

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 25th AUGUST, 1925

Vol. VI—No. 4

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Tuesday, 25th August, 1925.

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

MEMBER SWORN :

Mr. Calidas Venkatanarasyya Krishnaswami Ayyar, M.L.A.
(Legislative Department : Nominated Official).

QUESTIONS AND ANSWERS.

FREE LUGGAGE ALLOWANCE OF INTERMEDIATE AND THIRD CLASS PASSENGERS.

1. ***Mr. S. Sadiq Hasan** : (a) Is it a fact that Government have increased the railway fares of the intermediate and third class passengers during the last few years ?

(b) If so, are the Government prepared to allow an increase in the weight of luggage carried free of charge by the passengers of the intermediate and the third class ?

Mr. G. G. Sim : Fares of all classes were increased in 1922. As regards the free luggage allowance the Honourable Member's attention is drawn to the discussion of the subject in this House on 28th February last.

LACK OF MUHAMMADAN WATER CARRIERS ON THE NORTH WESTERN RAILWAY.

2. ***Mr. S. Sadiq Hasan** : (a) Are Government aware that the Muslim public are put to great discomfort on account of the lack of Muslim water carriers on a large number of railway stations of North Western Railway ?

(b) Will the Government please state the number of railway stations where there are no Muslim water carriers and will the Government also please state the reasons for this ?

(c) Are the Government aware of the fact that on a large number of stations these water carriers are required by the station masters to do their private work and thus neglect to serve the Mussalman passengers ?

(d) If so, will the Government please take some strong action to root out this evil custom ?

Mr. G. G. Sim : (a) and (b). If the Honourable Member will give instances of particular railway stations where the lack of water carriers is felt, the attention of the Agent will be drawn to the matter.

(c) and (d). The Government are not aware that the practice referred to exists.

SUPPLY OF BRASS OR COPPER TUMBLERS TO MUHAMMADAN WATER CARRIERS AT RAILWAY STATIONS.

3. ***Mr. S. Sadiq Hasan** : (a) Are the Government aware of the fact that Mussalman water carriers are generally supplied with tin cans which soon become dirty and insanitary ?

(b) If so, will the Government please issue orders to supply brass or copper tumblers ?

DIRTY CONDITION OF EARTHEN POTS FOR DRINKING WATER AT RAILWAY STATIONS.

4. ***Mr. S. Sadiq Hasan** : (a) Are the Government aware that on a large number of railway stations earthen pots for drinking water are kept in a very dirty condition ?

(b) Will the Government please issue orders to the station masters concerned to take proper care in this matter ?

Mr. G. G. Sim : I propose to reply to questions Nos. 3 and 4 together. It is presumed that they refer to the North Western Railway.

Government are not aware that the facts are as stated. This is a matter which receives careful attention from the railway authorities but the Honourable Member's suggestion will be communicated to the Agent.

NUMBER OF HINDU AND MUHAMMADAN WATER INSPECTORS ON THE NORTH WESTERN RAILWAY.

5. ***Mr. S. Sadiq Hasan** : Will the Government be pleased to state the relative number of Hindu and Mussalman Water Inspectors on the North Western Railway ?

Mr. G. G. Sim : Seven Hindus and seven Muhammadans.

Lala Duni Chand : Is this question worth being asked, and if it were worth being asked, can I know the number of Hindu and Moslem porters on the North Western Railway ?

Mr. G. G. Sim : The question, Sir, does not arise.

SUPPLY OF BADAMI PAPER FROM ENGLAND.

6. ***Sir Hari Singh Gour** : (a) Will the Government be pleased to state whether it is a fact that the Government have recently placed an order in England for 670 tons of Badami paper ?

(b) If so, did the Government call for tenders and is it a fact that the Indian mills had quoted for this paper only 8½ per cent. above foreign quotations ?

(c) If the answer be in the affirmative, will the Government be pleased to state why the Indian tender was not accepted ?

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

(b) Tenders were called for. After making full allowance for the cost of insurance, freight, etc., on the imported paper and for the preference involved in the tariff duty of 15 per cent. and also for the cost of baling the Indian paper the lowest price quoted by an Indian mill was 18 per cent. above the cost of imported paper. The imported paper

was also of superior quality to the Indian paper, the imported paper was baled whereas the Indian paper was unbaled.

(c) The Indian tender was not accepted, because it meant extra expenditure of Rs. 43,600.

Sir Hari Singh Gour : Is the Honourable Member aware that in consequence of the supply of paper from overseas two of the paper mills have been silenced, and that not less than about 1,000 operatives have been put out of work ?

The Honourable Sir Bhupendra Nath Mitra : Sir, that question has been asked later on and, with your permission, I will reply to it at that stage.

PROTECTION OF THE PAPER INDUSTRY.

7. ***Sir Hari Singh Gour** : (a) Are the Government aware that the Indian paper mill industry is heavily suffering on account of unfair competition from abroad ?

(b) Are they aware that paper is imported into this country and sold below cost to keep the foreign mills going and that the paper industry in India is threatened with extinction by this unfair competition ?

(c) What means, if any, do the Government propose to take to protect the paper industry in India ?

The Honourable Sir Charles Innes : (a) and (b). The Honourable Member will find the question he has raised fully discussed in paragraph 33 of the Tariff Board's Report.

(c) The matter is under the consideration of Government and it is hoped to make an announcement shortly.

Sir Hari Singh Gour : May I beg to inquire how soon the Honourable Member is prepared to take action on the Report of the Tariff Board ?

The Honourable Sir Charles Innes : I cannot add anything to the reply I have just given.

Sir Hari Singh Gour : May I know whether he is likely to take action during the current Session of the Legislative Assembly ?

The Honourable Sir Charles Innes : I cannot add anything to the answer I have given.

Sir Hari Singh Gour : Has he considered the effect of any delay on the part of Government on the paper mill industry of India ?

The Honourable Sir Charles Innes : We have taken every matter into consideration.

Mr. A. Rangaswami Iyengar : May I take it that the Government do not propose to come to any early decision in this matter ?

The Honourable Sir Charles Innes : The Honourable Member is not to take anything of the kind.

AMALGAMATION OF THE ORIYA-SPEAKING TRACTS.

8. ***Mr. B. Das** : Will Government be pleased to state :

(a) If they have come to any decision on the Philip-Duff Report on the Oriya amalgamation ?

- (b) Did they invite the opinions of the Local Governments of Bihar and Orissa and Madras on this report ?
- (c) Will Government be pleased to lay the opinions received so far on the table of the House ?
- (d) If no action has been taken on the Philip-Duff Commission Report, are Government prepared to take early action on it ?

The Honourable Sir Alexander Muddiman : The Government of India have recently received the reply of the Madras Government and this is under active consideration. They are unable to make any further announcement at present.

Mr. A. Rangaswami Iyengar : May I ask how long it will be before action is taken on the Report ?

The Honourable Sir Alexander Muddiman : I cannot say at present ; the Government of India are considering the matter.

Mr. A. Rangaswami Iyengar : Will there be an opportunity of discussing this matter during the current Session ?

The Honourable Sir Alexander Muddiman : I think not.

Mr. A. Rangaswami Iyengar : Have there been any unforeseen circumstances that have arisen ?

The Honourable Sir Alexander Muddiman : The Madras letter.

RECRUITMENT OF BIHARIS AND ORIYAS IN THE GOVERNMENT OF INDIA SECRETARIAT.

9. ***Mr. B. Das :** (a) Are Government aware that the present method of recruitment of Secretariat staff by the Staff Selection Board gives no chance to men of different provinces ?

(b) Will Government be pleased to state the number of (i) Biharis and (ii) Oriyas in the service of Government of India in the Secretariat ?

(c) Will Government be pleased to state whether they intend to modify their system of recruitment so that men of Bihar and Orissa enjoy their own proportionate share of posts :

(1) in the Secretariat of the Government of India ?

(2) in the departments under the control of the Government of India throughout the country ?

The Honourable Sir Alexander Muddiman : (a) The reply is in the negative. But I would refer the Honourable Member to the reply which I gave to Mr. Jeelani's question No. 1221 on the 23rd March 1925.

(b) Information laid on the table in this House on 1st February 1924 showed that no Oriyas were employed in the Government of India Secretariat. I have no information in regard to Biharis.

(c) I am afraid that I cannot give any undertaking in this direction.

INADEQUATE REPRESENTATION OF BIHARIS IN CERTAIN CENTRAL DEPARTMENTS OF THE GOVERNMENT OF INDIA.

10. ***Mr. B. Das :** (a) Are Government aware that Central Government Departments, such as Posts and Telegraphs, Income-tax, Customs,

Salt, Audit, Accountancy, Forest, etc., have no men of Bihar and Orissa in the officers' grade and that such men are very inadequately represented even in the subordinate posts ?

(b) Are Government prepared to direct their heads of departments to give a proper chance to men of Bihar and Orissa in their future recruitments ?

The Honourable Sir Alexander Muddiman : (a) Information laid on the table on 1st February 1924 showed that 1,419 Oriyas were employed in the Posts and Telegraphs Department and 7 in the Income-tax Department. I have no information about the other Departments.

(b) I am afraid I cannot give any undertaking in this direction.

PREVENTION OF FLOODS.

11. *Mr. B. Das : With reference to the Resolution on the causes of floods moved in this House in the September Session (1924), will Government be pleased to state what steps they have taken so far to inquire into the causes of floods :

(a) in the Provinces ?

(b) in their railway system ?

(c) in provinces under the direct administration of the Government of India ?

The Honourable Sir Bhupendra Nath Mitra : (a) A copy of the debate which took place in the Legislative Assembly on the subject has been forwarded to all major Local Governments with the remark that, while flood protection and prevention are primarily provincial matters, the Government of India are prepared, in view of the importance of the subject, to assist the Local Governments to the utmost extent of their powers :

(i) wherever there is reason to believe that excessive floods are due to central works, such as Railways ;

(ii) where assistance is required to obtain co-ordination between a Railway and the local authorities or between two provinces ; and

(iii) in any case in which technical advice is required which is not available locally.

(b) No requests for assistance in this matter so far as Railway works are concerned have been received from Local Governments, since the action stated above was taken, but it may be mentioned that the Government of India in the Railway Department are associated in certain inquiries and surveys which are now in hand and which have for their object the prevention of damage to Railways by floods both in the Sone area near Koilwar and in that of the Ramganga near Moradabad.

(c) No special measures have been found to be required in the minor provinces under the direct administration of the Government of India.

Mr. B. Das : Am I to understand that the Government of India have the necessary technical organisation to advise themselves and also the Provincial Governments in matters of floods ? I know they have no water-way engineers.

The Honourable Sir Bhupendra Nath Mitra : Well, Sir, if the Honourable Member has already got the information I do not see his object in asking me about it. All I can say is that the Government of India have got their technical experts of various classes, and if the matter is referred to the Government of India by any of the Provincial Governments the Government of India will give it due consideration. If they then find they have not got the technical experts here in India they will no doubt consider the question whether they should obtain them from outside the country.

Mr. B. Das : Are not the Government of India responsible for the effects of floods that are doing such ravages all over India ? If the Provincial Governments do not take any steps will not the Government of India take steps to remove the causes of floods in India ?

The Honourable Sir Bhupendra Nath Mitra : Sir, the Government of India are certainly in no way responsible for the floods nor the primary causes of these floods. That is a matter which rests entirely in the hands of Providence. I have already said that the question of preventive action against floods, of protection against floods, is a matter primarily for the Provincial Governments. If they will come up to the Government of India for any assistance in the matter the question will receive due consideration.

APPOINTMENT OF THE PUBLIC SERVICE COMMISSION.

12. ***Mr. B. Das :** (a) Will Government be pleased to state whether they intend to give effect to the recommendations of the Lee Commission as regards the appointment of a Public Service Commission for India ?

(b) If the answer be in the affirmative, will Government be pleased to mention the personnel of this commission and qualification of each to hold the appointment ?

(c) Will Government be pleased to state if the Staff Selection Board of the Secretariat of the Government of India will be controlled by this Public Service Commission ?

(d) Are Government prepared to lay down the policy that in recruitment of officers and staff due consideration shall be given to the proportionate recruitment from the people of Bihar and Orissa ?

The Honourable Sir Alexander Muddiman : (a) It has been decided that effect should be given to the Commission's recommendation for the appointment of a Public Service Commission.

(b) The personnel has not yet been selected.

(c) The intention is that the functions at present performed by the Staff Selection Board shall be taken over by the Commission.

(d) I can give no assurance that persons from Bihar and Orissa will be appointed either as Members of the Commission or on the office staff of the Commission.

Mr. B. K. Shanmukham Chetty : Are Government prepared to consult this House before they come to any final conclusion about the functions and powers of this Public Service Commission ?

The Honourable Sir Alexander Muddiman : This House has already been consulted on one occasion. If the Honourable Member wishes information on this point he must put another question.

PROVISION OF A BOARDING HOUSE FOR INDIAN STUDENTS AT LA MARTINIÈRE COLLEGE, LUCKNOW.

13. ***Mr. B. Das :** (a) Is it not a fact that La Martinière College, Lucknow, receives a grant of Rs. 40,000 from railway funds for education ?

(b) Will Government be pleased to state what portion of this grant is availed of by the sons of Indian railway employees ?

(c) Are Government aware that there are no facilities for boarding accommodation for Indian students at this institution and that Indian students have to make long journeys to study at the institution ?

(d) Do Government propose to recommend the institution to provide a boarding house for Indian students ?

Mr. G. G. Sim : No lump sum grant is made to the College and the Government cannot take the action suggested in part (d) of the question. If assistance is given at all, it probably takes the form of grants of a part of the fees to the parents of children who are educated at the College. These parents must of course be railway employees. The Government have no information as to part (b).

GRANTS FROM RAILWAY FUNDS TO THE ALIGARH UNIVERSITY AND THE HINDU UNIVERSITY.

14. ***Mr. B. Das :** (a) Will Government be pleased to state if schools receiving grants from railway funds provide facilities for the training of Indian students ?

(b) If no such provision exists, are Government prepared to make special grants from railway funds to the Aligarh University and the Hindu University for special facilities for the sons of Indian railway employees ?

Mr. G. G. Sim : The Honourable Member is referred to the answer just given. The Government cannot undertake to subsidise Universities from railway funds.

GOLD STANDARD FOR INDIA.

15. ***Mr. B. Das :** (a) Is it not a fact that England has reverted to the gold standard from the current year ?

(b) Do the Government of India propose to adopt the gold standard for India in line with the British Government ?

(c) Is it a fact that the policy of currency and exchange is regulated from Whitehall and that the Government of India have no independent policy ?

The Honourable Sir Basil Blackett : The answer to part (a) is in the affirmative and to part (c) in the negative.

As regards (b) I cannot anticipate the recommendations of the Royal Commission whose appointment was recently announced.

With reference to part (c) I may add that the Honourable Member is, I am sure, well aware of the constitutional position.

APPOINTMENT OF THE CURRENCY COMMISSION.

16. ***Mr. B. Das** : (a) Have Government appointed the Currency Commission as was promised in the last Assembly ?

(b) Will Government give the names of members of this Commission and the special qualifications of each person to sit on it ?

(c) Will Government be pleased to inform the House of the terms of reference of this Commission ?

122 ***Mr. B. Venkatapatiraju** : Will the Government be pleased to state when they propose to appoint a Currency Committee for suggesting steps to be taken for the establishment of the gold standard ?

RESOLUTION *re* INQUIRY INTO THE QUESTION OF CURRENCY AND EXCHANGE.

238. ***Khan Bahadur Sarfaraz Hussain Khan** : (a) Will the Government be pleased to state whether the Resolution adopted at the meeting of the Assembly held on 27th January 1925, regarding an inquiry into the question of Currency and Exchange, has been accepted ?

(b) If not, will Government please state the reasons ?

APPOINTMENT OF THE CURRENCY COMMISSION.

465. ***Sardar V. N. Mutalik** : Will Government be pleased to state if they are *now* in a position to state when the promised inquiry into the currency problems and reforms will be made, and whether the inquiry will be made by a committee, appointed by this Government or by a Royal Commission ?

The Honourable Sir Basil Blackett : I propose to reply to questions Nos. 16, 122, 238 and 465 together.

I would refer the Honourable Members who have asked this question to His Excellency's announcement in his opening speech at the current session of the Legislature.

Mr. B. Das : Supplementary question, Sir. In reply to part (b) of the question, Government have no doubt given the names of the members of this Commission ; but I wish to know the special qualifications of these persons to sit on it.

The Honourable Sir Basil Blackett : Their qualifications are well known as every member is a well known person.

Mr. B. Das : Is it not a fact that His Excellency speaking at Delhi assured the House that the Indian Legislature will be well represented on this Royal Commission ? Save Sir Purshotamdas Thakurdas we do not find any other Member of this Assembly on the Committee.

The Honourable Sir Basil Blackett : I do not remember the promise, but I am quite sure the Indian Legislature is extremely well represented by Sir Purshotamdas Thakurdas and the Honourable Sir Maneckji Dadabhoy.

Mr. B. Das : One swallow does not make a summer.

DISCUSSION OF THE REPORTS OF THE REFORMS INQUIRY COMMITTEE, THE INDIAN MERCANTILE MARINE COMMITTEE AND THE ECONOMIC INQUIRY COMMITTEE.

17. ***Mr. B. Das** : Will Government be pleased to state when the reports of the following Committees will be brought up for discussion before the House ?

(a) Report of the Reforms Inquiry Committee,

- (b) Report of the Indian Mercantile Marine Committee,
- (c) Report of the Economic Inquiry Committee.

The Honourable Sir Alexander Muddiman : As stated by His Excellency the Viceroy, an opportunity will be given to this House to discuss the report of the Reforms Inquiry Committee. The recommendations made by the Indian Mercantile Marine Committee are still under consideration but the services of an expert are being obtained from England to draw up a detailed scheme for the establishment of a training ship in Indian waters. The report of the Economic Inquiry Committee is also under consideration.

FRANCHISE FOR WOMEN.

18. ***Mr. B. Das :** (a) Do Government propose to introduce necessary legislation as mentioned in paragraph 67 of the Reforms Inquiry Committee's Report to remove the sex disqualification for the election of women as Members of the Central Legislature ?

(b) Do Government propose to remove the sex disqualification of the women of Ajmer-Merwara by introducing necessary legislation ?

(c) Do Government propose to amend the electoral rules of the other House to allow women to stand for election in the coming election ?

The Honourable Sir Alexander Muddiman : Government propose to move a Resolution in the Assembly and in the Council of State recommending that the amendments of the Electoral Rules proposed by the Committee in paragraphs 66 and 67 of their report be made.

GRANT OF A LICENCE TO L. UDE BHAN, PLEADER, BHAKKAR, TO PRACTISE IN THE NORTH-WEST FRONTIER PROVINCE.

19. ***Lala Duni Chand :** With reference to the statement made by the Honourable Mr. Bray, Foreign Secretary, in the Council of State on 10th March, 1925, to the effect that all restrictions on the enrolment of pleaders in the North West Frontier Province have been removed, will the Government be pleased to state :

(a) Whether after the said statement L. Ude Bhan, Pleader, Bhakkar, has applied for the grant of a licence to practise in the North West Frontier Province ?

(b) If so, why is it that his application has not so far been granted ?

Sir Denys Bray : (a) Yes.

(b) The Honourable Member has slightly misquoted the statement I made in the Council of State. I did not say that *all* restrictions on the enrolment of pleaders in the Frontier Province had been removed. I was referring to those restrictions only that are mentioned in paragraph 48 of the Report of the Frontier Committee. In the North West Frontier Province, as elsewhere in India, applicants for admission as pleaders must be expected to possess certain, what I may call local qualifications. L. Ude Bhan, Pleader of Bhakkar, is not a resident of the North West Frontier Province, and the Government of India consider that domicile in the North West Frontier Province is a reasonable qualification to require of persons who desire to be admitted as pleaders in that Province.

EXEMPTION FROM HOUSE TAX OF VACANT HOUSES IN THE KASAUJI CANTONMENT.

20. ***Lala Duni Chand** : (a) Are Government aware that the Cantonment Committee, Kasauli, Ambala District, has proposed to assess house tax even on those houses which might remain unoccupied for the whole year, on the ground that Kasauli has been declared to be a hill cantonment for the purposes of the Cantonment Act of 1924 and therefore vacant houses are not exempt from house tax ?

(b) Under what law or rule is the Cantonment Committee legally justified or competent to assess house tax on vacant houses ?

(c) If the Government think the said Cantonment Committee is really competent to do so, are the Government prepared to take immediate steps to exempt the vacant houses from the assessment and payment of house tax ?

Mr. E. Burdon : (a) The facts are as stated by the Honourable Member.

(b) Section 76 of the Cantonment Act, which provides for exemption from house tax when houses are unoccupied for ninety days or more, does not apply to hill cantonments, for which there is accordingly no such provision, as the Act stands.

(c) The question whether the Act requires amendment is being examined separately and I will inform the Honourable Member of the result in due course. Meanwhile instructions will be issued to refund such taxes as have been paid in hill cantonments on houses that have remained vacant and unproductive of rent throughout the year.

GRANT OF INCREASED PAY TO THE SUBORDINATE JUDGE, AJMER.

21. ***Rai Sahib M. Harbilas Sarda** : (a) Will Government state if the Sub-Judge, Ajmer, is a Subordinate Judge of the first class and hears all civil suits arising in the city of Ajmer of the value of Rs. 10,000 and under ?

(b) Is the salary of this officer only Rs. 200—20—300 per mensem ?

(c) Will Government state if there are stipendiary Civil Judges in the Bombay Presidency or the United Provinces or the Punjab who exercise the same civil powers and whose monthly salary is as low as Rs. 200—20—300 per mensem ?

(d) Are Government prepared in the interests of justice and in fairness to the people of Ajmer to consider the question of raising the salary of the Sub-Judge, Ajmer, to an amount commensurate with the responsible nature of the work he is appointed to do ?

Sir Denys Bray : (a) There are in Ajmer two Subordinate Judges of the 1st class, 1st grade, and one of the 1st class, second grade. All three have powers to try cases valued up to Rs. 10,000.

(b) The salary of the most junior is Rs. 200—300 per mensem.

(c) So far as the Government of India are aware the grade pay of Subordinate Judges in Bombay, the United Provinces and the Punjab is higher than that of the most junior Sub-judge, Ajmer.

(d) The remedy is not necessarily to raise the pay of the most junior Sub-Judge, and the Government of India expect shortly to consider a proposal by the Chief Commissioner, Ajmer-Merwara, for the disposal of judicial work to be so re-arranged that the value of suits triable by the most junior Sub-Judge shall be substantially reduced.

Rai Sahib M. Harbilas Sarda : Are Government aware that the most junior Sub-Judge in Ajmer-Merwara disposes of civil litigation of the whole of the town of Ajmer, which is the chief town of the district and that his powers are in no way inferior to the powers of the most senior Sub-Judge in civil matters ? If the most senior Sub-Judge gets a higher salary, say Rs. 500 or Rs. 600, is the most junior man who has exactly the same powers as the most senior man.....

Mr. President : The Honourable Member may put a question ; he must not make a speech.

Rai Sahib M. Harbilas Sarda : My question is, Sir, whether the Government are aware that the most junior Sub-Judge has exactly the same powers as the most senior Sub-Judge ?

Sir Denys Bray : Government are so aware, and I gather from the long speech of the Honourable Member that he is thoroughly satisfied with the proposed remedy.

REVISION OF THE AJMER-MERWARA REGULATIONS.

22. ***Rai Sahib M. Harbilas Sarda :** (a) Is it a fact that the Committee appointed by Government to report on the administrative and judicial arrangements in the Province of Ajmer-Merwara known as the Ashworth Committee, reported in 1922 that there was urgent need of the revision of the Ajmer-Merwara Regulations ?

(b) If so, have Government taken any steps to have those Regulations enacted 50 years ago revised ?

(c) If not, when do Government propose to revise those Regulations ?

Sir Denys Bray : (a) Yes.

