May I ask that the debate be now adjourned as I have got to attend an important meeting of the Executive Council?

Mr. President: The request obviously is not unreasonable, and as the Honourable Member will have his chance, now that he has begun to move his motion, on the next day set apart for non-official Bills. I propose now to adjourn the House.

The Assembly then adjourned till Eleven of the Clock on Monday, the 2nd February, 1925.