(b) and (c). The Regulations have been amended from time to time as necessity has arisen, as will be evident from the Chronological Tables in the Ajmer Code. Individual Regulations are entirely revised when this is found to be necessary, as in the case of the Municipalities Regulation, a revised edition of which will shortly be issued. The attention of the Chief Commissioner, Ajmer-Merwara has been drawn to the recommendations of the Ashworth Committee and he has been asked to make recommendations from time to time for such further revisions of the Regulations as he may consider desirable.

CHANGES ADVOCATED BY SIR ARMINE DEW IN THE NORTH-WEST FRONTIER PROVINCE.

23. ***Diwan Bahadur M. Ramachandra Rao :** (a) Will the Government be pleased to state whether they have perused the paper read before the East India Association by Sir Armine Dew, until recently Agent to the Governor General in Baluchistan, about the reasons for the unrest in the North West Frontier Province of India ?

(b) Will the Government be pleased to state whether they have considered Sir Armine Dew's criticism of the North West Frontier Province and the changes that he advocates in the North West Frontier ?

(c) Will the Government be pleased to state whether they propose taking action on the lines suggested by Sir Armine Dew ?

Sir Denys Bray : Yes. Government have studied the paper. If the Honourable Member refers to the six maxims with which Sir Armine Dew concludes his paper, I would say that they already form part of the policy of Government. On the main proposal, that the whole of the North West Frontier from the sea to Gilgit should be put under one administration, Government do not propose to take action.

RUMOUR REGARDING EXPECTED TROUBLE ON THE NORTHERN FRONTIER OF INDIA.

24. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the *Forward*, dated the 12th April 1925, (page 4), in which it is stated that " if rumours are to be trusted, trouble is expected on our northern frontier, and the Indian Army, led by British officers may have to cross through Nepal to somewhere beyond " ?

(b) Is the above report correct ; and will the Government be pleased to make a statement on the subject, and also place on the table papers, if any, in this connection ?

Sir Denys Bray : (a) Yes.

(b) There is no truth in the report ; a very mischievous one.

RESUMPTION OF RECRUITMENT OF LABOURERS FOR MAURITIUS.

25. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to an article published in the *Hindi* newspaper of Jacob, Natal, dated the 20th March 1925, over the signature of Mr. Chakradher Saran, in which it is stated that the Government of India have again received a communication to resume enlistment of labourers for Mauritius, as the number of labourers there is not sufficient ?

(b) Has any such communication been received ? If so, will the Government be pleased to place a copy on the table ?

Mr. J. W. Bhore : (a) and (b). The attention of the Honourable Member is invited to my reply given to Mr. C. Duraiswami Aiyangar's question No. 304, dated the 27th January 1925. No further request has been received since.

NAVAL BASE AT SINGAPORE.

26. ***Mr. Gaya Prasad Singh :** (a) Will the Government be pleased to state if they were consulted with regard to the construction and maintenance of the Singapore Naval Base ? And if so, will they be pleased to lay on the table correspondence on the subject ?

(b) Is it a fact that the Government have given their approval to the scheme ; and have they assured themselves that no part of the cost will at any time be allowed to fall on the Indian revenue ?

Mr. E. Burdon : The attention of the Honourable Member is invited to the replies given on the 28th January 1925, 9th February 1925 and 20th February 1925, to starred questions Nos. 432, 807 and 952, respectively.

EXPENDITURE INCURRED IN CONNECTION WITH THE VISIT OF LORD READING TO ENGLAND.

27. *Mr. Gaya Prasad Singh : Will the Government be pleased to give a statement of expenditure incurred in connection with the visit of Lord Reading to England ?

The Honourable Sir Alexander Muddiman : Approximately Rs. 64,000.

RESOLUTION *re* SUPPLY OF GANGES WATER BELOW NARORA.

28. *Mr. Gaya Prasad Singh : (a) With reference to the Resolution regarding the appointment of a Committee to inquire into and report upon the supply of Ganges water below Narora, which was passed by the Council of State on the 16th February last, will the Government be pleased to state if the Committee in question has been appointed ? And if so, who are the members ?

(b) With reference to my starred question No. 1690 of the 8th September 1924 with regard to the above, are Government aware that the Association of Bharat Dharma Mahamandal has, for several years past, been trying by means of representation and otherwise to secure an uninterrupted flow of the Ganges from Gangotri to Ganga Sagar ? Is it a fact that the Government appointed a Committee, and invited a representative of the Mahamandal to attend the same ; but the recommendations of the Committee were not fully accepted ?

(c) Will the Government be pleased to lay a copy of the recommendations on the table ?

(d) Are Government aware that on account of the Ganges water being diverted elsewhere, the Hindu public are put to great disadvantage, on occasions of important religious festivals, specially at Allahabad, Benares, Patna and Calcutta ?

The Honourable Sir Bhupendra Nath Mitra : (a) The answer is in the negative. The Government of India do not propose to appoint a Committee for the purpose mentioned.

(b) The only memorial received by the Government of India from the Sri Bharat Dharma Mahamandal is one dated the 3rd December 1920. The Government of the United Provinces invited the non-official Members of the local Legislative Council to appoint a Committee to consider and advise Government upon the Narora question, and the Vice-President of the Mahamandal attended certain of the meetings of the Committee. The recommendations of the Committee were not accepted in full, but the alternative proposals, put forward by the Local Government, were subsequently endorsed as a satisfactory solution by all the Hindu Members of the original Committee with a single exception.

(c) A copy of the report of the Committee is placed on the table.

(d) The answer is in the negative.

REPORT OF THE COMMITTEE.

In consequence of two similar memorials from the Sri Bharat Dharma Mahamandal and the All-India Hindu Sabha addressed to His Excellency the Viceroy in which these associations prayed that an opening be made in the headworks of the Lower Ganges Canal at Narora sufficient to pass a minimum of 600 cusecs of water at all times of the year, the Government of India put itself in communication with the Government of the United Provinces of Agra and Oudh. In considering the matter, the Local Government decided to obtain the advice of the non-official members of the Legislative Council, and in April 1921 a small committee from among the said members was accordingly appointed to advise upon the matter.

The Committee visited the Narora headworks and Ramghat first in April 1921 and again in April 1922. On both occasions they were able to discuss all relevant matters with Canal Engineers and on the latter occasion it had the advantage of the presence of the Hon'ble Lala Sukhbir Sinha, General Secretary to the All-India Hindu Sabha, and the Vice-President, Bharat Dharma Mahamandal. The result of the discussions held at Narora among the members of the committee, who visited the spot in April 1922, was embodied in two separate notes which were recorded there and which are attached to this report.

The Ganges feeds two canals, the Upper and the Lower Ganges Canal. The first starts near Hardwar and the second at a place called Narora situate in the district of Bulandshahr and a little below the Oudh and Rohilkhand Railway bridge at Rajghat.

We are concerned with the Lower Ganges Canal which was opened in the year 1878.

The whole width of the river Ganges consisting of 4,220 feet at Narora is controlled by the headworks of the canal. Undersluices with 42 vents cover 408 feet, the fish ladder 10 feet, the notch 2 feet, and the weir wall 3,800 feet. The head regulator of the canal stands on the right side of the river at an angle of 120 degrees to the weir. The accompanying plan* clearly portrays the exact position.

The main prayer of the memorialists is that a free and unobstructed flow of the stream through an opening discharging a minimum of 600 cusecs of water at all times of the year be permanently secured at Narora.

A reference to antecedent facts will show what the present claim is based upon.

When, now several years ago, it was proposed to put up certain new constructions above the *Har-ki-pairi* at Hardwar, a strong representation was made on behalf of the entire Hindu community of British India and was supported by several premier Hindu Chiefs of Indian States. The representation led to a conference which was held at Hardwar. It was attended by a large number of influential Hindus of all shades of opinion including some of the prominent Indian Chiefs. The then Lieutenant-Governor Sir James (now Lord) Meston convened the conference and was himself present at its deliberations.

The conclusions arrived at the conference brought to a satisfactory termination questions relating to affairs at Hardwar. The Narora weir was on that occasion mentioned but no decision with regard thereto was arrived at. The Lieutenant-Governor pointed out that the matter had passed out of his hands and was in those of the Government of India.

After the arrangements at Hardwar had been concluded His Excellency Lord Hardinge informed His Honour Sir James Meston that His Excellency's attention had been invited to the fact that the Narora weir also constituted a defect from the Hindu point of view similar to that which had existed at Hardwar and desired that an opening should be made in the Narora weir. Consequently the 2-feet notch referred to above was made at Narora.

In closing the Budget discussion in the Legislative Council on the 6th April, 1915, Sir James Meston, referring to the 2-feet notch, stated that a further concession to piety had been arranged at the suggestion of His Excellency Lord Hardinge and that as far as this Province was concerned, Ganges water would flow unchecked by the work of man's hand from Himanchal to Saugor Island.

The acceptance by the Government of the religious sentiment that the sacred stream of the Ganges should flow in its natural course from the source to its mouth is the basis of the present claim of the memorialists and the complaint is that the 2-feet notch is not sufficient to meet the requirements from the Hindu point of view.

The committee has to pronounce its opinion first upon the question whether the 2-feet notch effectually serves the purpose for which it was constructed and in the event of the answer to the above question being in the negative, it has to make recommendations for the consideration of and acceptance by the Government.

The committee has carefully and minutely examined the weir and also examined the condition of the stream at Ramghat, a place below Narora. The examination

*Not printed.

of the weir was obviously necessary and the examination of the stream at Ramghat was also necessary and that for two main reasons :

- (i) Ramghat is itself a recognised place of sanctity where pilgrims still gather in large numbers to bathe in and perform other religious ceremonies at the sacred stream.
- (ii) If a running stream of sufficient depth and volume could be maintained permanently between Narora and Ramghat and also at Ramghat, this condition would ensure that the stream further down would, because of increasing percolation and tributaries, get better and better still.

One of the memorials refers to the visit of the Hon'ble Lala Sukhbir Sinha to Narora in March 1918, when Rai Bahadur Lala Kanhaiya Lal, retired Executive Engineer, later on joined the Lala Sahib. The Hon'ble Lala Sukhbir Sinha's description of the stream at Ramghat may, the committee feels, be accepted as accurate. At the time of the visit there was, it is said, not more than two feet deep water anywhere in the stream and according to the information conveyed at the spot, the water had risen only since the night previous. In the opinion of Mr. Perrin, Assistant Engineer, the flow of water as found by the Hon'ble Lala Sukhbir Sinha was about 200 cusecs, a condition which the discharge through the 2-foot notch alone could not have produced.

The committee first visited Ramghat in April 1921 and found the depth of stream at Ramghat not more than ankle-deep. It paid the second visit to Ramghat on 8th April, 1922. The time selected was most appropriate as the river is lowest in April and beginning of May before snow begins to melt. On this occasion the Canal Engineers were ready for a demonstration as to what discharge of 140 cusecs can do. The fish ladder was opened and also partly gate No. 23 and this had been the condition for many hours before the members visited Ramghat. The river had also been trained at Ramghat and higher up. The effect of training the river at Ramghat was to narrow the width of the channel and to increase the depth. All this, notwithstanding, the result was not satisfactory. Only in a hollow at the far end of the stream, said to have been caused by the location of a boat, was the water knee-deep and slightly higher, but almost everywhere else in front of the bathing ghāt the stream was not much more than a foot deep.

It would appear from what has been said above, that the 2-foot notch even when assisted by the fish ladder and partly by one of the central vents, which had been lifted to the extent of 9 inches, is unable to maintain a running stream of sufficient depth for bathing and other religious purposes. The notch with regard to its situation must cease to discharge water if gates of the head-regulator be thrown open. The flow through this notch would also stop if many of the vents were kept open. The depth of water sheet passing through this notch at the time of our visit was not more than one foot.

As the result of a close and careful inspection of the weir and the stream at Ramghat, the committee has no hesitation in recording the opinion that the 2-foot notch is not by itself sufficient to maintain a running stream at all times of the year and that when the river is very low, the notch would not maintain any stream at all.

So far the situation presents no difficulty. The further question as to what recommendation the committee should make, does not admit of any easy answer. The Lower Ganges Canal has been running ever since its opening in 1878 and in the area through which it passes conditions have been created which cannot be entirely ignored. The canal is, as for many past years, a source of respectable income. The owners and tillers of the soil fertilised by the canal water have acquired rights and privileges and have accepted liabilities which should not easily be disturbed. Inconsiderate action in cutting down the quantity of canal water is apt to create upheavals which it is obviously desirable should be avoided. This is one side of the case.

On the other side are weighty considerations whether we look at the matter in its religious, sanitary or political aspect. If the weir is to be maintained in its present condition and is to be used in future, as it has evidently been used in the past, it would be difficult to deny the assertion that the sacred river is made to terminate altogether at Narora and that what flows lower down in the bed of the Ganges is not the holy stream so much coveted and held in veneration by the almost entire Hindu population. It may be permissible, even laudable, to feed a canal from a mighty river, but to close the river altogether is to carry the laudable object too far.

There is the deep religious conviction of the Hindus on the one hand and the financial considerations on the other and the Government has to determine between the two. Both the memorials lay special emphasis upon the religious sentiment of the Hindus with regard to the matter under consideration. It is true no doubt that the sentiment was not given expression to for a long time. In this connection, it may be observed, however, that the greater frequency of dry seasons and the increasing desire of the Canal Department to increase to its highest limit the income from irrigation dues have comparatively only recently produced an accentuating situation. Narora, the spot selected for the canal, was an unfrequented locality of no importance and the construction of the weir may have remained and probably did remain unnoticed by the public. Further, it is only recently that people have learnt to put forward collectively and openly their grievances against a Government action. Whatever may be the reasons for the delay in the expression of it, the religious sentiment is not fictitious but perfectly genuine.

The officers of the Canal Department, with whom the members of the committee conferred, have not seriously contested the position that the 2-foot notch is not by itself sufficient to maintain a respectable stream of real utility at all times of the year. When the river is at its lowest level, the discharge even from the 10-foot opening would be only 38 cusecs. It was 54 cusecs only when the committee inspected in the weir on the 8th April. Their strong opposition to the memorial is, therefore, based on the loss which decrease in canal water is apprehended to bring about. It appears to the committee that the solution of the difficulties lies in a reasonable compromise of diverse interests.

The Hon'ble Lala Sukhbir Sinha adhered to the position that nothing short of 600 cusecs of water would fully serve the purpose but he would on no account reduce the quantity below a minimum of 400 cusecs as a compromise. And from what the Lala Sahib says, it may be inferred that his Association would deeply resent any reduction in the figure below 400. His main argument was that in order to maintain the continuity in the unobstructed flow of the stream, it was necessary that 400 cusecs of water should be allowed to flow at Narora, the quantity which the Government had agreed to allow to flow into Nildhara, the main stream of the Ganges at Haridwar excluding the 200 cusecs which was allowed to flow extra for the bathing purposes at *Har-ki-patri* and ghats down below at Hardwar. We consider his proposal to be only just and reasonable from the Hindu religious point of view, and we would have accepted his figure if it had not been for the consideration of irrigation revenue.

When the river is in flood, we have more than enough water for all our needs. From about the 15th of May water appreciably increases because of the melting of snow. In a year with normal conditions the period of difficulty is limited from about the middle of March to middle of May and the question is how much of the total quantity should go into the canal and how much be allowed to run on in the bed of the river below Narora. It is clear that need for watering *rabi* crops terminates latest by 15th of March, if not earlier, and in the period between the 15th of March and the 15th of May, the need for water in the canal is by no means the greatest. Water is needed only for sugarcane and indigo cultivation and with employment of care and necessary economy in supply and use of water, the loss apprehended by the Irrigation Department could be reduced to a considerably small amount.

The Hon'ble Lala Sukhbir Sinha, it has already been stated, fixes as a compromise the minimum at 400 cusecs : he would make no further reduction. Mr. Saiyid Muhammad, one of the members of the committee, would recommend 200 cusecs of water, in any case, and would go up to 300 provided the extra hundred did not make the loss in revenue large. Another member of our committee, Babu Parmeshwari Dayal Amist, would not reduce the minimum below 400 cusecs.

Were it not essentially the consideration of the loss of the revenue, the committee would have strongly recommended the figure of 400 cusecs of water suggested as a compromise by the Hon'ble Lala Sukhbir Sinha for the acceptance by the Government. In accepting that figure the committee would have felt that an unobstructed flow of water to the extent of 400 cusecs had been secured from Hardwar downwards and no legitimate and reasonable cause for complaint would have at all remained to the Hindu community in view of the fact that the decision of the conference at Hardwar had been gladly accepted by the entire Hindu population including the Indian Chiefs. But the consideration of loss of revenue has stood in the way of the committee to recommend a flow of 400 cusecs. The committee has given its most anxious consideration to the question and has come to the conclusion that if the Hindu sentiment has to be respected at all and if the stream below Narora is to be a running

stream of sufficient depth to serve the religious requirements of the Hindu community, it is absolutely necessary that a minimum flow of 300 cusecs of water must be allowed at Narora.

With regard to structural changes at Narora, the committee would recommend that (a) 2-foot notch be closed, (b) the cross-walls of the fish ladder be removed, and the first under-wall in the fish ladder be lowered as far as possible to allow a deeper sheet of water to pass through it than is at present possible. The Engineers think that it is possible to lower it by one foot to 1½ feet without any danger to the weir, (c) stone grooves for planking the fish ladder be permanently closed, and (d) that this 10-feet wide opening, after the above alternations, should form the passage for the unobstructed and continuous flow of the sacred stream for places below Narora. In the opinion of the committee the opening should be named "Ramdhara" and be maintained as such. The Ramdhara would not be able to discharge 300 cusecs at all times of the year. The committee, therefore, suggests that vent No. 23 be so altered as to take the shape of letter V without any structure for planking the same, and be used for supplementary discharge of uninterrupted Ganges water to supply the balance of the full required quantity. It is believed that the proposed structural changes could be made at a very moderate cost and without any detriment or danger to the strength of the weir. The committee is strongly of opinion that the Ramdhara should be the main and the V opening in vent No. 23 the subsidiary channel.

Three hundred cusecs discharged into the stream when the river is low, would, in the opinion of the committee, be just enough to maintain a running stream sufficient for ordinary every-day need but would require to be supplemented on occasions of festivals when people in large numbers come to bathe in the sacred river. It is recommended that the officer in charge of the canal works at Narora should have standing orders that on the occasion of these festivals, of which he should be provided with a list, he should allow to pass the weir enough extra quantity of water to meet the special demand and secure the rapid washing down of impurities before the stream subsides to its usual depth. If it were possible to feed the Lower Ganges Canal with water from the Surda Canal, the requirements both of the main rivers and the Lower Ganges Canal would be amply satisfied. The memorialists have expressed a wish that both the river training works at Hardwar and Narora should be provided with Hindu officers in charge.

In the opinion of the committee what is necessary is that the attitude of the Canal Engineers towards the religious sentiments of the Hindu, in the matter of this sacred river, be absolutely sympathetic. This attitude would surmount many difficulties which may and are likely to arise from time to time.

The committee owes a deep debt of gratitude to the Engineers of the Canal Department for their courtesy, kindness, and hospitality and begs to acknowledge the debt with deep thanks.

Dr. Manohar Lal of Aligarh was one of the members of the committee as it was originally constituted and it is a matter for painful reflection that death should have removed him from our midst so prematurely.

The committee cannot deny that a deep religious conviction of the vast majority of the Hindu community centres round "Ganges Mata," that its devotees hold the belief that the sacred stream forms the link between this transitory life and the life to come and further that this heavenly river can secure high spiritual advancement and emancipation. A satisfactory settlement of the situation from the Hindu point of view is bound to produce universal satisfaction and will secure for His Excellency the Governor the lasting gratitude of the entire Hindu community, not only of these provinces but of all parts of India.

We beg to attach to this report a note sent to us by the Hon'ble Lala Sukhbir Sinha, Secretary, All-India Hindu Sabha.

(Sd.) GOKARAN NATH MISRA.

(Sd.) PARMANAND.

(Sd.) NANAK CHAND SHARMA.

*Subject to the note attached hereto.

(Sd.) PARMESHWARI DAYAL AMIST.*

(Sd.) BRIJNANDAN PRASAD MISRA.

(Sd.) MOHAMMAD YUSUF.

(Sd.) SAIYID MUHAMMAD (alias
MAIKU MIAN).

Dated the 17th May, 1922.

NOTE.

ON the invitation of the United Provinces Government I went to Narora on the 7th April, 1922, and joined the meeting of the non-official members of the United Provinces Legislative Council who had come there to investigate and report on the question of free and unobstructed flow of river Ganges down the Narora headworks. The committee has recommended for a flow of 800 cusecs but they have not touched the question of a free and unobstructed flow of water, as was decided at the Hardwar conference in which it was also decided that 600 cusecs was the least amount of water that may be allowed to run in the Ganges to satisfy the Hindu sentiment and therefore 400 was allowed through a notch at the Bhimgoda weir and 200 from an opening in the Mayapur dam. Both these openings have been made there right down to the bed of the river and therefore water passing through them is free and unobstructed. I suggested to the committee that if they would recommend 400 cusecs to pass down Narora, I would see no objection to it as it would be a continuous flow of 400 cusecs from Hardwar down below but they have recommended only 300 cusecs on no other reason than that of revenue. The question of revenue is no doubt an important one but equally important is the fact, that Hindu sentiments that would be injured by the curtailment of water in the river at Narora should not be overlooked. The Lower Ganges Canal, as has been suggested by the committee, does not require more water in the months of March and April as the irrigation of *rabi* crops is over by that time and the cultivation of sugarcane and indigo is not much on this canal. Therefore, by a little more scrutiny in the distribution of water and by feeding this canal from the Upper Ganges Canal at their junction about a few miles down the Narora headworks, the loss of revenue, if any, could be avoided. Hence I strongly urge for the consideration of the Government, that so far as may be possible, a discharge of 600 may be allowed at Narora to satisfy the religious sentiments of millions of Hindus. But if it cannot be found possible then at least 400 cusecs should be allowed to run continuously from Hardwar without any break or diminution at Narora.

2. As regards a free and unobstructed flow, the committee has recommended that substantial portion be allowed to pass through the fish ladder to be called in future Ramdhara and the rest to pass through vent No. 23. I think this recommendation is far from being satisfactory and would suggest that the whole water, *i.e.*, 400 be allowed to pass through this opening Ramdhara by lowering the crest down so much as to allow this 400 pass through it. The Superintending Engineer agreed to lower the crest by about $1\frac{1}{2}$ feet but it should be lowered as much as may allow 400 cusecs to pass.

3. If Government will be pleased to accept these proposals, I think it would be a good case for me as a General Secretary of the Hindu Sabha to make a representation to the Hindu representatives who attended the conference at Hardwar, in order to get their consent and this long-standing disputed question may end in a proper settlement.

(Sd.) SUKHBIR SINHA.

The 26th April, 1922.

As a member of the committee I visited the headworks, Lower Ganges Canal, Narora, in the month of April, 1921. Short notice and urgent unavoidable circumstances prevented me from visiting the place this year with the president and the members of the committee, who went to visit Narora in April last.

What I noticed in the course of my inspection last year was sent in a memorandum to the president and that might be considered as a supplement to my present report.

From the draft report of the committee I differ in some important respects, and it therefore becomes necessary for me to briefly touch them in a separate note. The most essential point of divergence is the volume of water which should be allowed to flow down at Narora in the natural channel. I owe an apology to the president as well as the members of the committee for having to differ from their conclusion respecting the quantity of water for which a concession is required.

In regard for the religious feelings of the Hindus the Government, perhaps, on the suggestion of His Excellency Lord Hardinge arranged for a further concession that the Ganges water would flow unchecked by the work of man's hand from Himanchal to Saugor Islands, and hence at Narora weir also, making allowance for

the Hindu religious susceptibility, a notch (opening of two feet) was made, with a view to allow the flow of natural (source) water into the Ganges channel. This opening would allow about 200 cusecs, had the full volume of water, which could pass through it, been allowed to escape at the time when the river was at its lowest ebb. Perhaps it is a defect in the position of the notch which allows lesser amount of water to pass as the river gets lower. This opening should have been at a level of about 1½ feet lower than its present position and base line.

When we visited Ramghat in April last year we found that water in the Ganges channel there was not more than ankle-deep and on inquiry we learnt that even this depth of water was obtained from percolation in the absence of continuous flow from Narora down Ramghat as was contemplated by Government as mentioned above. The concession that the Ganges water should flow unchecked by the work of man's hand was in fact not given effect to and the cause of grievance remained just the same.

In Magh, 1918, when the Hon'ble Lala Sukhbir Sinha visited Ramghat, he found water nowhere more than two feet deep. In the opinion of Mr. Perrin, the Assistant Engineer, this depth of two feet in the stream at Ramghat was the result of an escape of about 200 cusecs and this may be taken as a correct estimation. From the observation of the committee and the demonstration of the Canal Engineer it may be taken that a discharge of 140 cusecs of water at Narora gave a depth of about a foot at Ramghat bathing place.

Before entering into the calculation as to what depth of water is needed for religious bathing purposes, and what amount of water be discharged at Narora so as to give this particular depth in the Ganges channel at Ramghat, I may be allowed to state that the Ganges channel is wider at Ramghat than it is at Hardwar; and the depth of water which has been considered sufficient for bathing purposes will not be obtained, perhaps, by the discharge of the same volume of water from the weir. This fact will also have to be taken into consideration in our calculation.

In my opinion the required depth of water should be sufficient for a man to bathe in the sitting posture. Now, the average height of a sitting man is about three feet and therefore the depth of a little over three feet may, perhaps, suffice for bathing purposes. Those acquainted with the principles observed by the Hindus in river bathing on the occasions of their religious festivals, know that the bath most valued sanctimoniously is that taken standing while that taken sitting is considered next. But bath taken in any posture other than either of these is worthless and of no benefit from their religious point of view. For this reason I am strongly of opinion that a depth of less than three feet for bathing purposes will not serve a religious purpose.

Next, we have to find out what volume of water should be allowed to flow from the weir at Narora to give a continuous stream of a depth of three feet at least, during the season when the river water is at the lowest ebb. I was told that water of the river is at its lowest from the second week of April to the second week of May, that is before the commencement of snow-melting. If 200 cusecs, as stated by Mr. Perrin, will give a depth two feet 300 cusecs will give the required depth of three feet. But deducting from it the depth of water derived from percolation, 300 cusecs will give a depth of about 2½ feet only. Thus we may correctly estimate that 140 cusecs will give an average depth of one foot only. The demonstration given in April last also corroborated the above calculation, as 140 cusecs then gave a depth of one foot only and thus three feet deep stream will be obtained by volume of water a little more than 400 cusecs. It should not be lost sight of that 200 cusecs were calculated to give two feet depth of water in the stream at Ramghat in the month of March when, as far as our information goes, the river does not reach its lowest ebb as it must have some water already. Thus it can be rightly calculated that in April, when the river is at its lowest, 140 cusecs will give a depth of one foot only. I am, therefore, constrained to assert that any amount of water less than 400 cusecs will neither give the desired result of keeping a continuous flow of the natural stream, nor a depth of three feet at the bathing place at Ramghat.

I beg to conclude with adding a word more. To me as a layman it seems that this amount of water will not cause any great loss to the Irrigation Department, firstly, because the period between the second week of April and the second week of May is the period of not very great demand of the canal water for irrigation purposes. The *rabi* crops become ripe and are ready to be harvested. Only the fields prepared for sugarcane cultivation need irrigation during this period. Sugarcane as compared with *rabi* crops is not very extensively cultivated, and hence the area under sugarcane cultivation is comparatively small; secondly, because there is always surplus water at the head (at Narora) where the width of the Ganges channel at the weir is 4,220

feet ; therefore the flow of 400 cusecs will cause only an unappreciable diminution in the level of water. Besides, economy can be effected by carefully guarding against wastage which, all know, is everywhere seen in the distribution of canal water. The concession of 400 cusecs is much less than 600 cusecs allowed at *Har-ki-pairi* in Hardwar. If any amount less than 400 cusecs is allowed, it will, I am afraid to say, instead of rooting out the cause of grievance of the Hindu community and pacifying their agitation, comb their hair the wrong way. The Hon'ble Lala Sukhbir Sinha deserves our thanks for his having reduced the demand from 600 to 400 cusecs and for his having adopted a reasonable attitude.

(Sd.) PARMESHWARI DAYAL AMIST.

THE committee are fully satisfied that the decisions of the Government of India in regard to the religious conviction of entire Hindu community of India have not yet been given effect to at Narora headworks of the Lower Ganges Canal and that 2-foot notch adjacent to the fish ladder is not only no compliance of the said decision but the committee fear it may reasonably be taken by a large section of the Hindu community as an insult to their religious feeling in the matter. The notch is palpably insufficient to produce a running stream of unobstructed flow of water and is practically useless for that purpose. The committee watched the working of the notch both in April 1921, and April 1922, and on both occasions the average discharge through this opening was not more than 5 cusecs. The committee both in April 1921 and on the present occasion visited Ramghat and examined the condition of the stream at that locality. On either occasion the condition was found most unsatisfactory and to the Hindu mind distressing. Comparatively speaking the condition this year was better as instead of stagnant water in the river opposite Ramghat we found the water flowing. In April 1921 water was nowhere more than ankle-deep, this year in most places it was one foot deep and in few places it was found to be knee-deep. The comparative better condition was the direct result of demonstration by the Irrigation Department as to what result 140 cusecs discharge into the river bed at Narora can produce.

(Sd.) GOKARAN NATH MISRA.

(Sd.) PARMANAND.

(Sd.) B. N. P. MISRA.

(Sd.) NANAK CHAND.

The 9th April, 1922.

THE committee having fully discussed the question of the total quantity of water which can be spared for the river with the engineers, and in full recognition of the claims of the canal for sufficient supply of water for purposes of irrigation, have come to the conclusion that nothing less than 300 cusecs at all times other than when the river is in flood, is necessary if the stream below Rajghat Narora is to be a running stream useful for religious and other purposes of the people. The Hon'ble Lala Sukhbir Sinha who was kind enough, at the instance of the Government, to join the deliberations of the committee adhered firmly to the view that nothing short of 600 cusecs would fully serve the purpose ; but he would on no account reduce the quantity below 400 cusecs, as a compromise, and to keep a continuous flow of 400 cusecs from Hardwar downwards. If the Government could accept this latter figure, the committee have no doubt that the Hindu feeling would be more fully and much better satisfied. The committee is, however, convinced that no quantity below 300 cusecs will satisfy the religious demand and the reduction could only be made by ignoring the wishes of the Hindu public.

(Sd.) GOKARAN NATH MISRA.

(Sd.) PARMANAND.

(Sd.) NANAK CHAND.

(Sd.) B. N. P. MISRA.

The 9th April, 1922.

I WOULD agree to the giving of 300 cusecs of water provided there is not a large loss of revenue ; but I would recommend the giving of 200 cusecs of water in any case.

(Sd.) SYED MUHAMMAD.

Mr. Gaya Prasad Singh : Sir, very seldom is a Resolution passed by the Council of State in the face of Government opposition ; and if any such Resolution was passed by the Council of State, will Government be pleased to state the reasons for treating it with such supreme disregard ?

The Honourable Sir Bhupendra Nath Mitra : I have already given the reasons. We consulted the Provincial Governments, and they gave adequate reasons for not pursuing the matter further. I have already placed on the table a copy of the Report of the United Provinces Committee. If the Honourable Member wants to have any further information, I shall be quite pleased to give it to him.

Pandit Shamlal Nehru : May we know, Sir, what are the reasons given by the Local Government ?

The Honourable Sir Bhupendra Nath Mitra : The reasons are very lengthy. I would ask the Honourable Member to put down a question on paper, and I shall try to summarise the Local Government's reasons.

REMOVAL OF THE IMPERIAL LIBRARY FROM CALCUTTA TO DELHI.

29. ***Mr. Gaya Prasad Singh :** (a) Is there any proposal to remove the Imperial Library from Calcutta to Delhi ?

(b) Will the Government kindly state what sum, if any, is paid annually by the Government of India, and the Bengal Government towards the Library ; and is there any income derived from the Library ? If so, what ?

Mr. J. W. Bhore : (a) The whole question of the future of this Library is under consideration.

(b) No contribution is made by the Bengal Government towards the maintenance of the Imperial Library, nor is any income derived from the Library. The expenditure incurred by the Government of India on this Library during the year 1923-24 was Rs. 68,922 and in 1924-25 Rs. 64,900.

RAILWAY COLLISION AT DIGHWARA.

30. ***Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 785 of the 9th February 1925, regarding the railway collision at Dighwara, will the Government be pleased to make a statement regarding the cause of the accident, the number of casualties, and the steps taken in the matter ?

(b) Will the Government be pleased to lay on the table a copy of the report of the Senior Government Inspector ?

Mr. G. G. Sim : (a) The accident was due to the points not having been correctly set and the staff to blame are being prosecuted. Seven persons were injured, two of whom subsequently died.

(b) The case is *sub judice* at present. When it is finished the substance of the report will be furnished to the Honourable Member.

CONSTRUCTION OF A PERMANENT BRIDGE OVER THE MAHI ON THE BENGAL AND NORTH-WESTERN RAILWAY.

31. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that since the washing away of the iron girder railway bridge over the

Mahi, between Sonepur and Pahleza Ghat, the Bengal and North-Western Railway Company have put up a wooden bridge over which the Railway passes ?

(b) Are Government aware that such a wooden structure is not safe for passenger traffic, specially during the floods and rains ? By what time is it expected that the wooden bridge will be replaced by a more substantial structure ?

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

(b) Government have no reason to suppose that the wooden pile bridge in question is unsafe for traffic. It was opened on the Resident Engineer's safety certificate under sanction from the Senior Government Inspector of Railways and was inspected by the Senior Government Inspector himself. It is used only until the water rises to a certain level when it is closed and an alternative but longer line is opened to Palezaghath.

So long as the northward erosion of the Ganges between Bunwarachak and Palezaghath, which causes large volumes of flood water to be thrown into the Mahi, continues, it is not proposed to build a permanent bridge.

ACTION TAKEN BY THE PATNA HIGH COURT ON THE RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

32. ***Mr. Gaya Prasad Singh :** (a) With reference to my starred question No. 960 of the 20th February last, will the Government be pleased to state what steps, if any, the Patna High Court has taken in the matter of giving effect to the recommendations of the Indian Bar Committee ?

(b) Will the Government be pleased to lay on the table a copy of Rules or Circular, if any, framed by the Patna High Court on this subject ?

The Honourable Sir Alexander Muddiman : (a) and (b). The Patna High Court have framed rules to give effect to certain recommendations of the Indian Bar Committee, and a copy of these is placed on the table.

Rules of the High Court at Patna, 1916, (second edition), Part IV, Chapter XVII, page 133.

Rule 5. (1) The Chief Justice and Judges for the time being present in Patna may, by unanimous resolution at a meeting, resolve that any attorney or vakil shall be, on payment of the stamp duty if any chargeable under any law in force in the province of Bihar and Orissa, admitted to the Roll of Advocates of the Court.

(2) Any vakil of the Patna High Court who has practised as a vakil for a period of not less than ten years shall be entitled to be admitted to the Roll of Advocates of the High Court on payment of the stamp duty above mentioned.

(3) Advocates of the High Court shall take precedence among themselves according to the date of call to the bar or of first enrolment as a vakil in any High Court, whichever date is earlier.

5A. Notwithstanding anything contained in Order III, rule 4 (3) of the First Schedule of the Code of Civil Procedure, 1908, no advocate shall be entitled to make or do any appearance application or act for any person unless he presents an appointment in writing, duly signed by such person or his recognised agent or by some other agent duly authorised by power of attorney to act in this behalf ; or unless he is instructed by an attorney or pleader duly authorised to act on behalf of such person.

Mr. Devaki Prasad Sinha : Are Government aware that the rules framed by the Patna High Court are in certain cases contrary to the spirit of the recommendations of the Indian Bar Committee ?

The Honourable Sir Alexander Muddiman : I should like to have notice of that question. I have not examined the rules.

Mr. Devaki Prasad Sinha : Will Government be pleased to examine the rules ?

The Honourable Sir Alexander Muddiman : If the Honourable Member will put down a question on paper, I shall be pleased to give him a direct answer.

Diwan Bahadur T. Rangachariar : May I ask whether the Government propose to bring forward any legislation on the subject ?

The Honourable Sir Alexander Muddiman : I hope to bring a Bill dealing with this matter.

Diwan Bahadur T. Rangachariar : When may we expect it ?

The Honourable Sir Alexander Muddiman : I hope in this Session of the Assembly.

Mr. Devaki Prasad Sinha : Is the Honourable Member aware that last Session he assured the House that he would bring forward a Bill in that Session of the Assembly ?

The Honourable Sir Alexander Muddiman : I am aware of that, Sir.

CONSTRUCTION OF A RAILWAY TO KARAN PRAYAG IN GARHWAL.

33. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the *Englishman*, dated the 16th April 1925, in which it is stated that " the question of improving communications in the Garhwal District in Kumaon has been engaging the attention of the Local Government for many years now. At a recent meeting of the Board of Communications a number of schemes in this connection were considered, and the Board are of opinion that the best method of giving communication was by a railway to Karan Prayag " ?

(b) Have the Government received any communication on the above subject from the United Provinces Government ? And what steps, if any, do the Government propose to take to introduce a railway into Garhwal, as a means of improving communications ?

Mr. G. G. Sim : The Government have seen the article referred to. They have not received any communication recently from the United Provinces Government on the subject and they have nothing to add to the answer given to the Honourable Member's question No. 529 in the last Session of the Legislative Assembly.

Mr. Gaya Prasad Singh : Will Government be pleased to call for the notes of the said officials ? Government did not give any answer on the last occasion because the question was unstarred and they evaded it.

Mr. G. G. Sim : The Government gave a very lengthy reply to a very lengthy question on that occasion. I am not prepared to furnish any further information on this question.

Mr. Gaya Prasad Singh : Are Government prepared to lay on the table the notes of those officers ? Let them say ' Yes ' or ' No '.

The Honourable Sir Charles Innes : I will answer that question, Sir. The answer is in the negative.

Mr. Gaya Prasad Singh : Will Government kindly state the reasons for treating this matter as confidential ?

The Honourable Sir Charles Innes : The notes are on the Government files, and they are always treated as confidential.

PROVISION OF AN OVERBRIDGE AT MOKAMEH GHAT RAILWAY STATION.

34. ***Mr. Gaya Prasad Singh :** (a) With reference to my unstarred question No. 3 of the 22nd January 1925 regarding the provision of an overbridge at Mokameh Ghat railway station, are Government aware that the inhabitants of villages Quta, Murarpur, Hathi-Dah, Dariapur, Mohenderpur, Maranchi and others submitted a representation, dated 11th February 1922, along with a survey map, to the Agent, Bengal and North-Western Railway, praying for an overbridge at the point where the District Board road has been closed by the railway authorities, and that this representation was supported by the Sub-divisional Officer of Barh, and the District Magistrate and Collector of Patna ?

(b) Will the Government be pleased to call for and lay on the table the notes of the said officers ?

(c) Are Government aware that a second inquiry was held by the Sub-divisional Officer of Barh in April 1924 in consultation with the railway authorities, and that he strongly supported the proposal for an overbridge ?

(d) Is it not a fact that the proposal is also supported by the local educational authorities on the ground that there is a Government Aided High English School on the other side of the railway line, and that the students have to run an imminent risk every day ?

Mr. G. G. Sim : The Honourable Member has brought no new facts to light and the Government have nothing to add to the answer given to him on 22nd January last.

PROCEDURE ADOPTED BY THE BRITISH CONSUL GENERAL, CHICAGO, IN THE CASE OF AN APPLICATION FOR A PASSPORT BY DR. SUDHINDRA BOSE.

35. ***Mr. Gaya Prasad Singh :** (a) Are Government aware that Dr. Sudhindra Bose, a Professor of the American Government University of Iowa, made an application to the British Consul General at Chicago for a passport to visit India, and that the Consul General insisted upon the thumb impression of Dr. Bose on the application ?

(b) Is it not a fact that when Dr. Bose pointed out the indignity involved in the thumb impression, and asked for further information, the Consul wrote to him saying that " the form which was sent to you for making application to proceed to India is that one used in all such cases " ? Will the Government be pleased to find out the exact significance of the phrase " in all such cases " ; and also lay on the table a copy of the Rules on the subject ?

(c) Will the Government be pleased to state whether Dr. Bose had actually to put his thumb impression on the application before he was granted a passport to visit India ?

The Honourable Sir Alexander Muddiman : Government have no information of any recent application on the part of Dr. Bose for a passport to India. Since the decision of the Supreme Court of the United States of America in the case *U. S. A. versus Bhagat Singh Thind*, Dr. Bose's national status, previously that of an American citizen, has become doubtful, and Government have no information as to the procedure adopted by the British officials in the United States in such cases.

Mr. Gaya Prasad Singh : Will Government be pleased to make an effort to obtain the information ?

The Honourable Sir Alexander Muddiman : If the Honourable Member will give some details as to when this gentleman applied for a passport, I shall be pleased to examine the matter further. As I said, I have no information as to whether he applied for a passport or not.

STRIKE ON THE NORTH WESTERN RAILWAY.

36. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to an article published in the *Times of India*, and reproduced in the *Hindustan Times*, dated the 17th May 1925, regarding the strike on the North Western Railway ?

(b) Will the Government be pleased to state the causes of the strike on the North Western Railway, and the steps taken by the Railway Board in the matter ?

The Honourable Sir Charles Innes : The Honourable Member's attention is invited to the press communiqué issued by the Government of India on the 17th June 1925.

ALLEGED GRIEVANCES OF CERTAIN SHAREHOLDERS OF THE IMPERIAL BANK OF INDIA.

37. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the *Anrita Bazar Patrika*, dated the 19th May 1925, in which is published a petition submitted by a number of shareholders of the old Bank of Bengal, and the Imperial Bank of India to the Governor General in Council, detailing certain irregularities and grievances in connection with the said Bank ?

(b) Will the Government be pleased to make a statement on the subject ; and on the steps taken in the matter ?

The Honourable Sir Basil Blackett : The Government have nothing to add to their reply to the petitioners which, the Honourable Member will have doubtless noticed, is also published in the issue of the paper to which he has drawn attention.

INSURANCE BY THE POST OFFICE OF PARCELS CONTAINING GOLD.

38. ***Lala Duni Chand :** (a) Is it true that the Post Offices insure parcels containing gold up to the maximum sum of Rs. 300 only while in the case of other articles they insure up to the maximum sum of Rs. 2,000 ?

(b) Are Government aware that the observance of this rule works a great hardship upon the traders and unduly handicaps their business ?

(c) If the replies to (a) and (b) be in the affirmative, are the Government prepared to take early steps to place the gold parcels on the same footing as other parcels ?

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

(b) and (c). A notification was issued on the 8th instant, raising the limit to Rs. 700 with effect from 1st September next. This limit will cover a whole bar of gold and should meet all practical requirements.

CONSTRUCTION OF A RAILWAY FROM RISHIKESH TO KARANPRAYAG.

39. ***Mr. C. S. Ranga Iyer :** (a) Will the Government be pleased to state whether it is not a fact that a survey was made from Rishikesh to Karanprayag to open a railway line ?

(b) Will the Government be pleased to state what was the expense involved in that railway survey ?

(c) Are the Government aware that pilgrims from all over India take the route surveyed for Badrinath ?

(d) Have the Government abandoned the idea of connecting Rishikesh and Karanprayag by railway ? If so, why ?

(e) If not, when is the railway line likely to be opened ? What steps are being taken in the meantime towards it ?

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

(b) Rs. 1,39,698.

(c) to (f). Government have sanctioned the construction of the Rishikesh Road—Rishikesh section of the Hardwar Karanprayag project. It would no doubt be a great convenience to pilgrims going to Badrinath, if the line were carried on to Karanprayag. But the survey showed that the project could not be justified as a business proposition and as at present advised Government do not propose to undertake it.

CONSTRUCTION OF A TELEGRAPH LINE TO GARBYANG.

40. ***Mr. Gaya Prasad Singh :** Do the Government propose to bring Garbyang, the last station on the British border in closer touch with the plains by laying down a telegraphic line, in view of the increased trade between India and Tibet by the Lipu Lekh route ?

Mr. G. P. Roy : The answer is in the negative.

SETTLEMENT OF INDIANS IN THE LOWLANDS OF KENYA.

41. ***Mr. Gaya Prasad Singh :** (a) Do Government propose to send any representative from India to Kenya to inspect territories in the Lowlands for the settlement of Indians, in accordance with the decision embodied in the White Paper of July 1923 ?

(b) Are the Government aware that Indian opinion is bitterly opposed to the decision embodied in the White Paper ?

(c) Is it not a fact that the demand of the Indians is one of legal right to purchase and sell land in the open market in every part of Kenya ?

(d) Is it not a fact that the Lowlands comprise marshy tract, 95 per cent. of which, according to Doctor Norman Leys, is "useless for human habitation" ?

(e) Will the Government be pleased to lay on the table all correspondence on the subject ?

Mr. J. W. Bhore : (a) No.

(b) and (c). Government are aware that educated opinion in India generally is averse to reservation of areas for particular communities.

(d) The Lowlands do include marshy land but Government have no official information as to the proportion of such land to the total area.

(e) No.

EXPENDITURE ON THE BRITISH LEGATION AT KABUL.

42. ***Mr. Gaya Prasad Singh :** (a) Will the Government kindly state if the whole cost of maintaining the British Legation at Kabul is paid by Indian revenues, and if so, since when ?

(b) What is the annual cost of maintaining the Legation at Kabul, and what is the total cost incurred up to date ?

EXPENDITURE ON THE BRITISH LEGATION AT KABUL.

87. ***Maulvi Muhammad Yakub :** (a) Will the Government be pleased to state the amount of the annual expenditure on the British Consulate in Afghanistan ?

(b) Why is the whole expenditure of the British Consulate in Afghanistan borne by the Indian Exchequer when British Consulates in other countries are financed by the British Government ?

(c) Do the Government of India propose to move the British Government that at least one-half of the expenditure of the British Consulate at Kabul be provided by the British Government ?

EXPENDITURE ON THE BRITISH CONSULATE IN AFGHANISTAN.

101. ***Mr. B. Das :** (a) Will Government be pleased to state the amount of money that has been spent by India on the British Consulate in Afghanistan ?

(b) Is it a fact that all the money spent by that British Consulate is borne by India ?

EXPENDITURE ON THE BRITISH LEGATION AT KABUL.

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

(a) If it is a fact that the Legation at Kabul is maintained from Indian revenues ?

(b) Whether the Minister does not represent the Government of India but the British Government ?

- (c) If so, are they prepared to consider the question of representing the matter to the Secretary of State for India to discontinue the practice of making India pay for the maintenance of the British Legation at Kabul under the existing circumstances ?

Sir Denys Bray : It will be convenient if I am allowed to answer questions 42, 87, 101 and 389 together, as they raise substantially the same issues.

Up to date, Indian revenues have contributed the whole of the expense of the British Legation at Kabul and the Consulates at Kandahar and Jalalabad. Excluding the initial expenditure on the buildings, the average annual cost has been Rs. 4,86,000 ; and the total cost since the inception of the Legation in January 1922 to the end of February last has been Rs. 15,24,000.—that is to say, five or six lakhs less than the cost to India in a single year under the old arrangement. Until recently Afghanistan was in relations with the Government of India only and the cost of the representation at Kabul was naturally met from Indian revenues. Although diplomatic relations between Afghanistan and Great Britain have now been arranged, no revision of the incidence of expenditure has been considered necessary as India is as vitally interested as before. The matter came under fresh review recently and it was held that it would not be in India's interest to alter the incidence at present.

Mr. B. Das : What are the other countries besides Afghanistan where the Government of India bear the cost of the British Legation ?

Sir Denys Bray : There are questions on the paper, I think, substantially the same as the question the Honourable Member has just put me and I would ask him to wait until I am in a position to give him the reply to those.

Mr. Gaya Prasad Singh : Sir, does the Legation at Kabul represent the British Government or the Government of India ?

Sir Denys Bray : Both, Sir, in fact the whole Empire.

Mr. Gaya Prasad Singh : Are Indians eligible for appointment, Sir ?

Sir Denys Bray : I would refer the Honourable Member to a question coming later on, in reply to which I shall substantially cover the ground of the question he is putting me now.

THE KHYBER RAILWAY.

43. ***Mr. Gaya Prasad Singh** : (a) Will the Government be pleased to give the total cost of building the Khyber Railway, and its total length ?

(b) What is the distance left between the extreme north-west point of the Railway and the Afghan border ?

(c) Does not the Railway traverse over tract which is not British territory ?

(d) What is the approximate yearly cost of maintaining the Railway, and what arrangements have been made for its safety ?

Mr. G. G. Sim : (a) The line will be about 26½ miles long and will cost about Rs. 253 lakhs.

(b) The distance between the extreme north-west point of the Railway and the Afghan border is about a mile and a half.

(c) The line lies in tribal territory in the Khyber Agency of the North-West Frontier Province.

(d) The approximate yearly charge for working expenses including provision for depreciation is Rs. 4.42 lakhs. Government are not prepared to give the information asked for in the latter part of this question.

Mr. Gaya Prasad Singh : Was this Railway constructed with the consent of the Afghan Government, Sir ?

ATTACK BY A MOB ON INDIAN RESIDENTS OF GLASGOW.

44. ***Mr. Gaya Prasad Singh :** (a) Has the attention of the Government been drawn to the incident in Glasgow in which eight Indians were attacked by a mob and one was fatally injured ?

(b) Have the Government been able to find out as to who the Indians were, the cause of the assault, and the punishment meted out to the offenders ?

ASSAULT ON INDIAN RESIDENTS OF GLASGOW.

137. ***Diwan Bahadur M. Ramachandra Rao :** With reference to the statement published in the Press by the Government of India explaining the circumstances resulting in the death of an Indian in Glasgow, will the Government be pleased to state :

- (a) whether the British Government have taken any steps to find out the causes which lead to this unprovoked assault ;
- (b) whether it is a fact that out of the 9 persons taken into custody 6 were liberated ;
- (c) whether any convictions have been made in the British Courts in respect of this murder and assault on Indians ;
- (d) what compensation has been made to the widow of Noor Mohamed by the assailants or by the British Government ; and
- (e) whether the Government of India have made any representation to the Government of Great Britain in regard to the protection of life and property in Great Britain of persons owning Indian nationality ?

ASSAULT ON INDIAN RESIDENTS OF GLASGOW.

255. ***Mr. R. K. Shanmukham Chetty :** (1) Has the attention of Government been drawn to a Reuter's report which appeared in the Indian press about the attack on some Indians residing at Glasgow ?

(2) Have Government made any inquiries about the incident and the real causes of the attack ? If so, will Government be pleased to enlighten the House on these points ?

The Honourable Sir Alexander Muddiman : Sir, with your permission, I should like to reply not only to question 44 but also to questions 137 and 255, which raise the same point.

All the information possessed by the Government of India regarding the incident referred to in the questions was given in the Communiqué which was issued on the 16th June 1925, and of which a copy has been placed on the table. That Communiqué, I may say, was based on the report of the Glasgow Committee. The trial of the offenders will begin on the 31st instant and, when the result is known, it will be published. Government have no information as to the grant of compensation to the deceased's widow who is a native of Ireland, and do not consider that the case requires any special representation regarding the protection of Indians in Britain.

COMMUNIQUE.

The following statement received by the Government of India of the circumstances, as known to the Glasgow police, which resulted in the death of an Indian in Glasgow on the 16th May 1925, is published for general information :

“ On the night of Friday, 15th May 1925, three men visited the house of Nathoo Mohammad, at 5, Clyde Street, Glasgow, and tried to sell him two daggers. He refused to buy them and the men went away quietly.

About 10-30 P.M., the following day, three young men called at Nathoo Mohammad's house demanding to see some of his merchandise, but Nathoo refused them admittance. They forced their way in, and by their threats put him into such a state of fear and alarm that he ran out of the house, through a back entrance, and took shelter in a house at 56, Water Street, about 30 yards away. This house was occupied by an Indian, Sandhi Din, and six other Indians. At least two of the three men followed him to 56, Water Street, and, when they arrived there, they knocked at the door. In answer to the knock deceased Noor Mohammad opened the door, and he was immediately seized by the lapels of the coat and dragged out of the house to the stair, where he was stabbed on the left breast with a dagger. His friends carried him into the house, and later he was removed to the Royal Infirmary for attention. It was decided to operate immediately but he died while being prepared for the theatre.

The assailants, reinforced by twelve or fourteen other persons, are said to have returned later, broken into the house at 56, Water Street, and to have stolen £16 of merchandise belonging to three of the Indians. Nine men and a woman were taken into custody in connection with the affair. Six of the arrested persons were liberated later.

The daggers offered for sale have been recovered and one of them is undoubtedly the weapon which caused the death of the deceased Noor Mohammad.

A post mortem examination was held on the body of the deceased on the 18th May and his friends made arrangements for his interment in a local cemetery in strict accordance with their religious observations.

The Indians were pedlars and very inoffensive people. Nathoo Mohammad is married to a woman who is a native of Northern Ireland. The District in which they lived is a very poor locality of the lower working class.”

HOME DEPARTMENT,
Simla, the 16th June 1925.

GRANT OF INCREASED PAY AND ALLOWANCES TO EMPLOYEES OF THE GOVERNMENT OF INDIA.

45. *Raja Raghunandan Prasad Singh : In view of the recommendations of the Lee Commission in regard to the pay and prospects of the I. C. S. and I. M. S., do the Government propose to increase the pay and allowances of the employees of the Government of India ? If not, why not ?

The Honourable Sir Alexander Muddiman : If the Honourable Member refers to the clerical establishments of the Government of India

the reply is in the negative. The recommendations in question are not applicable to these establishments.

CONSTRUCTION OF A SHED OR WAITING HALL FOR THIRD CLASS PASSENGERS AT GAYA RAILWAY STATION.

46. *Raja Raghunandan Prasad Singh : (a) Are the Government aware that Gaya is one of the most important places of pilgrimage for Hindus and Buddhists and that there is no shed or waiting hall for third class passengers at the railway station at Gaya ?

(b) Do the Government propose to issue instructions for the early provision of such a shed or hall at the Gaya railway station ?

The Honourable Sir Charles Innes : (a) and (b). The Government of India can express no opinion on the question whether a waiting hall or shed for third class passengers is necessary at Gaya. They have, not sufficient local knowledge. No provision for the work has been made in this year's budget, but a copy of the question and answer will be forwarded to the Agent in order that he may consider whether we should make provision for it in the budget for 1926-27.

CIGARETTE SMOKING IN GOVERNMENT OFFICES.

47. *Raja Raghunandan Prasad Singh : Is cigarette-smoking allowed in Government offices ?

The Honourable Sir Alexander Muddiman : There are no general rules on the subject, which is a matter within the discretion of the head of each office.

NUMBER OF INDIANS EMPLOYED IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA, LONDON.

48. *Raja Raghunandan Prasad Singh : Will the Government be pleased to state how many Indians are employed in the High Commissioner's Office, London, and on what pay ?

The Honourable Sir Charles Innes : Thirty, of which six are Anglo-Indians. Their pay ranges between £750 a year and 45s|3d a week.

TELEPHONE CONNECTION BETWEEN DELHI AND PATNA.

49. *Raja Raghunandan Prasad Singh : Do Government propose to establish a telephone system between Delhi and Patna ? What progress, if any, has been made in giving effect to the proposal ?

Mr. G. P. Roy : A proposal to establish a trunk telephone service between Delhi and Patna is under consideration. Experiments are being made to see if two existing wires can be used for the service so that no fresh Capital Expenditure need be incurred.

RECOMMENDATIONS OF THE INDIAN BAR COMMITTEE.

50. *Raja Raghunandan Prasad Singh : Will the Government be pleased to state from when the recommendations of the Indian Bar Committee will be given effect to by the Patna High Court ?

The Honourable Sir Alexander Muddiman : Rules have been framed by the Patna High Court to give effect to certain recommendations of the Indian Bar Committee, and the Honourable Member is referred to the answer given to-day to Mr. Gaya Prasad's question No. 32.

PERCENTAGE OF INCREASE IN THE PURCHASE OF IRON AND STEEL OF INDIAN ORIGIN.

51. ***Mr. B. Das :** (a) Will Government be pleased to state the tonnage of iron and steel of Indian origin purchased :

- (i) by the Indian Stores Department,
- (ii) by the Railway Board for Indian State Railways,
- (iii) by other Railways of India,

during the years 1923-24 and 1924-25 ?

(b) Will Government be pleased to state the percentage of increase in the purchase of iron and steel of Indian origin during the year 1924-25 ?

The Honourable Sir Bhupendra Nath Mitra : Iron and steel of Indian origin purchased by the Indian Stores Department during the years 1923-24 and 1924-25 amounted respectively to 411 tons and 1,483 tons. Similar information in respect of purchases made by the Railways is not available, nor consequently can the percentage mentioned in part (b) of the Honourable Member's question be worked out. The attention of the Honourable Member is, however, invited to Appendix A to Vol. II of the Report by the Railway Board on Indian Railways for 1923-24 which gives the value of various classes of stores purchased by the principal Railways in that year. Similar information will be given in the Report for 1924-25.

IMPORTS OF FOREIGN IRON AND STEEL.

52. ***Mr. B. Das :** (a) Is it not a fact that the import of continental steel to India went up very high last year ?

(b) Will Government be pleased to give a comparative statement of imports of iron and steel of :

- (i) British origin,
- (ii) Continental origin, and
- (iii) American origin,

during the years 1922-23, 1923-24 and 1924-25 ?

(c) Will Government be pleased to state what percentage of these imports was utilised by the Central and Provincial Governments on their railways and development schemes ?

The Honourable Sir Charles Innes : (a) and (b). A statement is laid on the table which gives the information for which the Honourable Member has asked. But if his intention is to find out to what extent the tariff policy of Government in regard to the protection of the steel industry has been effective, the statement will not be of much use to him. Indeed it is rather misleading. I may mention, for instance, that private imports of steel bars (excluding bars made from cast steel) which amounted to 120,000 tons in the first half of 1924, declined to 90,000 tons in the second half of 1924 and to 52,000 tons in the first half of 1925. There has also been a decline in the imports of steel angles and tees and of beams, girders and bridgework. Imports of corrugated galvanized sheets, on the other hand, have increased.

(c) The information is not available.

Statement showing the quantity of pig iron and manufactured iron and steel imported into India during the three years ending 1924-25.

Countries whence imported.	1922-23.		1923-24.		1924-25.	
	Pig iron.	Manufactured iron and steel.	Pig iron.	Manufactured iron and steel.	Pig iron.	Manufactured iron and steel.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
United Kingdom	8,736	349,451	3,284	421,211	2,147	436,481
Continent	3,874	341,417	499	305,357	1,278	409,702
United States of America.	100	38,135	..	18,179	..	16,863

BOUNTIES ON STEEL.

53. ***Mr. B. Das :** (a) Will Government be pleased to state the total amount of bounty given to Indian manufacturers during 1924-25 ?

(b) Will Government be pleased to state if the bounty system has helped the development of the Indian steel industry ?

(c) Will Government be pleased to lay on the table all correspondence with Indian manufacturers of steel after the bounty was sanctioned ?

The Honourable Sir Charles Innes : (a) Rs. 60,79,136.

(b) The Honourable Member has no doubt seen the speech of the Chairman of the Tata Iron and Steel Company at the Annual general meeting of the Company on the 4th of June last. In that speech the Chairman specially said that, had it not been for the bounties which it had received from the Government, the Tata Iron and Steel Company would have been hard put to it to find the necessary money to keep itself alive.

(c) The Government are not prepared to lay the correspondence on the table.

Mr. B. Das : Are Government, who are the custodians of the taxpayers, satisfied that this bounty has helped the Indian Steel Industry ?

The Honourable Sir Charles Innes : Thoroughly satisfied.

CRISIS IN THE COTTON MILL INDUSTRY.

54. ***Mr. B. Das :** (a) Are Government aware of the acute tension in the cotton mill industry of India ?

(b) Will Government be pleased to state how many cotton mills have so far stopped their working and how many have gone into liquidation ?

(c) Will Government be pleased to state :

(i) the amount of capital thus made idle,

(ii) the number of millhands thus made idle ?

The Honourable Sir Charles Innes : (a) The Government of India are aware of the difficulties under which the Indian mill industry at present labours.

(b) and (c). The Government of India understand that between the 1st of April and the 31st of July 1925 four Bombay cotton mills employing about 4,800 hands have closed down. They are not aware of any Bombay cotton mill having gone into liquidation.

They are not in possession of similar statistics for the rest of India, nor have they complete information regarding the paid up capital of the mills closed down.

ABOLITION OF THE COTTON EXCISE DUTY.

55. ***Mr. B. Das :** (a) Will Government be pleased to state the amount of income-tax derived from the cotton mill industry during the years 1923-24 and 1924-25 ?

(b) Will Government be pleased to state the amount of cotton excise duty derived during the years 1923-24 and 1924-25 ?

(c) Will Government be pleased to state the amount of income-tax and cotton excise duty they now expect from the cotton mill industry taking into account the present crisis ?

(d) Is it not a fact that the high rate of exchange has automatically raised by 12 per cent. the prices of Indian manufactured cotton goods ?

(e) Will Government take steps to carry out the recommendations of the Assembly in abolishing the cotton excise duty ?

The Honourable Sir Basil Blackett : (a) and (c). Separate figures are not compiled regarding the income-tax collected from particular industries. The estimated proceeds of the cotton excise duty in 1925-26 are, as the House is already aware, Rs. 215 lakhs.

(b) The revenue derived from cotton excise duty (gross) during the years 1923-24 and 1924-25 was Rs. 1,56,52,000 and Rs. 2,18,22,000 respectively.

(d) I do not follow the Honourable Member's reasoning, but I think I can confidently say that the answer is in the negative.

(e) The Government intend to remove this duty as soon as financial considerations permit.

Mr. M. A. Jinnah : Sir, may I ask the Honourable Member whether the Government are prepared to suspend this duty in view of the dangerous condition of this industry in the Bombay Presidency ?

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

RUPEE TENDERS FOR INDIAN STORES.

56. ***Mr. B. Das :** Will Government be pleased to state if they have come to a decision on the question of Rupee Tenders for Indian stores ?

The Honourable Sir Bhupendra Nath Mitra : No, Sir, but I can assure the Honourable Member that the question is receiving active consideration.

Mr. B. Das : Have not the Government taken a very very long time to come to a decision on this matter ?

The Honourable Sir Bhupendra Nath Mitra : Whether they have taken a very very long time or not is of course a matter of opinion, judging from the extremely important nature of the question.

Mr. B. Das : May I remind the Honourable Member that the Government did not take more than a few days to come to a decision over one part of the Lee Commission's Report, while this Report and other Reports are shelved for years and years ?

The Honourable Sir Bhupendra Nath Mitra : The Lee Commission's Report made certain specific recommendations. Here the recommendation was on general lines and it necessitates the working out of a working scheme.

Sir Purshotamdas Thakurdas : Will Government be pleased to state, Sir, the difficult part of the question which has necessitated all this delay ?

The Honourable Sir Bhupendra Nath Mitra : I think, Sir, I gave a complete reply on that point in the Delhi Session of the Assembly. I have not got the papers here before me and if the Honourable Member will kindly put a question to that effect on the agenda, I shall no doubt be able to give him a complete reply.

Sir Purshotamdas Thakurdas : Will the Honourable Member be pleased to state how many months or years more the Government are likely to take before they solve the difficulties which they indicated in the reply at Delhi ?

The Honourable Sir Bhupendra Nath Mitra : I am not in a position to make any definite reply to the Honourable Member's question. As soon as we are in a position to solve the difficulties, necessary action will be taken.

Sir Purshotamdas Thakurdas : May I ask the Honourable Member if this Assembly may expect the question to be solved before, say, the Honourable Member's term of office expires ? (Laughter.)

The Honourable Sir Bhupendra Nath Mitra : I am not in a position to give the Honourable Member any assurance of such a kind.

Sir Purshotamdas Thakurdas : May I ask the Honourable Member whether the delay lies with the Secretariat in India or with the India Office in London ?

The Honourable Sir Bhupendra Nath Mitra : The matter is still under consideration with the Government of India. I can assure the Honourable Member that the India Office is not in any way concerned with the delay.

Sir Purshotamdas Thakurdas : May I ask the Honourable Member if the India Office will eventually require to be consulted at all ?

The Honourable Sir Bhupendra Nath Mitra : That depends on whether we are going to take any action which will contravene the present provisions of the Stores Purchase Rules, which are statutory rules approved by the Secretary of State in Council with reference to the Government of India Act.

Sir Purshotamdas Thakurdas : Has the process at all been examined, Sir, and is it likely that reference will be necessary to the India Office ?

The Honourable Sir Bhupendra Nath Mitra : I shall say that as the rules now stand, a reference will be required.

Sir Purshotamdas Thakurdas : When will that begin, Sir ? If the Government of India are likely to take so many months and years, when will the process of reference to the India Office start ?

The Honourable Sir Bhupendra Nath Mitra : As soon as the Government of India have come to a conclusion in the matter.

Diwan Bahadur M. Ramachandra Rao : How long will it still take, Sir, after the reference is made ?

The Honourable Sir Bhupendra Nath Mitra : I am not in a position to say how long the Secretary of State for India in Council will take to decide the matter.

Diwan Bahadur M. Ramachandra Rao : May I ask you, Sir, taking into consideration the fact that this matter has been before the Government of India for 18 months, how long the Government of India propose to consider this matter actively ?

The Honourable Sir Bhupendra Nath Mitra : I have already given a reply to that question that I am not yet in a position to commit the Government of India in any way in the matter.

Diwan Bahadur M. Ramachandra Rao : Can you give us an approximate period during which this will still have to be considered ?

The Honourable Sir Bhupendra Nath Mitra : I regret I am unable to make any definite statement on the subject.

Mr. B. Das : Is it not the fact that the wheels of the Government of India move very very slowly ?

The Honourable Sir Bhupendra Nath Mitra : That is a matter of opinion, Sir.

Pandit Shamlal Nehru : What is the difficulty the Government of India find in the matter ?

The Honourable Sir Bhupendra Nath Mitra : I think, Sir, I have already answered that question.

Mr. Jamnadas M. Mehta : Has the Honourable Member made any progress between Delhi and now ?

The Honourable Sir Bhupendra Nath Mitra : I can assure the Honourable Member that sufficient progress has been made.

Mr. Jamnadas M. Mehta : Will the Honourable Member tell the House what it is ?

(Several other Honourable Members also rose to put supplementary questions.)

Mr. President : Order, order.

EUROPEANS AND INDIANS IN THE INDIAN STORES DEPARTMENT.

57. ***Mr. B. Das :** (a) Will Government be pleased to state if they have carried out the recommendations of the Indian Stores Committee in recruiting Indians exclusively for the Indian Stores Department ?

(b) Will Government be pleased to give :

(i) the number of Indians holding berths in the Indian Stores Department and drawing salary above Rs. 500,

(ii) the number of Europeans ?

(c) Will Government be pleased to state the number of permanent posts which have gone so far to Indians and Europeans in this Department ?

The Honourable Sir Bhupendra Nath Mitra : (a) It is not yet practicable to staff the Indian Stores Department exclusively by Indians, nor did the Stores Committee recommend this.

(b) The number of Indians (including statutory Indians) employed in the department in posts whose pay or maximum pay exceeds Rs. 500 is 22. The number of Europeans employed in similar posts is 26.

It may be observed that the question of making further appointments of Indians is at present under consideration.

(c) It is assumed that the Honourable Member refers to the higher appointments in the Stores Department and to the status of individuals rather than to that of the posts which they fill. The answer is that up to date 6 Indians (including statutory Indians) and 6 Europeans have been given permanent appointments in posts the maximum salary of which exceeds Rs. 500.

Mr. A. Rangaswami Iyengar : Is the Honourable Member in a position to state at least in this case when the consideration of the Government of India will terminate so that we may have something to go upon ?

The Honourable Sir Bhupendra Nath Mitra : I am not in a position to make any statement on the subject, but I am pretty certain that some other Members of this House know what the precise position is.

Mr. B. Das : Was it not one of the definite recommendations of the Stores Purchase Committee that Europeans should be temporarily engaged till Indians are properly trained to occupy permanent positions ? How is it that 6 permanent Europeans have been appointed to this Department ?

The Honourable Sir Bhupendra Nath Mitra : It was one of the recommendations of the Stores Purchase Committee that Europeans should be employed temporarily in certain appointments, but there are certain other appointments in which it was necessary to make permanent appointments of Europeans. They were borrowed from other Departments of the Government of India.

Pandit Shamlal Nehru : Regarding these 6 appointments of Europeans—perhaps they were “statutory natives” of India.

The Honourable Sir Bhupendra Nath Mitra : No, not the Europeans ; certainly not.

PUBLICATION OF THE ADMINISTRATION REPORT OF THE INDIAN STORES DEPARTMENT.

58. ***Mr. B. Das :** (a) Will Government be pleased to state when they will publish the Administration Report of the Indian Stores Department for 1924-25 ?

(b) Will Government be pleased to see that such Reports are published every year before the September Session to enable the House to discuss these in that Session ?

The Honourable Sir Bhupendra Nath Mitra : (a) The report for the year 1924-25 has been drafted and will shortly be published.

(b) The reply is in the affirmative.

NUMBER OF INDIANS IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA,
LONDON.

59. *Mr. B. Das : (a) How many Indians are employed in the High Commissioner's office besides the present High Commissioner ?

(b) Will Government be pleased to state :

- (i) the percentage of Indians in the High Commissioner's office,
(ii) the percentage of salary that Indians draw of the total expenditure on the High Commissioner's office in London ?

The Honourable Sir Charles Innes : (a) Thirty of which six are Anglo-Indians.

(b) (i). Approximately 8 per cent.

(b) (ii). The Government of India are not in possession of all the details which would enable them to answer this question.

Mr. B. Das : Will the Honourable Member invite the details from the Secretary of State ?

The Honourable Sir Charles Innes : At present, Sir, I do not think that I should be justified in putting the High Commissioner to the trouble of furnishing these details.

EXPENDITURE ON THE INDIAN STORES DEPARTMENT AND THE LONDON STORES DEPARTMENT.

60. *Mr. B. Das : (a) Will Government be pleased to state the amount of annual expenditure on :

- (i) the Indian Stores Department,
(ii) the London Stores Department ?

(b) Has there been any decrease in the expenditure of the London Stores Department since the formation of the Indian Stores Department ?

The Honourable Sir Bhupendra Nath Mitra : (a) A statement giving the information required is laid on the table.

(b) The reply is in the negative.

Statement.

	Actual expenditure during 1923-24.	Actual expenditure during 1924-25.	Budget grant for 1925-26.
Indian Stores Dept.	Rs. 9,22,713	Rs. 10,26,027 (up to March 1925 preliminary).	Rs. 14,13,000
<i>London Stores Dept.—</i>	£	£	£
Stores Dept. proper	1,18,000	1,18,500	1,03,000 (a)
Charges on account of Consulting Engineers and professional inspections.	28,700	21,900	53,000
Portions of accounts and contingent charges of High Commissioner's office incurred on account of the Stores Department.	8,300	8,700	10,800
	1,55,000	1,49,100	1,66,800 (b)

(a) Estimates for the current year allow for expected recovery of £20,000 on account of packing charges which will henceforth be added to cost of stores and so transferred to services concerned.

(b) Estimates for 1925-26 include the additional expenditure involved by the transfer of work connected with the East Indian and Great Indian Peninsula Railways.

TRANSFER OF THE CONTROL OF THE SECRETARY OF STATE OVER THE LONDON STORES DEPARTMENT TO THE GOVERNMENT OF INDIA.

61. ***Mr. B. Das :** (a) Have Government come to any decision regarding the transfer of control of the Secretary of State over the London Stores Department to the Government of India ?

(b) Will Government inform the House of the opinions of the present High Commissioner and his predecessors on this question ?

(c) Will Government be pleased to lay on the table of the House all correspondence between the Secretary of State and Government of India on the subject ?

The Honourable Sir Bhupendra Nath Mitra : (a) The London Stores Department is not, and has not, since the 1st October 1920 been, under the control of the Secretary of State for India.

(b) and (c). Do not arise.

INTERCHANGE OF STAFF BETWEEN THE INDIAN STORES DEPARTMENT AND THE LONDON STORES DEPARTMENT.

62. ***Mr. B. Das :** (a) Is there in practice any system of interchange of staff in the services of the Indian Stores Department and the London Stores Department ?

(b) Will Government depute Indian officers of the Indian Stores Department to London to acquire technical experience of that office ?

The Honourable Sir Bhupendra Nath Mitra : (a) No.

(b) Not at present.

Mr. B. Das : Is there any technical objection to training Indians from India technically in the London Stores Office ? The Honourable Member replied " Not at present ".

The Honourable Sir Bhupendra Nath Mitra : The objection is, firstly expense, and secondly the want of any clearly established necessity.

PURCHASE OF RAILWAY STORES THROUGH THE INDIAN STORES DEPARTMENT.

63. ***Mr. B. Das :** (a) Will Government be pleased to inform the House whether the Honourable Member of Commerce on behalf of the Railway Board and the Chief Controller of Stores have come to any definite understanding regarding the purchase of railway stores through the Indian Stores Department ?

(b) Are the State Railways reducing their Stores Department staff in view of the settled policy that stores should be purchased through the Indian Stores Department ?

The Honourable Sir Bhupendra Nath Mitra : (a) The Honourable Member is referred to the reply given in this House on the 18th September 1924 to his question No. 2182 on the same subject and to heads (f) and (g) of the reply given on the 17th September 1924 to question No. 2135 by Mr. Neogy, which was mentioned therein. As a result of the issue by the Railway Board of their letter No. 1644-S., dated the 28th May 1924, to the State-worked Railways and of personal discussions between the Chief Controller of Stores and the agents of these Railways, an agreement was arrived at that the State Railways would purchase certain classes of

stores through the medium of the Indian Stores Department. Contracts to the value of about Rs. 25½ lakhs were placed by the Indian Stores Department on behalf of State Railways and about Rs. 20½ lakhs on behalf of the East Indian and Great Indian Peninsula Railways during the last financial year.

(b) The reply is in the negative, as Railways do not have special stores staff to deal with purchase of stores solely, as apart from receiving, storing and distributing stores.

PURCHASE OF RAILWAY STORES.

64. *Mr. B. Das : Will Government be pleased to state what amount of orders the various State and Guaranteed Railways have passed to-- (i) Indian Stores, (ii) London Stores, during the years 1923-24 and 1924-25 ?

The Honourable Sir Bhupendra Nath Mitra : A statement giving the information asked for is laid on the table :

Year.	Railway managed by	VALUE OF ORDERS PLACED BY	
		Indian Stores Department.	London Stores Department.
		Rs.	Rs.
1923-1924	The State	9,38,000	2,84,72,000
	Guaranteed Companies ..	Nil	Nil
1924-1925	The State	25,52,000	1,15,41,000
	Guaranteed Companies ..	20,86,000	Nil

In 1923-24 the Indian Stores Department purchased on behalf of State-managed Railways 3.3 per cent. of the value of stores bought for them by the London Stores Department ; this percentage rose to 22.1 per cent. in 1924-25. In the latter year they also began to make substantial orders for Company-managed railways.

PERSONNEL AND TERMS OF REFERENCE OF THE SKEEN COMMITTEE.

65. *Mr. B. Das : (a) Will Government be pleased to inform the House regarding the personnel and terms of reference of the proposed Military Committee that was announced in the House by the Honourable the Home Member ?

(b) When will this Committee commence its deliberations ?

Mr. E. Burdon : (a) The Honourable Member is referred to the announcement which was made in the Press on the 8th July 1925. Since then however another member has been added to the Committee, namely, Captain Bala Sahib Daffe.

(b) The Honourable Member is, no doubt, aware that the Committee has already commenced its deliberations.

Mr. B. Das : I may tell the Honourable Member that I wish I could congratulate the Government on the personnel of other Committees as I do of the Skeen Committee. (Cries of " Order, order ".)

Mr. President : What is the Honourable Member's question ? (No question having been put). Question No. 66.

REDUCTION OF INTERMEDIATE AND THIRD CLASS FARES ON THE KALKA SIMLA RAILWAY.

66. ***Raja Raghunandan Prasad Singh :** (a) Is it a fact that third class and intermediate class fares on the Kalka Simla Railway are double the fares of the East Indian Railway ?

(b) If so, will Government kindly consider the desirability of reducing the fares ?

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

(b) Rates and fares on the Kalka Simla Railway are higher than those charged on main lines in the plains for reasons which should be obvious and a reduction in these fares is not at present contemplated.

INCREASE OF FREE ALLOWANCE OF LUGGAGE ON THE KALKA SIMLA RAILWAY.

67. ***Raja Raghunandan Prasad Singh :** Will Government be pleased to say why in proportion to the increase of fares on the Kalka Simla Railway the free allowance of luggage was not also correspondingly increased ?

Mr. G. G. Sim : The Honourable Member is referred to the discussion on the subject of luggage allowances in this House on the 28th February last.

INCREASE OF FREE ALLOWANCE OF LUGGAGE ON THE KALKA SIMLA RAILWAY.

68. ***Raja Raghunandan Prasad Singh :** (a) Are Government aware that Simla being a hill station passengers have to carry with them heavy winter clothing for their protection ?

(b) Are beddings allowed free of charge on the Kalka Simla Railway as they are on the East Indian Railway ?

(c) If the answer to (b) is in the negative, will Government kindly allow beddings to be carried free of charge on the Kalka Simla Railway ? If not, why not ?

(d) Will Government also kindly allow an increase in the weight of luggage allowed free of charge ?

Mr. G. G. Sim : The limited size of the carriages on the Kalka Simla Railway permits of passengers taking only small packages into the compartment with them. For the convenience of the passengers themselves bulky articles are required to be booked and carried in the luggage van, and bedding is not usually required for journeys on the Kalka Simla Railway. In the circumstances Government do not propose to alter the existing rules.

LUGGAGE RATES ON THE KALKA SIMLA RAILWAY AND THE EAST INDIAN RAILWAY.

69. ***Raja Raghunandan Prasad Singh** : Will Government kindly say what the luggage rate is on the Kalka Simla Railway and on the East Indian Railway ?

Mr. G. G. Sim : The information asked for is given in the coaching tariffs of the respective railways, which are available to the public.

REDUCTION OF THE INLAND RATES ON TELEGRAMS.

70. ***Raja Raghunandan Prasad Singh** : Do Government propose to reduce at an early date the inland telegram rates ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : No. As the Honourable Member is no doubt aware our estimates for the current year anticipate a loss of about Rs. 60,000 on the working of the Postal and Telegraph Department, and we cannot afford to take any step which would add to that loss.

NUMBER OF BIHARIS HOLDING KING'S COMMISSIONS IN THE INDIAN ARMY.

71. ***Raja Raghunandan Prasad Singh** : Will Government be pleased to state the number of Bihari Hindus, Muhammadans and Christians, who have been granted the King's Commission in the Indian Army during the last 4 years ?

Mr. E. Burdon : The number of Biharis, of the denominations mentioned, who have been granted King's commissions during the year 1921 to 1924 is as follows :

Hindu	1.
Muhammadans	None.
Christians	None.

EVICTED FROM THEIR QUARTERS OF THE STRIKERS OF THE BENGAL AND NORTH WESTERN RAILWAY.

72. ***Raja Raghunandan Prasad Singh** : (a) Is it a fact that the strikers of the Bengal and North Western Railway have been evicted from their quarters with their children and womenfolk and forcibly driven into the open streets ?

(b) If the answer to (a) is in the affirmative, will Government be pleased to say whether this was done with the concurrence of the railway authorities at Simla ?

The Honourable Sir Charles Innes : The answer to part (a) is in the negative. Part (b) therefore does not arise.

CADET COLLEGES AND MILITARY TRAINING SCHOOLS IN INDIA.

73. ***Raja Raghunandan Prasad Singh** : How many cadet colleges and military training schools are there in India ?

Mr. E. Burdon : There is no military cadet college in India. The only military school at present in existence is the " Prince of Wales' Royal Indian Military College ", Dehra Dun.

It is also intended to open two schools, called the King George's Royal Indian Military Schools, for the sons of certain categories of soldiers at Jhelum and Jullunder in September of this year. These schools, however, are not Cadet Colleges.

ALLEGED DEATH FROM THIRST OF A RAILWAY PASSENGER AT NOWSHERA.

74. ***Raja Raghunandan Prasad Singh** : (a) Is it a fact that a passenger who was travelling from Peshawar Cantonment became overpowered with thirst on reaching Peshawar City and there was no *bhistie* or water carrier, and the poor man died of thirst at Nowshera station ?

(b) If the answer be in the affirmative, will Government be pleased to say what action they have taken in the matter to stop the future recurrence of such incidents ?

Mr. G. G. Sim : (a) and (b). Government have no information. But since Peshawar City station is only 3 miles from the Cantonment Station, the chance of a passenger becoming overpowered with thirst in this short journey appears to be remote.

GRIEVANCES OF THE OLD AND PERMANENT TRADERS OF THE KASAULI CANTONMENT.

75. ***Lala Duni Chand** : 1. (a) Is it a fact that on 14th September 1910, the residents of Sadar Bazar and Market Bazar, Kasauli Cantonment, had made a representation to the Cantonment Committee to the effect that the proposed building of sheds near the Market was a menace to the prosperity of the old and permanent traders of Kasauli and, on this, they were assured that the sheds or stalls proposed to be built were meant only for meat, egg and fowl sellers and petty vegetable sellers and will not be allowed to be converted into regular shops for the sale of other articles ?

(b) Is it true that, contrary to the undertaking given in 1910, the Cantonment Committee not only built more stalls but converted several of them into regular shops and, consequently, again a representation was made to the Cantonment Committee against further encroachments upon the rights of old and permanent traders of the Cantonment and for the removal of the shops so built and on this the Cantonment Committee had passed a resolution on 16th February 1923 agreeing not to build any more stalls ?

(c) Is it true that again, contrary to the second undertaking given as above stated, the Cantonment Committee has built more stalls and extended the existing ones ?

2. (a) Is it a fact that the occupiers of the above stalls are only such persons as go up to Kasauli during the summer for business and do not contribute much to the taxes of the Cantonment, while the old and permanent traders of Sadar, and Market Bazars constitute the main source of income and prosperity of the Cantonment ?

(b) If the facts, as given in parts 1 and 2 (a) above, are correct, will the Government be pleased to state whether the building of stalls and shops has injuriously affected the business of the old and permanent traders of the Cantonment ; and, if so, are the Government prepared to take adequate steps to redress the grievances of the said traders, and among

other things to direct the Cantonment Committee to limit the use of these stalls and shops only for the purposes of being used for selling meat, eggs, fowls, and vegetables as originally intended ?

Mr. E. Burdon : 1. (a) The Government are informed that no such undertaking as that referred to by the Honourable Member was given by the Cantonment Committee in reply to the representation in question.

(b) As stated in part (a) no such undertaking was given by the Cantonment Committee in 1910. In February 1923 the Committee, however, decided that no further building should be allowed to take place in the Cantonment market.

(c) No, Sir. Only the beef market has been re-built this year and the mutton stalls have been removed and replaced by a properly constructed building.

2. (a) The answer is in the negative.

(b) Does not arise in view of my replies to the other parts. I would, however, observe that it is not the policy of Government to interfere in details of internal administration of cantonments.

Lala Duni Chand : Will Government be pleased to send for the records to see if I am not in the right ?

Mr. E. Burdon : No, I do not think it would be desirable to do so. I am perfectly satisfied with the report and the copies of the records which I have received.

Lala Duni Chand : When I give an assurance that there are records you should further satisfy yourself.

ELECTION OF MEMBERS TO THE CANTONMENT BOARD, KASALI.

76. ***Lala Duni Chand :** (a) Is it a fact that, under the new Cantonment Act, the privilege of election of members to the Cantonment Board, Kasali, has not been conferred upon the inhabitants of the Cantonment ?

(b) Do the Government contemplate introducing elections in the said Cantonment ; and, if not, will the Government be pleased to state reasons ?

(c) Is it true that the entire house property in the Sadar and Market Bazars and the major portion of the house property situated elsewhere within the Cantonment limits belongs to Indians and, at present, there is only one nominated Indian member out of the total strength of 8 members ?

(d) In case the Government may not be prepared to introduce elections, will the Government be prepared to increase the number of Indians in the proportion of half and half ?

Mr. E. Burdon : (a) The civilian population of Kasali is below the level normally required to qualify it for an elected Board.

(b) No, Sir, for the reason already given.

(c) The entire house property in the Sadar and Market Bazars, excepting one shop, belongs to Indians. The Government of India are informed, however, that the majority of the bungalows, including the Club,

hotels, etc., in the cantonment belong to Europeans. The statement in the concluding part of the question is correct except that the total strength of members is 7 and not 8 as stated by the Honourable Member, 4 members are *ex-officio*.

(d) The maximum number of members who may be nominated to the Kasauli Cantonment Board is three. Of these at present one is an Indian. The question of increasing the Indian representation on the Board is one for the Local Government to decide under the powers conferred upon the Local Government by the Cantonments Act.

INCREASE OF EXPENDITURE ON THE ALL-INDIA SERVICES.

77. ***Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state the total annual increase of expenditure on each of the All-India Services consequent upon the recommendations of the Lee Commission on the Public Services as finally sanctioned by the Secretary of State for India in Council ?

The Honourable Sir Basil Blackett : The information asked for is being collected.

Diwan Bahadur M. Ramachandra Rao : May I know when that will be available ?

The Honourable Sir Basil Blackett : I am afraid I have no idea. It will obviously be somewhat difficult to collect and hypothetical when it is received.

Mr. A. Rangaswami Iyengar : That is a matter of opinion.

Diwan Bahadur M. Ramachandra Rao : May I ask whether it will be available before the end of the Session ?

The Honourable Sir Basil Blackett : I will do my best.

REORGANISATION OF THE INDIAN MEDICAL SERVICE.

78. ***Diwan Bahadur M. Ramachandra Rao** : Will the Government be pleased to state whether the Secretary of State has passed any orders on the recommendations of the Lee Commission regarding the reorganisation of the Indian Medical Service and to place such orders on the table ?

Mr. E. Burdon : The Secretary of State has not accepted the recommendation of the Lee Commission that the medical needs of both the British and Indian Armies in India should be provided for, in future, by a Royal Army Medical Corps (India) which should absorb the Indian Medical Service. He has agreed that the Indian Medical Service must be retained essentially as a military service with its war reserve secured by lending officers to the civil administration. The other recommendations of the Lee Commission and the proposals of the Government of India in regard to them are still under consideration and the Government are unable to lay the papers on the table at this stage.

Diwan Bahadur M. Ramachandra Rao : May I know whether this House will have an opportunity of discussing this part of the recommendations of the Lee Commission ?

The Honourable Sir Alexander Muddiman : If the Honourable Member will table a Resolution he will have an opportunity of discussing it.

Diwan Bahadur M. Ramachandra Rao : With reference to the statement made by the Honourable Member that an opportunity would be available to this House, am I wrong in the impression that the Government will bring forward a Resolution ?

The Honourable Sir Alexander Muddiman : When did I make that statement ?

Diwan Bahadur M. Ramachandra Rao : I thought during the course of the proceedings to-day you said that you had received His Excellency's orders or something of the kind that the recommendations of the Lee Commission. . . .

The Honourable Sir Alexander Muddiman : The Honourable Member is mistaken and I was referring to the Reforms Inquiry Committee's Report.

Mr. A. Rangaswami Iyengar : May I know whether the Government propose to put down a motion in respect of the Medical Services similar to the one which they put down in respect of the all-India Civil Services, that they approve of the decision of the Secretary of State.

The Honourable Sir Alexander Muddiman : So far as I recollect it was included in the Resolution that was moved on the Lee Commission's Report. .

Mr. A. Rangaswami Iyengar : That is so.

The Honourable Sir Alexander Muddiman : I do not propose to put down any further Resolution.

Diwan Bahadur M. Ramachandra Rao : May I know whether the orders of the Secretary of State will be laid on the table ?

Mr. E. Burdon : I have already answered that question.

Diwan Bahadur M. Ramachandra Rao : How am I to frame a Resolution if I do not know the orders of the Secretary of State in Council ?

The Honourable Sir Alexander Muddiman : I dare say if you consult Mr. Burdon you will be able to do so.

Diwan Bahadur M. Ramachandra Rao : I do not want to consult Mr. Burdon privately, but I wish to ask, in order to enable me to frame a Resolution on the subject, whether Mr. Burdon will lay on the table the express orders of the Secretary of State in Council in this matter.

Mr. E. Burdon : I have already said that the Government of India are unable to lay any papers on the table at this stage. The correspondence is still proceeding.

Diwan Bahadur M. Ramachandra Rao : May I know whether the matter has reached a stage when you can definitely say what the orders of the Government of India and the Secretary of State are ?

12 NOON.

Mr. E. Burdon : No, Sir.

Diwan Bahadur M. Ramachandra Rao : When these orders take a definite form, may I know whether it will be possible for Government to publish the orders in order to enable us to put down a Resolution ?

Mr. E. Burdon : That is a hypothetical question to which I am not prepared to give an answer.

Diwan Bahadur M. Ramachandra Rao : May I know whether it is the intention of the Secretary of State that before he gives effect to these orders an opportunity will be given to this House to discuss these proposals or his conclusions ?

Mr. E. Burdon : I do not know, Sir.

Diwan Bahadur M. Ramachandra Rao : Will the Government make a representation to the Secretary of State that his conclusions should not be given effect to until we have had an opportunity of saying what we have to say on his conclusions seeing that they are a deviation from the Lee Commission's recommendations ?

Mr. E. Burdon : That is a question of such a nature that it would be proper to give notice of it.

UNSTARRED QUESTIONS AND ANSWERS.

CONDONATION OF THE BREAK IN SERVICE OF BABU AMIR ALI, LATE CLERK OF THE POSTAL DEPARTMENT.

1. **Mr. S. Sadiq Hasan :** Are the Government aware :

(a) that Babu Amir Ali, clerk, serving in the Postal Department in Ambala Head Office, was dismissed from service after serving the Department for about 13 years on 29th September 1906 on account of his being involved in a private case ?

(b) that after his dismissal he applied to the Postmaster General, Punjab, to get permission for securing a job in any of the Government offices ?

(c) that permission being granted he was taken on Rs. 15 per mensem by the Inspector General, R. M. S., on 4th December 1907, after 14 months break of service and that he is still serving in the Department ?

(d) that the break of 14 months in his service is likely to bar his right to pension ?

2. If the answer to the above is in the affirmative, will Government be pleased to consider his case and treat the above-mentioned break of service as leave without pay so that he may become eligible for pension ?

The Honourable Sir Bhupendra Nath Mitra : 1. The case of M. Amir Ali had not been brought to the notice of Government but inquiries made as a result of the Honourable Member's question now raised have elicited the following information :

(a) M. Amir Ali was not dismissed but his services were dispensed with from the 26th September 1906 for implication in a case of alleged cheating in which the Magistrate bound him over to be of good behaviour.

(b) Yes, he obtained permission in November 1907.

(c) He was taken as an unpaid probationer on the 4th December 1907 and his continuous officiating service began from the 3rd January 1908. He was made permanent from the 1st March 1908.

(d) Yes, the break was actually for 1 year 3 months and 9 days.

2. In September 1923, M. Amir Ali submitted a petition to the Director General praying that his past service in the Post Office be allowed to count towards pension. His prayer was rejected on the ground that he was given a fresh start in the Department as a matter of grace.

APPEAL OF AHMED ALI, SUB-POSTMASTER, DODARWAZA POST OFFICE, SIALKOT.

2. **Mr. S. Sadiq Hasan :** (a) Is it a fact that the appeal of Ahmed Ali, Sub-Postmaster, Dodarwaza Post Office, Sialkot, was dismissed by the Director General, Posts and Telegraphs, because it was alleged to be time-barred ?

(b) Is it also a fact that the final orders in his case were passed by the Postmaster General, Punjab, on 11th April 1921 and not on 5th January 1920 ?

(c) If it is a fact, then are the Government prepared to reconsider his appeal ?

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

(b) The orders passed on the 5th January 1920 were the final orders on the appeal against dismissal.

(c) Does not arise.

PERCENTAGE OF INDIANS IN THE IMPERIAL POLICE SERVICE.

3. **Khan Bahadur Ghulam Bari :** (a) What is the percentage of Indians in the Indian Imperial Police in the different provinces of India ?

(b) At what periodical rate is the present percentage proposed to be raised to 50 per cent. in accordance with the recommendation of Lee Commission ?

The Honourable Sir Alexander Muddiman : (a) A statement giving the information asked for is laid on the table.

(b) The Lee Commission recommended a 50 : 50 rate of recruitment in future. This has been accepted. I am unable, however, to state with accuracy the period at the end of which this rate of recruitment will give a 50 : 50 cadre in each province. The Lee Commission anticipated that a 50 : 50 cadre would be attained, taking all the provinces together, in at most 25 years.

Statement showing the percentage of Indians in the Indian (Imperial) Police Service on the 1st January 1925.

Province.	Actual strength on 1st January 1925.	No. of Indians.	Percentage of column (3) to column (2).
1	2	3	4
Madras	81	8	9.9
Bombay	86	10	11.6
Bengal	107	13	12.1
United Provinces	108	12	11.1
Punjab	120	20	16.6
Burma	84	12	14.2
Bihar and Orissa	58	9	15.5
Central Provinces	54	8	14.8
Assam	27	6	22.2
TOTAL ..	725	98	13.5

INDIANIZATION OF THE VARIOUS SERVICES.

4. **Khan Bahadur Ghulam Bari**: Will the Government please lay on the table a tabular statement showing how much Indianization they have done in the various departments this year after the introduction of the Lee Commission recommendations?

The Honourable Sir Alexander Muddiman: The recommendation in Chapter V of the Lee Report have in regard to Indianization been generally accepted by His Majesty's Government, and though the rules under section 96B of the Government of India Act, to give effect to them have not yet been made, the percentages recommended are in fact being observed when recruitment is made. Since, however, a year's recruitment has not yet taken place, it is not possible to show the effect of the recommendations in a tabular form.

I lay on the table notes showing the position in regard to each service.

1. **Indian Civil Service**.—The recommendations of the Lee Commission are being taken into account in making this year's recruitment to the Indian Civil Service.

2. **Indian Police Service**.—Steps have been taken to secure a 50:50 ratio of European and Indian recruits beginning with recruitment for 1925.

3. **Indian Forest Service**.—In recruiting for this service for the current year the ratio recommended by the Commission has been adopted and four Indians out of five recruits have been selected in India.

4. **Indian Service of Engineers**.—The recommendations of the Lee Commission are being taken into account in working this year's recruitment to the Indian Service of Engineers in Madras and Assam and in the Irrigation Branch in the other Provinces. Recruitment to the Indian Service of Engineers in the Buildings and Roads Branch in provinces other than Madras and Assam has been suspended.

5. **Indian Agricultural Service—Indian Veterinary Service—Indian Educational Service**.—Recruitment by the Secretary of State has been stopped.

6. **Indian Medical Service**.—No final orders have yet been issued on the recommendations of the Lee Commission regarding this service.

7. **Political Department of the Government of India**.—The Government of India are already recruiting Indians at a higher percentage (30) than that recommended by the Commission (25).

8. *Imperial Customs Service*.—Out of every three vacancies only one is filled in England and the remaining two are filled in India by competitive examination which is open only to statutory natives of India, the rules for examination being the same as those for the Indian Audit and Accounts Service. In accordance with this practice, this year one probationer was recruited from England and two in India as the result of the examination held in December last.

9. *Superior Telegraph Engineering and Wireless Branch*.—No new recruitment has been made to the Superior Telegraph Engineering and Wireless Branch since the publication of the Lee Commission's Report. The proportion recommended in the Report will be adhered to in making future recruitment.

10. *State Railways*.—Government have accepted the policy of recruitment as laid down in paragraph 42 (d) of the Lee Commission's Report so far as State Railways are concerned and are taking steps accordingly.

11. *Indian Audit and Accounts Service*.—Since 1920 appointments to the service are ordinarily made by competitive examination in India at which only statutory natives of India are eligible to appear.

12. *Mint and Assay Department*.—The existing position was explained in the statement laid on the table by Sir Malcolm Hanley in the Legislative Assembly on the 25th March 1924 (page 2182 of the Legislative Assembly Debates, Volume IV, No. 38).

13. *Military Accounts Department*.—Recruitment by the Secretary of State was stopped in 1923 and direct appointments to the Department are now made by competitive examination at which only natives of India are eligible to appear.

14. *Archaeological Department and Zoological Survey of India*.—In the Archaeological Department two appointments were made this year, both of which were filled by Indians.

Similarly two appointments were made to the Zoological Survey of India one of which was filled by an Indian and one by a European.

15. *Survey of India*.—Proposals are under consideration for the progressive Indianization of Class I of the Survey of India in common with other public services.

16. *Mines Department*.—All appointments to this Department are made by the Government of India who advertise the vacancies in India in the first instance. Recruitment in England is only made when suitable candidates are not available here. One Indian was appointed in May 1924 and it has been decided to appoint another Indian this year.

17. *Meteorological Service*.—It is the declared policy of the Government of India to recruit Indians to this service whenever men possessing the requisite qualifications are available. An Indian has recently been recruited in a vacancy caused by the retirement of a European officer. The present strength of Indians and Europeans in the service is 5 and 3, respectively.

18. *Geological Survey of India*.—Recruitment by the Secretary of State has been stopped, with effect from the current year. No appointments have yet been made by the Government of India under the revised procedure. One Indian was appointed in December 1924.

CENTRAL GOVERNMENT BUILDINGS IN CALCUTTA AND BENGAL.

5. **Mr. B. Das** : (a) Will Government be pleased to state the value of buildings and land which the Central Government vacated in Calcutta and Bengal when they transferred their capital to Delhi ?

(b) What portion of that property is still in the use of the Central Government and what portion has been transferred to the Government of Bengal ?

(c) Did the Government of Bengal make any payment to the Central Government for this transfer ?

The Honourable Sir Bhupendra Nath Mitra : (a) On the transfer of the headquarters of the Government of India from Calcutta to Delhi, the

following properties were vacated by the Government of India and handed over to the Government of Bengal :—

Name of building.	Value of building including value of land.
	Rs.
1. Viceroyal Estate, Calcutta	97,42,365
2. No. 6 Dacres Lane	2,00,556
3. Residence of the late Accountant General, Eastern Bengal and Assam, Dacca.	42,329

In addition to the above, certain portions of the following buildings were vacated. They were not, however, handed over to the Government of Bengal :—

Name of building.	Value of building including value of land.
	Rs.
1. Imperial Secretariat Building	16,25,477
2. Council House Street Secretariat Building	21,37,729

(b) With the exception of the buildings referred to in (a) no building was made over by the Government of India to the Government of Bengal. Of the buildings which were partly vacated at the time of the transfer of the capital to Delhi—

- (i) about 22 per cent. of the floor area of the Imperial Secretariat Building is at present temporarily occupied by Provincial Offices, the rest being occupied by Imperial Offices.
- (ii) 16 per cent. of the floor area of the Council House Street Building is at present temporarily occupied by the Administrator General, Bengal, who is under the Local Government, the rest being occupied by offices under the Central Government.

(c) The properties which were transferred to the Bengal Government, *vide* reply to part (a), were transferred free of cost.

GRANTS FOR THE DEVELOPMENT OF ROADS IN PROVINCIAL CAPITALS.

6. **Mr. B. Das :** (a) Is it a fact that the Government of India granted the sum of Rs. 50,000 for the development of roads in Bombay city ?

(b) Do the Central Government make similar donations to capital cities of the Provinces for development of roads ?

Mr. J. W. Bhore : The reply to both parts of the question is in the negative.

ADVISORY BOARD ON THE BENGAL NAGPUR RAILWAY.

7. **Mr. B. Das :** (a) Will Government be pleased to inform the House of the names of members of the Advisory Board of the Bengal Nagpur Railway ?

(b) How many of these are Oriyas ?

(c) In view of the fact that the Bengal Nagpur Railway extends all over Orissa, are Government prepared to direct the Agent of the Bengal Nagpur Railway to reserve always two seats on this Board for representatives of the Oriya people ?

Mr. G. G. Sim : A Local Advisory Committee has not yet been formed on the Bengal Nagpur Railway. When a Committee is formed the question raised by the Honourable Member will no doubt receive consideration.

ARRANGEMENTS FOR INDIAN REFRESHMENTS ON LONG DISTANCE TRAINS.

8. **Mr. B. Das :** (a) How many long distance trains have so far been provided with arrangements for providing Indian refreshments besides the 9 trains mentioned in answer to question No. 161 of the 21st February 1924 ?

(b) Will Government be pleased to lay on the table an up-to-date statement showing the long distance trains that have been provided with arrangements for Indian refreshments ?

(c) Do Government propose to direct Railways which have not introduced such practice to have them introduced for the comfort of the Indian travelling public ?

Mr. G. G. Sim : (a) and (b). A statement giving the information regarding arrangements for providing Indian refreshments on trains is laid on the table.

(c) Government consider that this is a matter which can be left to the discretion of the Railways. I may mention that the Great Indian Peninsula Railway, with the concurrence of the Local Advisory Committee, have recently had to discontinue the experiment of running a refreshment car for intermediate and third class passengers on their Delhi service as it was found that only a very small number of passengers took advantage of the facility.

Statement showing refreshment arrangements for Indians on trains on railways.

North Western Railway.—Bogie Dining Cars for "Indian Passengers only" (Hindus and Muhammadans) run by No. 12 Up and 18 Down Passenger trains between Lahore and Delhi.

Jodhpur Railway.—Hindu refreshment cars for Hindus run on 3 Up and 4 Down and 2 Down and 1 Up between Hyderabad and Marwar Railway Junction. On Deogañā Sujangarh section travelling vendor in a compartment on 13 Up and 44 Down and 29 Up and 39 Down.

Bombay, Baroda and Central India Railway.—

BROAD GAUGE.

Two compartments each for Hindus and Muhammadans set apart on 19 Down and 20 Up, Delhi Express, between Bombay and Kotah and on 3 Down and 4 Up, Express Trains, between Bombay and Vizagapatam.

METRE GAUGE.

A dining car for Hindus and Muhammadans is run on passenger trains Nos. 46 Down and 49 Up between Melsana and Wadhwa.

Madras and Southern Mahratta Railway.—Refreshment compartments are run on—

Nos. 15 & 16, Passenger trains	}	Between Madras and
Nos. 23 & 24, Express trains		Bangalore City.
Nos. 31 & 10, Passenger train,		between Madras and Vizagapatam.

Nos. 1 & 2, Mails, between Bangalore City and Poona.

Nos. 3 & 4, Passenger trains, between Bangalore City and Poona.

It is also proposed to run a similar service on Nos. 67 & 68, passenger trains, between Guntakal and Bangalore City, shortly.

South Indian Railway.—Refreshment compartments of one type for all nationalities are run on Nos. 3 and 4, Rameswaram Express Trains between Madras and Dhanushkodi and Nos. 5 and 6 Trivandrum Express trains between Madras and Shencottah.

East Indian Railway.—On the Oudh and Rohilkhand Railway section a third class compartment is reserved on—

5 Up	}	Main Line.
6 Down		Mogalserai to Saharanpur.
7 Up	}	Lucknow to Delhi.
8 Down		
9 Up	}	Lucknow to Moghalserai via Loop.
10 Down		
57 Up	}	Aligarh to Bareilly.
64 Down		
67 Up	}	Delhi to Moradabad.
68 Down		
19 Up	}	Allahabad to Fyzabad via Partabgarh.
20 Down		

Great Indian Peninsula Railway.—A compartment is allotted on Poona Mail and Express Trains for vending tea, coffee, fruit and Indian sweetmeats.

PROVISION OF INTERMEDIATE CLASS WAITING ROOMS AT CUTTACK.

9. **Mr. B. Das :** (a) Are Government aware that there is no intermediate class waiting room provided for men or women at the Cuttack railway station of the Bengal Nagpur Railway ?

(b) Is it not a fact that the station is situated about three miles from the residential quarters of the town ?

(c) Will Government direct the Bengal Nagpur Railway to provide an intermediate class waiting room for both men and women at that station ?

(d) Will Government also be pleased to direct the Railway to provide a third class waiting room for women passengers at that station ?

Mr. G. G. Sim : Whether facilities of this kind are justified by the traffic of any particular station is necessarily a question on which the Railway Administration is in the best position to judge. A copy of the question and answer will be sent to the Agent.

REVISION OF THE PAY OF VETERINARY ASSISTANTS OF THE ARMY REMOUNT DEPARTMENT.

10. **Khan Bahadur Makhdum Syed Rajan Bakhsh Shah :** With reference to the reply given to parts (b) and (i) of Sardar Kartar Singh's unstarred question No. 240, on the 27th May 1924 regarding the revision of the pay of Veterinary Assistants of the Army Remount Department that the question of revision of the pay of Veterinary Assistants was under consideration of the Government :

(1) Will the Government be pleased to state what progress has up to this time been made and how long will it take to give necessary relief to the Veterinary Assistants of the Army Remount Department ?

- (2) Do the Government intend to allow the proposed increments of pay to be effected from the date of submission of the memorial of their grievances by the staff of the Veterinary Assistant Surgeons working under the Army Remount Department ?

Mr. E. Burdon : (1) The Government of India have since sanctioned the revision of the rates of pay of the Veterinary subordinates of the Army Remount Department. The new rates of pay which are given in A. I. (L.) No. 624 of 1925, a copy of which is in the Library, are in line with those authorized for subordinates of the Civil Veterinary Department and the Indian Army Veterinary Corps.

(2) In accordance with existing regulations, the revised rates of pay have effect from the 30th June 1925, the date on which Government orders were issued. The Government of India regret that they see no sufficient reason for giving retrospective effect to this measure.

NOMINATED MEMBERS OF CANTONMENT BOARDS.

11. **Haji Wajihuddin :** 1. Are the Government aware that the provisions of section 19 of the Cantonment Act, 1924, have not been followed by nominated *ex-officio* members in the Ambala Cantonment ?

2. Is it a fact that the non-official members of the Ambala Cantonment Board raised an objection to the legality of a fresh nomination in the absence of compliance with the provisions of the section quoted above on the part of an out-going nominated member ?

3. Is it a fact that one Major Gardner was allowed by the President, Cantonment Board, Ambala, to sit on the Cantonment Board in place of Colonel Phillips though the latter had not resigned his post in terms of the section quoted above ?

4. Is it a fact that the non-official members, therefore, requested the President to obtain a ruling from the Government of India whether the provisions of section 19 were not intended to be applied in the case of nominated members ?

5. Is it a fact that this reference has been intercepted by the Command who has directed the President that the procedure of resignation laid down in section 19 need not be followed in the case of official members ?

6. Are the Government aware that the non-official members of the Cantonment Board considered this ruling of the Command as entirely opposed to the true interpretation of the section and they protested against the tendency of the Northern Command to override law by executive instructions and not to allow the reference to reach the Government ? If so, will the Government be pleased to take necessary action in the matter ?

Mr. E. Burdon : 1. I presume that the Honourable Member means "Nominated Members". There is no such thing as a nominated *ex-officio* member.

2 to 6. I am making inquiries into the matter and will communicate the result to the Honourable Member as early as possible.

GRANT OF MOTOR ALLOWANCES TO EXECUTIVE OFFICERS IN CANTONMENTS.

12. **Haji Wajihuddin** : 1. Are the Government aware that a motor allowance is being paid from the Cantonment Fund to the Executive Officers in many cantonments ?

2. Is it a fact that in the opinion of several Cantonment Boards the grant of this motor allowance to an Executive Officer from the Cantonment Fund is not permissible when the salary of the Executive Officer is paid from the Imperial Fund ?

3. Is it a fact that the All-India Cantonments' Association has made a representation to the Government that the motor allowance should be paid to the Executive Officers from the Imperial Fund ? If so, what action has been taken by the Government on the said representation ?

4. Have the Government taken any legal opinion on the subject ?

Mr. E. Burdon : 1. Yes, Sir.

2. Government are not aware of this.

3. The answer is in the negative. The latter part of the question does not arise.

4. The answer is in the affirmative.

REJECTION OF CERTAIN NON-OFFICIAL PROPOSALS BY THE AMBALA CANTONMENT BOARD.

13. **Haji Wajihuddin** : Is it a fact that the following three proposals have been rejected by the sheer weight of the official majority in the Ambala Cantonment Board against the united non-official opinion :

(a) pertaining to the appointment of a sub-committee to consider possible retrenchment in the Cantonment Board establishment ;

(b) pertaining to the appointment of a sub-committee to consider steps necessary to safeguard ballot papers of elections against possible abuse and tampering as has been held by the Additional Magistrate of Ambala to have taken place in the recent elections at Ambala ;

(c) about the construction of a verandah in front of Lala Behari Lal's buildings on the land already leased to him ?

Mr. E. Burdon : The Honourable Member has been misinformed. Only one of the three proposals was rejected, and that not, as he suggests, by the sheer weight of the official majority.

OFFICIAL MAJORITIES ON CANTONMENT BOARDS.

14. **Haji Wajihuddin** : 1. Is it a fact that the main reason for providing an official majority in the constitution of Cantonment Boards was to protect military interests and not to oppose proposals for more economical and efficient conduct of cantonment affairs ?

2. Is it a fact that the tendency to frustrate non-official proposals by the official members is being encouraged by the Northern Command to that effect in the concluding portion of their letter No. 26801/1/Q-4, dated

the 5th May 1925 ? Will the Government under the circumstances be pleased to take steps to better regulate the use of the official majority on Cantonment Boards ?

Mr. E. Burdon : 1. The answer is in the affirmative.

2. The answer to the first part is in the negative. The latter part does not accordingly arise.

DUTIES OF NON-OFFICIAL VICE-PRESIDENTS OF CANTONMENT BOARDS.

15. **Haji Wajihuddin :** 1. Will the Government be pleased to state if the non-official Vice-Presidents have ever presided over any meetings of the Cantonment Board in any cantonment, under the provisions of section 23 of the Cantonment Act since the constitution of the elected boards ? if so, in which cantonments and how many times ?

2. Is it a fact that instructions have been issued from Districts or Commands that as far as possible no opportunity should be given to allow a non-official Vice-President to preside over a meeting of the Cantonment Board under the section quoted above ?

3. Are the Government prepared to issue instructions calculated to bring about a wide application of section 22 (2) and 23 in a spirit of mutual confidence and co-operation ?

Mr. E. Burdon : I am making inquiries into the matter and will let the Honourable Member know the result as soon as possible.

DUTIES OF NON-OFFICIAL VICE-PRESIDENTS OF CANTONMENT BOARDS.

16. **Haji Wajihuddin :** 1. Will the Government be pleased to state in how many cantonments powers have been delegated to non-official Vice-Presidents under section 22 (2) of the Cantonment Act, and if so, what ?

2. If the reply to the above question be in the affirmative and if such delegation may have taken place in a negligible number of cantonments, are the Government prepared to issue instructions pointing out the desirability of a closer association of Vice-Presidents with the cantonment administration, as is contemplated by the provisions of the section referred to above ?

Mr. E. Burdon : I am making inquiries into the matter and will let the Honourable Member know the result as soon as possible.

REJECTION BY THE PRESIDENT, AMBALA CANTONMENT BOARD, OF PROPOSALS SENT BY MEMBERS FOR CONSIDERATION BY THE BOARD.

17. **Haji Wajihuddin :** 1. Is it a fact that the President, Ambala Cantonment Board, has expressed the view that under section 22 (a), he has the power to reject any proposal sent by a member of the Cantonment Board for consideration by the Board ?

2. Is it a fact that this view has been challenged by the non-official members who think that under the terms of the section quoted above, the President has no power to determine the nature of business coming before the Board and that the section only empowers the President to carry on such business according to certain rules of conduct to be laid down by the Cantonment Board ?

3. Is it a fact that as a result of the difference of opinion between the official and non-official members, the Cantonment Board decided to obtain a definite ruling about the interpretation of section 22 (a) from the Government of India ?

4. Are the Government aware that this reference was intercepted by the Northern Command which informed the President of the Cantonment Board, Ambala, in its letter No. 26801|1|Q.-4, dated the 6th May 1925, that in the opinion of the Command, the President should have the power of rejecting proposals of the members of the Cantonment Board ?

5. Is it a fact that this attempt of the Northern Command to override the provisions of the Cantonment Act by executive instructions of the above type is deeply resented by the non-official members of the Cantonment Board and the All-India Cantonments' Association ?

6. Will the Government under the circumstances undertake to inquire and to do the needful in the matter ?

Mr. E. Burdon: 1 to 4. The facts are as stated by the Honourable Member.

5. There was no attempt by the Northern Command to issue executive instructions in the matter. As the Honourable Member has himself indicated in part 4 of his question, the Northern Command merely expressed its opinion. If the Board was dissatisfied with that opinion it could say so and repeat its demand that the point should be referred to Government for a ruling.

6. The Government of India will consider whether any further action can usefully be taken.

OFFICIAL MEMBERS OF CANTONMENT BOARDS.

18. **Haji Wajihuddin:** 1. Is it a fact that in circular letter No. 29136-J.-A.D., dated the 19th November 1924, the Government of India has laid down that under the provisions of section 14 of the Cantonments Act, 1924, the names of the *ex-officio* members must be gazetted before they can sit on the Cantonment Board ?

2. Is it a fact that this procedure is not followed in the Cantonment Board of Ambala and the view of the official members of that Board is that the circular quoted above has been nullified by the recent amendment of section 14 of the Cantonments Act, 1924 ?

3. Is it a fact that the non-official members of that Board consider that the amendment has not in any way affected the circular quoted above and hold that even under the amended section the gazetting of the names of official members is absolutely necessary ?

4. Is it a fact that a reference has been made to the Government of India by the Cantonment Authority, Ambala, on the subject ? If so, will the Government be pleased to state if this reference has been received by them ? If so, what orders have been passed thereon ?

5. Will the Government be pleased, in the meanwhile, to instruct the Cantonment Authority, Ambala, not to depart from the circular quoted above ?

Mr. E. Burdon : The facts are, in general, as stated by the Honourable Member. The correct interpretation of section 14 of the Cantonments Act, 1924, as amended by section 3 of the Cantonments (Amendment) Act, 1925, has now been clearly indicated in Army Department letter No. 29136/2 (A.D.), dated the 12th June 1925, a copy of which I will send to the Honourable Member.

NOMINATED MEMBERS OF CANTONMENT BOARDS.

19. **Haji Wajihuddin :** 1. Are the Government aware that in the meeting of the Ambala Cantonment Board held on the 1st April 1925, one Major Saheb was allowed by the President to sit on the Committee though his name had not been gazetted in the *Punjab Gazette* as a member of the Cantonment Board on that date ?

2. Is it a fact that on the protest of the non-official members against the above action of the President, it was decided to refer the matter to the Government of India as to whether under section 14, Cantonments Act, 1924, it was necessary that the name of a nominated member be gazetted in the Local Gazette before he could sit on a Cantonment Board ?

3. Is it a fact that on such a reference being made, the Northern Command not only did not forward it to the Government of India but gave a ruling that the telegraphic consent of the Local Government to such a nomination was sufficient and there was no necessity for the actual appearing of the name in the Local Gazette to validate the sitting of such member in a meeting of the Cantonment Board ?

4. Is it a fact that the non-official members of the Ambala Cantonment Board regard this ruling of the Command as entirely opposed to the meaning and spirit of section 14 and also to the Government of India Circular No. 29136-1-A.D., dated the 19th November 1924 ? Will the Government in view of the above facts and to avoid bitter feelings be pleased to take necessary action to prevent the Command from frustrating the provisions of law by executive instructions ?

Mr. E. Burdon : I am making inquiries and will let the Honourable Member know the result as early as possible.

REFUND TO THE AMBALA CANTONMENT FUND OF MONEY SPENT FROM THAT FUND ON SANITATION FOR INDIAN TROOPS AT AMBALA.

20. **Haji Wajihuddin :** (1) Are the Government aware that in the meeting of the Cantonment Board, Ambala, held on the 27th May 1925, there was a non-official proposal to request the Government to refund to the Cantonment Fund all the money spent in the past from that fund on the sanitation of the Indian troops at Ambala ?

(2) Do the Government know that it has been held that the expenditure incurred on the sanitation of the Indian troops in Ambala from the Cantonment Fund was an illegal charge and that it should have been met from the military budget ?

(3) Are the Government aware that the non-official proposal to claim the refund of the amount thus illegally spent is due to the increased demand of money by the Government for water supplied to the civil population in Ambala ?

(4) Is it a fact that the intention is to set up an independent water works of the Cantonment Board with the amount that will thus be recovered from the Government ?

(5) Are the Government prepared to refund the amount under reference to the Ambala Cantonment Board on considerations of fairness and also in view of the laudable object for which the amount when recovered is proposed to be spent ?

(6) Is it a fact that the amount due to the Cantonment Board under this head will be sufficient to meet the cost of water works ?

(7) If the Government do not propose to refund the amount at present, are they prepared to direct that, to compensate the Cantonment Board for this heavy loss, no charge be made from the Cantonment Fund for water supplied to the civil population until the amount is paid ?

Mr. E. Burdon : (1) Yes.

(2) I presume the Honourable Member is referring to the expenditure incurred from the Ambala Cantonment Fund on the sanitation of the Indian troops stationed in the cantonment before the introduction of the Cantonments Act, 1924. Government are not aware that such expenditure has been held to be illegal.

(3) Government have learned that the non-official proposal referred to in part 1 arose out of the Military Engineer Services having preferred higher charges on account of water supplied to the civil population of the cantonment.

(4) I understand that a non-official resolution to this effect was considered by the Board and that no decision was reached.

(5) No.

(6) I am informed that no estimate of the cost of such water works has been prepared.

(7) The answer is in the negative.

OFFICIAL MEMBERS OF CANTONMENT BOARDS.

21. **Haji Wajihuddin :** (1) Is it a fact that in several cantonments, notably in Ambala, military officers have been treated as members of the Cantonment Board, though their names have not been gazetted beforehand ?

(2) To what extent is it true that the one plea urged by the official members in such cases is that even if the new member is not fully qualified, the proceedings of the Cantonment Board will not be vitiated by his sitting under section 55 of the Cantonment Act ?

(3) Is it a fact that the inclusion of such unauthorised members in the Cantonment Board altered the character of several decisions of the Cantonment Board ?

(4) Will the Government issue a circular pointing out that any resolutions carried with the support of persons who are not valid members of the Cantonment Board under the Act shall be *null and void* ?

Mr. E. Burdon : (1) The Commanding Officer, Health Officer and Executive Engineer of a cantonment automatically become members of the

Cantonment Board on assuming their official appointments, and their appointment to the Board does not require notification.

The appointments of military officers nominated under section 14, subsection (1), clause (c) of the Cantonments Act must be gazetted under subsection (2).

(2) Unless the Honourable Member can furnish me with details showing what officers are alleged to have urged this plea, and to whom, and on what occasions, it is impossible for me to answer his question. Section 55 of the Act is, however, quite clear.

(3) Government are not, so far, aware of any unauthorized members having been included in Cantonment Boards.

(4) The answer is in the negative. I would invite the Honourable Member to study carefully the provisions of section 55.

ASSISTANT HEALTH OFFICERS IN CANTONMENTS.

22. **Haji Wajihuddin** : (1) Are the Government aware that under section 2 of the Cantonments Act, 1924, Assistant Health Officers in cantonments are appointed by the Officers Commanding the Districts ?

(2) Is it a fact that such appointments are often made without the knowledge of and consultation with the Cantonment Boards concerned ?

(3) Is it a fact that owing to the Cantonment Boards having no hand in such appointments, they have not been able to tackle health problems in a satisfactory manner ?

(4) Are the Government aware that in civil towns the appointment of Assistant Health Officers is vested in the Municipal Boards concerned ?

(5) Do the Government realize that under the existing circumstances while the Cantonment Board is responsible for the maintenance of conditions of proper sanitation and health in a cantonment, it has no control over the appointment and removal of the Health Officer who is the executive agent of the Board in such matters ?

(6) Are the Government prepared to direct that in future the appointment and removal of an Assistant Health Officer be made by the Officer Commanding the District on the recommendation of the Cantonment Board concerned ?

Mr. E. Burdon : Government are aware of the statutory position which exists but do not propose to alter it for reasons which were fully given by me in the debate on this very point which took place in the Assembly on the 24th July 1923 when the Cantonments Bill was under discussion. These reasons still hold good.

CONSTITUTION OF AN ELECTED CANTONMENT BOARD AT KASALI.

23. **Haji Wajihuddin** : (1) Are the Government aware that there is great dissatisfaction among the residents of Kasali on account of their not getting an elected Cantonment Board ?

(2) Is it a fact that such a Board has not been formed at Kasali owing to the civil population of that place being under 2,500 ?

(3) Are the Government aware that the civil population of Kasauli is subject to considerable variation and is believed to be much above 2,500 in the summer ?

(4) Are the Government, under the circumstances, prepared to create an elected Cantonment Board in the Kasauli Cantonment ?

Mr. E. Burdon : (1) Government have no information to this effect.

(2) The answer is in the affirmative.

(3) The civil population is no doubt liable to fluctuate between summer and winter but Government have no reason to suppose that it increases to the extent suggested in summer.

(4) Not at present.

APPOINTMENT OF EXECUTIVE OFFICERS OF CANTONMENTS AS MEMBERS OF SUB-COMMITTEES OF CANTONMENT BOARDS.

24. Haji Wajibuddin : (1) Are the Government aware that in some cantonments, the Executive Officer has been taken as a member of the Sub-Committee of the Board formed under section 44 of the Cantonments Act, 1924 ?

(2) Is it a fact that such an appointment of the Executive Officer is opposed to the intention and the spirit of the Act as disclosed by sections 13 and 24 of the Act ?

(3) If so, are the Government prepared to issue instructions that this illegality wherever committed may be rectified at an early date ?

Mr. E. Burdon : (1) The answer is in the affirmative.

(2)

and } The necessary instructions have already been issued.

(3)

EXPENSES CONNECTED WITH CANTONMENT BOARD ELECTIONS.

25. Haji Wajibuddin : (1) Are the Government aware that there is no provision in the Cantonments Act or in the Rules framed under it whereby expenses of election petitions could be allowed to the winning party ?

(2) Do the Government propose to make a definite provision in the Cantonments Act or direct the Local Governments to make such a provision in the Rules framed under the Act for the award of costs in the case of such petitions ?

Mr. E. Burdon : (1) and (2). Section 31 empowers the Local Government to frame rules, at its discretion, in this and other matters connected with Cantonment Board elections. The point will be brought to the notice of Local Governments, to whom copies of this question and answer will be sent for such action as they may consider necessary.

INCREASED COST OF WATER SUPPLIED TO THE CIVIL POPULATION OF AMBALA CANTONMENT.

26. Haji Wajibuddin : (1) Are the Government aware that the Military Works Service, Ambala, is now demanding about Rs. 50,000 for

water supplied to the non-entitled population of Ambala Cantonment instead of about Rs. 20,000 paid so far ?

(2) Is it a fact that the Cantonment Fund being unable to bear the increased cost, it is proposed by the official members of the Cantonment Board to raise water taxation in Ambala ?

(3) Are the Government aware that water taxation in Ambala is already very high and a tax of 4 per cent. is charged on the rental value of property as water tax even for taking water from public hydrants ?

(4) Are the Government aware that the non-official members in a note presented by them pointed out that the present demand of Rs. 50,000 was unfair and calculated on a wrong basis ?

(5) Are the Government aware that this amount has been arrived at by apportioning the cost of water works, Ambala, to the Military Works Service and the Cantonment Fund on a population basis ?

(6) Are the Government aware that a large number of followers forming a part and parcel of the military population reside in bazaars and that the average water consumption by the military population is considerably in excess of that allowed to the civil population and that a considerable quantity of water is used by animals in regiments ?

(7) Are the Government prepared to direct that the matter be thoroughly inquired into by a joint Committee of officials and non-officials in Ambala before the increased demand is preferred ?

Mr. E. Burdon : (1) Yes.

(2) The answer is in the negative.

(3) Water-tax in the Ambala Cantonment is charged at Rs. 2 and 4 per cent. on the value of property where water is used from public stand posts. The rate is not excessive.

(4) The answer is in the affirmative.

(5) No. The amount in question is not calculated on statistics of population but on meter readings.

(6) No. The number of military followers living in Bazaars is very small and they all pay water-tax. As regards the latter portion of the question, pipe water is not used by Government animals, but duct water.

(7) The Northern Command have already gone into the matter with care and are making further inquiries. The Government of India will examine the matter themselves when these inquiries are complete but they do not contemplate the action suggested by the Honourable Member.

REDUCTION OF THE NUMBER OF AUTHORITIES EMPOWERED TO OVERRIDE DECISIONS OF CANTONMENT BOARDS.

27. **Haji Wajihuddin :** (1) Will the Government be pleased to state whether there are, and if so, how many instances in which the decisions of a Cantonment Board have been overridden under the provisions of section 51 of the Cantonments Act ?

(2) If the reply to the above question be in the affirmative, will the Government specify the names of the Cantonment Boards and the nature of decisions that have been overridden ?

(3) If the number of cases be negligible, will the Government be pleased to consider the desirability of bringing the provisions of this section into conformity with the recommendations of the Cantonments Reform Committee and reduce the number of authorities empowered to override the decisions of a Cantonment Board ?

Mr. E. Burdon : I am making inquiries into the matter and will let the Honourable Member know the result as soon as possible.

DECISIONS OF CANTONMENT BOARDS.

28. **Haji Wajihuddin :** Are the Government aware that in some Cantonment Boards, sub-section (2) of section 55 is being wrongly interpreted in regard to decisions arrived at by the Boards ?

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

LIABILITY OF MEMBERS OF CANTONMENT BOARDS UNDER SECTION 33 OF THE CANTONMENTS ACT.

29. **Haji Wajihuddin :** (1) Are the Government aware that in some cantonments, proposals involving financial liabilities are carried by the official members of the Cantonment Board in face of the united opposition of the non-official members ?

(2) Are the Government prepared to make it clear that should any of the above proposals come under the scope of section 33 of the Cantonments Act of 1924, the liability thereof shall be exclusively that of the official members of the Government whom they represent ?

Mr. E. Burdon : (1) No, Sir.

(2) Section 33 of the Cantonments Act, 1924, deals with the responsibility of members of Cantonment Boards for their own individual acts, and does not need elucidation in the direction suggested by the Honourable Member.

DEPUTY INSPECTING OFFICERS, MILITARY LANDS AND CANTONMENTS.

30. **Haji Wajihuddin :** Is it a fact that in every Command, a representative of the late Cantonment Magistrate's Department has been posted as " Adviser " to the G. O. C.-in-Chief of the Command, in matters pertaining to cantonment administration ?

Mr. E. Burdon : Yes. I presume that the Honourable Member is referring to the Deputy Inspecting Officers, Military Lands and Cantonments.

APPOINTMENT TO CANTONMENTS OF CIVIL OFFICERS CONVERSANT WITH MODERN MUNICIPAL ADMINISTRATION.

31. **Haji Wajihuddin :** (1) Have the Government received any information to the effect that certain officers (being used to old autocratic methods of cantonment administration) are incapable of appreciating the spirit of reform embodied in the Cantonments Act of 1924 or of translating it into action ?

(2) Is it a fact that the disposal of matters pertaining to cantonment administration in the Command is practically in the hands of these officers ?

(3) To what extent is it true that the interference of such officers is already causing dissatisfaction in certain Cantonment Boards of standing ?

(4) Are the Government prepared to consider in the interests of the rulers and the ruled the advisability of replacing certain such officers by such civil officers as are thoroughly conversant with modern municipal administration ?

Mr. E. Burdon : (1) The Government of India have recently received a representation from the All-India Cantonments Association, Ambala, making allegations of the nature indicated.

(2) No, Sir, the position of a Deputy Inspecting Officer, Military Lands and Cantonments, is subordinate and advisory to the Army Commander.

(3) The Government of India have received no expression of such dissatisfaction from any Cantonment Board or from the members of any Cantonment Board.

(4) Does not arise, in view of my replies to parts (1) to (3).

PRESIDENTS OF CANTONMENT BOARDS.

32. Haji Wajihuddin : (1) Is it a fact that the Presidents of Cantonment Boards change very often in several cantonments ?

(2) Is it a fact that in Ambala Cantonment, three different military officers have come to preside over three different meetings of the Cantonment Board held in the last three months ?

(3) Are the Government aware that "an Officer Commanding the Station" comes to preside over a meeting of the Cantonment Board, though his name has not been notified as a member or President of the Cantonment Board in the local Gazette ?

(4) Are the Government aware that sections 14, 23 (b) and 56 (b), Cantonments Act, make it clear that before a military officer could preside over a meeting of a Cantonment Board, the fact of his being the Commanding Officer of the Station has to be communicated to the Local Government concerned and his name has to be gazetted as a member and President of the Cantonment Board on the receipt of such a communication ?

(5) Is it a fact that the present arrangement is not only opposed to law and to the Government circular No. 29186/1/A.D., dated the 19th December 1924, but contrary to the policy of the Government enunciated in its circular No. 27870/1/A.D. (Army Department), dated the 25th June 1924 ?

(6) Are the Government therefore prepared to direct that no military officer shall preside over a meeting of the Cantonment Board unless his appointment as a President of that Cantonment Board has been notified in the local Gazette ?

Mr. E. Burdon : (1) and (2). The Government of India have no information but under section 20 (1) of the Cantonments Act, 1924, whoever may be the Officer Commanding the station for the time being in a cantonment is *ex-officio* the President of the Cantonment Board.

(3) and (4). Under section 14 of the Cantonments Act, 1924, as amended by Act No. VII of 1925, the Officer Commanding the Station is a member of the Cantonment Board. This being an appointment *ex-officio*, he is neither elected nor nominated and accordingly no notification is required to make him a member of the Board. As soon as he assumes his official appointment, he becomes a member of the Board automatically. As already stated, the Officer Commanding the Station is the President of the Board under section 20 (1) of the Cantonments Act. The reference to section 56 (b) is apparently a misquotation.

(5) Since the issue of the Army Department letters quoted, section 14 of the Cantonments Act, 1924, has been amended by Act No. VII of 1925 and the existing position is as stated in parts 3-4.

(6) Does not arise in view of the replies to parts 1 to 4.

SALE OF FOODSTUFFS ON THE OUDH AND ROHILKHAND RAILWAY.

33. **Haji Wajihuddin** : Has the attention of the Government been drawn to the article published in the *Indian Daily Telegraph*, dated 7th July 1925, under the head "Sale of foodstuffs in O. & R. Railway Trains" and if so what action do the Government propose to adopt in the interest of poor third class passengers ?

Mr. G. G. Sim : The Honourable Member is referred to the answer given in this Assembly to-day to a similar question asked by Raja Raghunandan Prasad Singh.

RESOLUTION *re* RAILWAY REFORMS.

34. **Haji Wajihuddin** : Will the Government be pleased to state to what extent action has been taken by different railway lines in response to the Resolution with regard to certain railway reforms adopted in the Legislative Assembly during the Delhi Session, 1924 ?

Mr. G. G. Sim : The Honourable Member is referred to the answer given to a similar question (No. 845) asked by him in this Assembly on 11th February 1925. The progress made since then will be detailed in Volume I of the Report by the Railway Board on Indian Railways for 1924-25 which will be issued shortly.

INSTALLATION OF ELECTRIC FANS IN THIRD CLASS RAILWAY CARRIAGES.

35. **Haji Wajihuddin** : (a) Has the attention of the Government been drawn to the article published in the *Times of India* (daily edition), dated 21st April 1924, containing a suggestion for installation of electric fans in third class carriages especially on the ground that since the introduction of axle driven generators in railway carriages no recurring expenditure would be incurred ?

(b) Will the Government be pleased to consider the advisability of adopting the scheme as an experiment on one or two lines ?

Mr. G. G. Sim : (a) and (b). Government have seen the article referred to. The installation of electric fans in third class carriages would involve heavy expenditure both initial and recurring and Government do not propose to adopt the suggestion.

PILGRIMS TO THE HEDJAZ.

36. **Haji Wajihuddin** : Will the Government be pleased to state :

- (a) the number of outgoing Hedjaz pilgrims last season :
- (b) how many of them purchased return tickets :
- (c) how many deposited a return fare :
- (d) how many purchased single tickets :
- (e) how many came back by return half :
- (f) how many came back by deposit receipts : and
- (g) how many were found stranded at Rabigh ?

Mr. J. W. Bore : (a) to (f). The necessary information is given in the attached statement.

(g) The Government of India have repatriated about 12 destitute Indian pilgrims who were stranded at Rabigh. They have no other information on the subject at present.

Statement showing the number of out-going and in-coming pilgrims during the Haj season of 1925.

	SAILED FROM OR RETURNED TO THE PORT OF		Total.	REMARKS.
	Bombay.	Karachi.		
(a) Total number of out-going pilgrims.	1,585	782*	2,367	*Including 2 infants under one year who were carried free.
(b) Number of pilgrims who purchased return tickets.	625	5	630	
(c) Number of pilgrims who deposited return fare.	957†	676‡	1,633	†One of these pilgrims does not appear to have actually sailed.
(d) Number of pilgrims who purchased single tickets.	4	98‡	102	‡Excluding one pilgrim who seems to have sailed without a ticket and two infants who were carried free.
(e) Number of pilgrims who have used the return half of their tickets and came back.	515	No information available.		
(f) Number of pilgrims who used deposit receipts for the return journey.	756	Do.		

QUARANTINE RESTRICTIONS AT KAMARAN ON PILGRIM SHIPS.

37. **Haji Wajihuddin** : Will the Government be pleased to state :

- (a) under what authority and regulation the outgoing Hedjaz pilgrims were admitted this year in quarantine at Kamaran : and
 (b) whether the last pilgrim ship was exempted from the quarantine restriction and if so, under what authority ?

Mr. J. W. Bhore : (a) Pilgrim ships proceeding to the Hedjaz from India are required to call at Kamaran under executive orders in accordance with the requirements of the Paris International Sanitary Convention.

(b) Yes, under executive orders which were issued as a special case to enable pilgrims who sailed by the last ship to reach Mecca in time for the pilgrimage.

IMPROVEMENT OF THE EXISTING ARRANGEMENTS FOR THE MEDICAL INSPECTION AND EMBARKATION OF PILGRIMS AT BOMBAY AND KARACHI.

38. **Haji Wajihuddin** : (a) Has the attention of the Government been drawn to the inadequate arrangement for the comfort of outgoing Hedjaz pilgrims at the Karachi and Bombay ports before embarkation as published in the *Hamdam* of Lucknow, *Aljamiat* of Delhi and several other vernacular papers of India ?

(b) Will the Government be pleased to consider the desirability of appointing a small committee to inquire and suggest necessary action to improve the situation for the next years ?

Mr. J. W. Bhore : (a) Government are aware that comments to this effect have appeared in a section of the vernacular papers from time to time.

(b) The question of improving the existing arrangements for the medical inspection and embarkation of pilgrims at Bombay and Karachi is already engaging the attention of the Government of India, who do not consider it necessary to appoint any committee of inquiry.

PRICES OF COMMODITIES SOLD IN CANTONMENT BAZARS.

39. **Lala Duni Chand** : (a) With reference to the reply given by Mr. E. Burdon to my starred question No. 1858 (e) on 15th September, 1924, have the Government as promised, informed "all cantonment authorities that any list of prices that they may publish can only be regarded as a guide to intending purchasers and that action cannot be taken against vendors for selling at a price higher than those notified" and if not, why ?

(b) Is it true that in spite of the pronouncement of Mr. E. Burdon on the subject cantonment authorities in certain cantonments are still insisting upon the vendors selling things at prices notified in the list of prices and are the Government prepared to issue strict orders to all the cantonment authorities to obey the instructions of the Government as clearly stated in the reply ?

Mr. E. Burdon : (a) The answer to the first part is in the affirmative. The second part does not accordingly arise.

(b) The Government of India have no information that cantonment authorities are acting in the manner alleged by the Honourable Member but if he will bring to my notice any instance of such action, I will have it investigated.

NAVAL BASE AT SINGAPORE.

40. **Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to state whether the Government of India have been approached by the Home Government for any subsidy or contribution in respect of the Singapore Naval Base project, and if so, whether the Government will place the correspondence on the table ?

Mr. E. Burdon : The attention of the Honourable Member is invited to the replies given on the 28th January 1925, 9th February 1925 and 20th February 1925 to starred questions Nos. 432, 807 and 952, respectively.

RE-ORGANIZATION OF THE ROYAL INDIAN MARINE.

41. **Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to state whether any, and if so, what progress has been made in connection with the proposals for the reorganization of the Royal Indian Marine for the purpose of the naval defence of India ?

Mr. E. Burdon : The question was fully examined by the Military, Naval and Royal Indian Marine authorities last cold weather and a scheme was prepared. Owing to the death of Lord Rawlinson and the departure of His Excellency the Viceroy to England, the consideration of the scheme by the Government of India had to be postponed but it is now being resumed.

EXPENDITURE ON PRIVATE AND INFORMAL CABLEGRAMS BETWEEN THE VICEROY AND THE SECRETARY OF STATE FOR INDIA.

42. **Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to state :

- (1) the amount of expenditure incurred during each of the last five years on the exchange of private and informal cablegrams between the Viceroy and the Secretary of State for India, which are not, as a matter of course, communicated to the members of the Governor General's Council ; and
- (2) whether the Governor General's Council has ever lodged a protest either with the Governor General or with the Secretary of State showing that as stated in Lord Curzon's " Viceroy's of India ", the authority of the Governor General's Council has been practically superseded or undermined by the abuse of the exchange of private letters and cablegrams between the Secretary of State and the Viceroy ?

The Honourable Sir Alexander Muddiman : (1) The information is not available and it would hardly be possible to obtain it.

(2) So far as I am aware the answer is in the negative.

RE-ORGANIZATION OF THE MEDICAL SERVICES IN INDIA.

43. **Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to state whether any, and if so, what, decision has been arrived at with regard to the recommendations of the Lee Commission for the reorganization of the Medical Services in India ?

Mr. E. Burdon : I would invite Honourable Member's attention to the reply given to starred question No. 78 to-day.

FINANCIAL EFFECT OF THE ACTION TAKEN ON THE RECOMMENDATIONS OF THE LEE COMMISSION, ETC.

44. **Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to state the financial effect of the action taken by the Government on the recommendations of the Lee Commission with regard to the Civil Services and similar action taken by the Government with regard to the Military and other services not dealt with by the Lee Commission ?

The Honourable Sir Basil Blackett : The information asked for is being collected.

CLOSING OF THE METEOROLOGICAL OBSERVATORY AT OOTACAMUND.

45. **Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to state :

- (1) whether the meteorological observations, which used to be taken at Ootacamund, have been stopped by order of the Government of India as a measure of retrenchment, and if so, what is the amount of the saving effected thereby ; and
- (2) whether the Government will reconsider their decision as to the publication of weather reports regarding an important health station like Ootacamund ?

The Honourable Sir Bhupendra Nath Mitra : (1) The meteorological observatory at Ootacamund was closed as a measure of retrenchment after consultation with the Madras Government. About Rs. 1,000 per annum was saved by closing it.

(2) The Government of India see no reason for reconsidering their decision at present. They have received no representation on the subject from the Government of Madras.

DESPATCH OF TELEGRAMS REGARDING RAINFALL IN COORG TO THE COLLECTORS OF TANJORE AND TRICHINOPOLY.

46. **Sir P. S. Sivaswamy Aiyer** : Will the Government be pleased to state :

- (1) whether the communication by telegram of observations regarding rainfall in Coorg to the Collectors in the Cauvery Delta has been stopped as a measure of retrenchment, and if so, what is the amount of saving effected thereby ; and
- (2) whether in view of the importance of timely communication of news regarding the rainfall in Coorg to the Collectors of Tanjore and Trichinopoly for the purpose of enabling them to take suitable measures for protection against floods, the Government will be pleased to reconsider their order ?

The Honourable Sir Bhupendra Nath Mitra : (1) The Indian Meteorological Department has never at any time sent, and has never been asked to send, telegrams regarding rainfall in Coorg to Collectors in the Cauvery Delta.

(2) Does not arise.

EXECUTIVE OFFICER OF THE SUBATHU CANTONMENT.

47. **Haji Wajihuddin :** 1. Is it a fact that the present Executive Officer of Subathu draws a salary of Rs. 50 *per mensem* only and that the person who now is Executive Officer was formerly a subordinate of the late Cantonment Committee of Subathu ?

2. Is it a fact that the administration of the Subathu Cantonment is corporation sole and the entire administration of the place is vested in the Officers Commanding of the Station, who very often change in this Cantonment ?

3. Is it a fact that there is a great discontent amongst the shopkeepers of this place owing to the unsatisfactory dealings of this Executive Officer ?

4. Do the Government propose to appoint in this responsible post a highly paid officer ?

Mr. E. Burdon : I am making inquiries into the matter and will let the Honourable Member know the result as soon as possible.

ALLEGATIONS AGAINST THE EXECUTIVE OFFICER OF THE SUBATHU CANTONMENT.

48. **Haji Wajihuddin :** 1. Is it a fact that there are many grain shops known as "Araths" (Commission Agencies) in Subathu Cantonment and these "Araths" have been carrying on business for very many years ?

2. Is it a fact that the owner of one of these "Araths," Ram Chander, was lately asked by the Executive Officer of Subathu to pay "Picketting fee" for animals which frequented his "Araths" and that the said Ram Chander refused to pay the "Picketting fee" firstly, because he considered this charge as illegal and secondly because he already paid to the Cantonment Authority a rent of Rs. 50 per annum for the lease of the plot of land, used by him as "Arath" ?

3. Is it a fact that on this refusal the Executive Officer of Subathu brought a charge of insanitation against this Ram Chander and actually filed a case against him in the criminal court in which the said Ram Chander was acquitted ?

4. Is it a fact that the Assistant Health Officer of Subathu, who was stationed at this Cantonment for more than one year and had even acted as Health Officer for a long time, deposed in the proceedings of this case that during his term of office he never had any occasion of finding the "Arath" of Ram Chander in an insanitary condition and he never had a cause of complaint against him ?

5. Is it a fact that the trying Magistrate in his finding wrote as follows :

" I find from the evidence that the whole procedure in this case is illegal. The Cantonment of Subathu has framed no rules or bye-laws under section 282, Cantonments Act, II of 1924, which would regulate or prohibit stabling or herding of animals or any class of animals, so as to prevent danger to public health " ?

6. Is it a fact that the Cantonment Authority of Subathu was charging conservancy tax from this Ram Chander for this "Arath" without giving him the least help in scavenging this place ?

7. Is it a fact that animals frequented all other "Araths" in Subathu Cantonment and no sanitary objection was taken in other cases by the Cantonment Authority ?

8. Will the Government be pleased to institute inquiries and inform this House why one "Arath" was being singled out for these strictures of sanitation by the Cantonment Authority of Subathu ?

Mr. E. Burdon : I am making inquiries into the matter and will let the Honourable Member know the result as soon as possible.

PAY OF SHROFFS IN CURRENCY OFFICES.

49. **Mr. B. Das :** Will Government be pleased to state whether they are aware that the Shroffs in the Imperial and other Exchange Banks are better paid than those in the Currency Office ? If that be so, do Government propose to revise the scale of pay of the employees of the Currency offices on the lines of the scale obtaining in the Imperial Bank ?

The Honourable Sir Basil Blackett : The answer to the first part of the question is in the negative. Comparisons with rates of pay in private employment are not always relevant in considering rates paid in Government service. I may add that the rates of pay of the shroffs in Currency offices were revised in 1920 and again in 1922.

AMALGAMATION OF THE STAFF OF CURRENCY OFFICES WITH THAT OF THE IMPERIAL BANK OF INDIA.

50. **Mr. B. Das :** Will Government be pleased to state whether it is intended to amalgamate the staff of the Currency Offices with that of the Imperial Bank ? If so, when ?

The Honourable Sir Basil Blackett : No such intention has at present been framed.

INTRODUCTION OF A PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

51. **Mr. B. Das :** Will Government be pleased to state if they have come to any decision in regard to the Resolution of the Council of State passed in February 1924 for the introduction of a Provident Fund System for all Government employees ? If not, is there any chance of coming to a decision on the same before the end of this session ?

The Honourable Sir Basil Blackett : The question is under investigation in correspondence with the Secretary of State. The Honourable Member will realise that the working out of a suitable scheme on a provident fund basis in lieu of pensions is an exceedingly complicated matter ; and until a concrete scheme has been worked out, it will not be possible to judge of its suitability either from the point of view of Government officers or of the State. Local Governments also will require to be consulted. There is no likelihood of a decision being arrived at before the end of this session.

REVISION OF PAY OF THE MENIAL STAFF EMPLOYED IN IMPERIAL DEPARTMENTS
IN BOMBAY.

52. **Mr. B. Das** : Will Government be pleased to state if their attention has been drawn to the Resolution passed by the Bombay Legislative Council regarding the revision of the scales of pay of the menial staff in Government offices in Bombay ? If so, do the Government propose to apply the scales mentioned in the said Resolution to the menials in the Imperial Departments in Bombay ?

The Honourable Sir Basil Blackett : The attention of the Government has been drawn to the Resolution referred to. They have ascertained that the Government of Bombay have not yet revised the scales of pay of their menial staff.

REVISION OF THE PAY OF RECORD SUPPLIERS IN THE CURRENCY OFFICE,
BOMBAY.

53. **Mr. B. Das** : Will Government be pleased to state the number and the pay of the record suppliers in the Bombay Currency Office ? Have they any further prospects, and if not, do the Government propose to revise their scales of pay ?

The Honourable Sir Basil Blackett : (1) There are 4 record suppliers at the Bombay Currency Office on a fixed pay of Rs. 15 with Rs. 10 as temporary and provisional allowance and Rs. 7 as house-rent allowance each.

(2) As the record suppliers are a part of the menial establishment, they have no further prospects.

(3) No revision of pay is considered to be necessary.

PURCHASE OF AGRICULTURAL PRODUCTS FOR THE ARMY IN INDIA.

54. **Dr. S. K. Datta** : (1) Will Government state what the present system is for purchase of agricultural products necessary for the Army in India ?

(2) Have Government considered whether agricultural products necessary for the Army could be purchased through the agency of Co-operative Sale Societies in the various Provinces ?

(3) Have Government investigated the possibilities of developing such a system of purchase ? If not, are Government prepared to take necessary steps to communicate with Local Governments as to the practicability of a scheme of purchase by Government agents from the Co-operative Sale Societies or Unions or Federations of such Societies ?

Mr. E. Burdon : (1) Agricultural products required for the Army in India mainly consist of :

- (a) Cereals and pulses.
- (b) Fodder.
- (c) Dairy Produce.
- (d) Fresh vegetables.

(a) are purchased from the principal market centres through the agency of a well established firm in the trade, on a fixed commission on weight bought. The firm appointed to act as agents is selected from amongst offers received in response to inquiries sent through the various Chambers of Commerce and other commercial bodies in India.

(b) and (c) are produced departmentally by the Military Farms Department. When the production falls short of demands, which is often the case with *bhoosa*, hay and cream, supplies are obtained on contracts by the Military Farms Department.

(d) is arranged for on contract by the local military authorities.

(2) No.

(3) The answer to both parts of the question is in the negative. It is always open to Co-operative Sale Societies or Federations of such societies to compete for the business on the same terms on which purchases are made from ordinary dealers, and societies or Federations desirous of doing business should apply to the Master General of Supply, Army Headquarters, Simla.

CONSTRUCTION OF THE VASAD-BORSAD-KATANA RAILWAY.

55. **Mr. Jamnadas M. Mehta :** (a) Will Government state what progress the scheme of making the Vasad-Borsad-Katana Railway an integral part of the Bombay, Baroda and Central India Railway has made, and whether Government propose to include the said line in their Budget proposals for new construction for 1926-27 ?

(b) Do Government realise that the matter has been under consideration now for a generation ?

Mr. G. G. Sim : The Vasad-Borsad-Katana Railway is the first in order of urgency on the list of lines recommended by the Government of Bombay for construction during 1926-27 and the project will receive due consideration when the estimates come up for general examination and discussion in October next. The revised project report is expected within the next few days.

Should the prospects prove favourable, and if the project can be considered to be financially justified, no avoidable delay will be incurred in putting in hand its construction.

RETRENCHMENTS IN THE ROYAL INDIAN MARINE DOCKYARD, BOMBAY.

56. **Mr. Jamnadas M. Mehta :** (a) Will Government state the number of men (other than labourers) reduced, *i.e.*, placed on the pension establishment, in the Royal Indian Marine Dockyard, Bombay, on account of retrenchment during the year 1924-25 ?

(b) Is it true that men who were superannuated are still continuing in service ? Is it true that all the men retrenched were those who were drawing small salaries and had still many years of service to put in before they became entitled to pension ?

(c) Will Government explain why this discrimination was made ?

(d) Is it true that owing to some posts having been abolished on account of retrenchment the prospects of many clerks to rise to superior posts have disappeared ?

(e) If the reply to (d) be in the affirmative, do Government propose to increase the annual increment of routine clerks from Rs. 4 to Rs. 8 as has been done in the office of the Accountant General, Bombay ?

Mr. E. Burdon : (a) 30 men were discharged, of whom 16 were placed on the pension establishment.

(b) No.

(c) Does not arise.

(d) Prospects of promotion have been impaired to a certain extent.

(e) No. The prospects have not deteriorated to an extent which would justify such a measure.

REFUSAL BY THE EAST INDIAN RAILWAY TO LEASE A PLOT OF LAND AT HATHRAS KILLAH TO MESSRS. HARNARAIN SHIAMSUNDER, COAL MERCHANTS OF AGRA.

†57. **Pandit Krishna Kant Malaviya :** (1) Are the Government aware that Messrs. Harnarain Shiamsunder, coal merchants of Agra, applied for the lease of a plot of land to them, from the East Indian Railway Company at Hathras Killah, District Aligarh, on 1st August 1922, and that the Acting District Superintendent informed them from Tundla that no plot was available there ?

(2) Is it a fact that when on 19th September 1922 the said merchants informed the District Superintendent that in fact, a plot had been allotted to one firm even after their last letter of 24th August 1922 and that some plots were still vacant, they were told, after repeated reminders on 22nd February 1923, that no plot was available now ?

(3) Is it also a fact that on 9th May 1923 the said merchants again informed the District Superintendent that three plots were still available there, but received no reply, and that as a result of their complaint to the General Traffic Manager at Calcutta sent by them on 1st June 1923 and lastly to the Agent on 21st December 1923 they got the amazing reply from the Coal Manager on 8th May 1924 that as they had received no consignment of coal during the last six months, no plot could be allotted to them ?

(4) Is it further a fact that in December 1924 or early January 1925 a plot of land was allotted to the Graphite Coal Company at Agra city station although not a single consignment was received by this firm up to that date at Agra city while Messrs. Harnarain Shiamsunder did actually receive some consignments of coal at Hathras Killah the place where they wanted the plot of land and that they brought these facts to the notice of the railway authorities ?

(5) If the reply to the above questions be in the affirmative, what steps, if any, do the Government propose to take to do justice to the said firm of coal merchants and punish the persons responsible for doing wrong to them by procrastinations and by wrong statements ?

† For answer to this question, see below question No. 58.

RENT OF A PLOT OF LAND AT AGRA LEASED BY THE EAST INDIAN RAILWAY TO MESSRS. HARNARAIN SHIAMSUNDER, COAL MERCHANTS OF AGRA.

58. **Pandit Krishna Kant Malaviya** : (1) Are the Government aware that Messrs. Harnarain Shiamsunder, coal merchants of Agra, are holding a plot of East Indian Railway land at Agra City station at Rs. 12 per year on an agreement executed on 22nd August 1922 and that they have paid the rent of this plot up to 31st August 1925, holding a receipt for the same ?

(2) Is it a fact that all of a sudden on 8th November 1922 they were asked by the railway authorities to pay Rs. 4 per month for the plots ?

(3) Is it also a fact that on 8th April 1924 the District Superintendent of Tundla wanted Rs. 5 per month from them payable from 1st January 1925 ?

(4) Is it further a fact that on 24th February 1925 the Divisional Superintendent of Allahabad asked them to pay Rs. 6 per month ?

(5) Is there any rule guiding the settlement of these rents ? If so, what ?

(6) Is it a fact that although Messrs. Harnarain Shiamsunder agreed to pay Rs. 4 per month as asked for on 8th November 1922 still they have been served with a notice to vacate the land from 1st June 1925 ?

(7) Are the Government prepared to make inquiries in the matter and see that justice is done to Messrs. Harnarain Shiamsunder ?

(8) Are the Government aware that on 23rd May 1925 the Divisional Superintendent, Allahabad, sent a very insulting letter to Messrs. Harnarain Shiamsunder ?

(9) Will the Government be pleased to place a copy of that letter on the Assembly table ?

(10) What action, if any, do the Government propose to take in the matter ?

Mr. G. G. Sim : I propose to answer questions Nos. 57 and 58 together. The Government have no information and cannot undertake to inquire. They must leave matters of this kind to the discretion of the Agent.

COMPENSATION TO MR. CLARENCE LEE, ENGINE DRIVER ON THE NORTH WESTERN RAILWAY.

59. **Mr. S. C. Ghose** : (a) Has the attention of the Government been drawn to the news published in the *Englishman* of the 25th February 1925 about the accident on the North Western Railway between Hotwala and Samsata ?

(b) Will the Government state what compensation has been paid to the family of the brave European engine driver, Clarence Lee, who stuck to his post and was burned to death ?

Mr. G. G. Sim : (a) Government have seen the Press reports of the accident.

(b) Driver Lee is under treatment in hospital and the question of compensation to him is being considered.

CONSTRUCTION OF A PLATFORM AT GUPTIPARA STATION ON THE EAST INDIAN RAILWAY.

60. **Mr. S. C. Ghose** : (a) Has the attention of the Government been drawn to the letter published in the *Forward* of the 3rd June about an East Indian Railway grievance and signed by "Justice" ?

(b) Do the Government propose to direct the East Indian Railway authorities to construct a platform as soon as possible at Guptipara and thus remove the inconvenience and trouble suffered by passengers and pilgrims ?

Mr. G. G. Sim : (a) and (b). Government have seen the article referred to. It is impossible for them to say whether a platform is required at this station but they will bring the matter to the notice of the Agent.

INCONVENIENCES SUFFERED BY PASSENGERS AT MOGRA HAT STATION ON THE EASTERN BENGAL RAILWAY.

61. **Mr. S. C. Ghose** : (a) Has the attention of the Government been drawn to the letter written by Babu Amulya Charan Mitra about the inconveniences suffered by passengers at Magra Hât station (Eastern Bengal Railway) and published in the *Amrita Bazar Patrika* on the 15th July 1925 ?

(b) Do the Government propose to direct the railway authorities to remove the inconveniences suffered by passengers ?

Mr. G. G. Sim : (a) and (b). Government have seen the letter referred to but have no information on the subject. A copy of the question and answer will be sent to the Agent.

ESTABLISHMENT OF AIR COMMUNICATION BETWEEN BRITAIN AND INDIA.

62. **Mr. S. C. Ghose** : (1) Will the Government state if it is a fact that the Government of India is collaborating with the British Air Ministry in connexion with the establishment of Air communication between Britain and India ?

(2) If the answer is in the affirmative, will the Government state if this collaboration will involve this Government in expense ?

(3) Are the British Government paying for the cost of the land where the mooring mast and shed for the airships are being erected at Karachi ?

The Honourable Sir Bhupendra Nath Mitra : (1) The answer is in the affirmative.

(2) and (3). Yes. The estimated cost of the land required for the airship base at Karachi is about Rs. 90,000 and the Standing Finance Committee of the Legislative Assembly have agreed to its being acquired by the Government of India, and placed rent-free at the disposal of the Home Government. In addition they have approved of a grant-in-aid of rupees four lakhs being made by the Government of India to the scheme on the understanding that import duties at the ordinary rates will be paid on all materials imported into India for the works. A supplementary demand for the funds necessary to meet this expenditure will be placed before the Assembly in due course.

EXPORT OF MONKEYS.

63. **Mr. S. C. Ghose** : (1) Will the Government state frankly whether it is the intention of the Government to stop immediately the export of monkeys from India for experimental purposes in Europe ?

(2) Has the attention of the Government been drawn to the article in the *Times of India Weekly Edition* of the 28th June 1925 in which it was stated that the export of monkeys from Bombay is still going on ?

(3) Will the Government state the number of monkeys shipped in the French ship mentioned in the article above-mentioned, and also the name of the French steamer ?

The Honourable Sir Alexander Muddiman : (1) After a careful inquiry into the extent and nature of this traffic, Government decided that there was at present no ground to prohibit it. As I stated in reply to Mr. Devaki Prasad Sinha's question No. 1187 on the 13th March last, there is no evidence that the export of monkeys to Europe is for experimental purposes.

(2) I have seen the article in question.

(3) 180 monkeys. The French steamer in question was the S.S. "Ville de Metz".

WITHDRAWAL OF BRITISH TROOPS FROM DUM DUM CANTONMENT.

64. **Mr. S. C. Ghose** : (1) Will the Government state the reasons which led to the withdrawal of British troops from Dum Dum Cantonment ?

(2) Will the Government state what the military authorities intend to do with the land, houses, factories, etc. in Dum-Dum Cantonment ?

(3) (a) Will the Government state if it is a fact that British troops are to be kept in Lebong all the year round ?

(b) If the answer is in the affirmative, will the Government state what would be the extra cost involved by reason of this step ?

Mr. E. Burdon : (1) The detachment previously located at Dum Dum formed and still forms part of the Internal Security troops allotted to Calcutta ; and it also found the guards for the Ammunition factory. On the closing of the Ammunition factory, it was unnecessary from the point of view of the protection of the factory to retain British troops at Dum Dum and in other respects Dum Dum is an unsuitable location for British troops as the climate is unhealthy and the training facilities are poor. It was therefore decided to move the detachment to some other location sufficiently near to Calcutta for the detachment to be available for Internal Security duties.

(2) It is intended that the properties should be disposed of to the best advantage of the State.

(3) (a) A proposal of this kind is under consideration but a final decision has not yet been reached.

(b) There will be no extra cost but on the contrary a saving of approximately Rs. 6,000 per annum is anticipated as a result of the change. Moreover, if the detachment is not located at Lebong, it may be necessary to incur considerable capital expenditure on the construction of barracks.

CASUALTIES AMONG INDIAN TROOPS DURING THE RECENT DISTURBANCES IN CHINA.

65. **Mr. S. C. Ghose** : (1) Will the Government state if any casualties were suffered by the detachment of 60th Punjabis sent from Hong Kong to Shameen during the trouble there ?

(2) Will the Government state if casualties were suffered by Indian troops that may have been sent to other parts of China during the disturbances in China ?

Mr. E. Burdon : (a) and (b). I am not sure whether the Honourable Member is referring to the disturbances which took place at Canton in October of last year, or to the disturbances of this year. In regard to the former it has been ascertained that no casualties took place among Indian troops, nor was there any trouble at Shameen itself.

Government have no detailed information of any disturbances in that locality this year.

No Indian troops have been sent to any other part of China recently.

REPORT OF THE CIVIL JUSTICE COMMITTEE.

66. **Lala Duni Chand** : Will the Government be pleased to inform the House what action they are going to take on the Report of the Civil Justice Committee and when ?

The Honourable Sir Alexander Muddiman : The answer to the Honourable Member's question was given in general terms in the opening speech of His Excellency the Viceroy on the 20th August 1925. The Government of India have subjected the individual recommendation of the Committee to a preliminary examination. Those which can be put into effect by Local Governments, High Courts and Presiding Officers of the Courts of Justice have been referred to Local Governments and High Courts and we have asked them to inform us of the action which they may decide to take on them. These recommendations include those which may involve legislation in the local Legislatures. We have divided those recommendations which will involve legislation in the Central Legislature into two classes. In the one class the proposals of the committee will be placed before you in the form of Bills before the Local Governments and judicial authorities have been consulted. In the other class we have addressed or shall address Local Governments and judicial authorities after the preliminary examination has been completed and before the Bills are prepared for the consideration of the Indian Legislature. The preliminary investigation to which I have referred has now been completed in respect of practically all the recommendations of the Committee.

OPINIONS OF THE CIVIL JUSTICE COMMITTEE REGARDING THE PROBITY AND EFFICIENCY OF THE PROVINCIAL JUDICIAL SERVICE.

67. **Lala Duni Chand** : (a) Is it a fact that the Civil Justice Committee has pointed out the necessity and desirability of raising the standard of probity and efficiency of the Provincial Judicial Service in certain Provinces to a higher degree, and if so, what concrete and tangible steps are the Government going to take in this direction ?

(b) Has the attention of the Government been drawn to the opinion of Sir Tej Bahadur Sapru on the subject of the probity of the Provincial

Judicial Service in his note at page XXVII and also to the opinion of the Committee as expressed in Chapter 56, dealing with the Punjab and Delhi on the question of the probity and efficiency of the Subordinate Judicial Service in the Punjab, and if so, what steps are the Government of India themselves going to take or what steps do they propose to suggest to the Punjab Government to take to give effect to the said opinions ?

The Honourable Sir Alexander Muddiman : In Chapters 56 and 58 of their report the Civil Justice Committee have referred to certain complaints which they had received in regard to the probity of some subordinate judicial officers in the Punjab and Burma. The Government of India have also seen the remark of Sir Tej Bahadur Sapru referred to by the Honourable Member. The remark is in fact included in their records but it does not purport to give Sir Tej Bahadur's opinion. These matters relate to the administration of justice which is a Provincial subject and the Government of India have no doubt that the Local Governments and High Courts concerned are fully alive to the importance of the question ; indeed the Committee expressly state this in regard to the High Court of Lahore. The Government of India have referred the recommendations of the Committee in regard to improved methods in the recruiting and training of judicial officers and the desirability of supervision and inspection by higher courts to Local Governments for such action as they in consultation with the High Courts concerned may consider desirable, and have asked for a report of the action taken.

RECOMMENDATIONS OF THE CIVIL JUSTICE COMMITTEE REGARDING VILLAGE TRIBUNALS.

68. **Lala Duni Chand :** Has the attention of the Government been drawn to the recommendations of the Civil Justice Committee as contained in Chapter 7, Section V (Village Tribunals), and if so, what particular steps are the Government going to take in this matter ?

The Honourable Sir Alexander Muddiman : The Government of India have referred the recommendations of the Civil Justice Committee relating to village tribunals to Local Governments for such action as they may consider advisable and have asked for a report of the action taken by them.

PURCHASE OF DRUGS AND MEDICAL STORES.

69. **Colonel J. D. Crawford :** (a) Will the Government of India be pleased to state their policy regarding the purchase of drugs and medical stores from firms manufacturing in India ?

(b) What percentage of drugs and medical stores purchased during the last financial year were obtained from firms manufacturing in India ?

(c) Is the policy laid down by the Government of India regarding purchase of drugs and medical stores compulsory on or conformed to by Provincial Governments ?

(d) Are the Government of India aware that in the Punjab and the United Provinces definite instructions have been issued for the purchase of drugs and medical stores in the United Kingdom ?

(e) Are Government medical store depôts and hospitals permitted to import drugs and medical stores free of customs duty ?

(f) Do Government manufacture drugs and medical stores and if so, will Government be pleased to state the reason for a departure in this case from their general policy that Government shall not trade ?

Mr. J. W. Bhore : (a) The Honourable Member is referred to paragraph 4 of the Department of Industries and Labour Resolution No. S.-217, dated the 6th May 1924, and to the Preamble and rules 1 and 2 of the Rules promulgated with the Resolution.

(b) The Government of India have no information as regards the purchases made by the reformed Local Governments and local bodies. The necessary particulars relating to purchases made by the Medical Stores Department have been called for and will be furnished on receipt.

(c) The Government of India have no information as to whether a policy similar to the one referred to in the Resolution and rules mentioned in the answer to part (a) of the question is in force in Governors' Provinces with respect to the purchase of drugs and medical stores. These Governments are not subject to the control of the Central Government in the matter.

(d) The Government of India have no information.

(e) The reply is in the negative.

(f) Certain drugs and medical stores are manufactured at Medical Store Depôts, which are maintained primarily to meet the requirements of the Army, in order to ensure that drugs of suitable quality and in sufficient quantity will be available during emergencies. Were this practice discontinued it would be impossible to meet such needs of the Army satisfactorily since, owing to the possibility of dislocation of communications during war time other sources cannot be relied on to meet the demand promptly, adequately and economically.

Medical Store Depôts obtain, as far as possible, their requirements of "raw materials" from firms in India. Private firms which manufacture stores of similar quality also receive Government orders if the prices quoted by them are favourable. The Honourable Member will thus observe that the activities of the Stores Depôts do not compete with but are complementary to those of private firms.

CONTROL OF THE MANUFACTURE OF DRUGS AND MEDICAL STORES IN INDIA.

70. **Colonel J. D. Crawford :** What steps do the Government of India take to control the manufacture of drugs and medical stores in India ?

Mr. J. W. Bhore : Government do not control the manufacture of drugs and medical stores in India.

INTRODUCTION INTO INDIA OF A FOOD AND DRUGS ACT.

71. **Colonel J. D. Crawford :** Have the Government of India any intention of introducing legislation in the nature of a Food and Drugs Act, similar to that existing in the United Kingdom and United States of America ?

Mr. J. W. Bhore : The reply is in the negative.

MILITARY EXPENDITURE.

72. **Mr. K. Rama Aiyangar :** Will the Government be pleased to state in a tabular form the difference between the revised estimate of 1924-25, under each of the sub-heads of the various items of military expenditure and the actuals of the same year as shown below ?

Heads.	1924-25.					
	REVISED ESTIMATE.			ACTUALS.		
	Gross expenditure.	Receipts.	Net expenditure.	Gross expenditure.	Receipts.	Net expenditure.
Part A.—Standing Army—						
1. Maintenance of the Standing Army						
2. Cost of Education, etc., Establishments and working expenses of Hospitals, Depots, etc.						
3. Army Headquarters staff of Commands, etc.						
4. Stock Account ...						
5. Special Services						
6. Miscellaneous charges and Receipts.						
7. Non-effective charges.						
Total Part A.—Standing Army.						
Part B.—Auxiliary and Territorial Forces.						
Part C.—Royal Air Force.						
GRAND TOTAL -						

The Honourable Sir Basil Blackett : For the revised estimates of 1924-25 under the various heads of military expenditure, I would refer the Honourable Member to page 19 of the " Final estimates of expenditure on Military Services for 1925-26 ", copies of which are available in the Library of the Indian Legislature. The estimates under the other head mentioned will be found in the statements published with Government of India, Finance Department Resolution, No. 3510-F., dated the 28th March 1925. The accounts for the year 1924-25 are still open for adjustments and the final actuals of expenditure will not be available before January next.

RAILWAY EXPENDITURE.

73. **Mr. K. Rama Aiyangar :** Will the Government be pleased to give similar comparative figures showing the revised estimate and the actuals of 1924-25 for the various such heads of expenditure of railway expenditure ?

Mr. G. G. Sim : For the revised estimates of 1924-25 under the various heads of railway expenditure, I would refer the Honourable Member to pages 2-7 of the final " Budget of the Railway Revenue and Expenditure of the Government of India " for 1925-26, copies of which are available in the Library of the Indian Legislature. The accounts for the year 1924-25 are still open for adjustments and the final actuals of expenditure will not be available before the end of this year.

EXPENDITURE UNDER THE HEADS POSTS AND TELEGRAPHS, ETC.

†74. **Mr. K. Rama Aiyangar :** Will the Government be pleased similarly to give in tabular form the actual expenditure and the revised estimate of 1924-25 for the Heads Posts and Telegraphs, Reduction and Avoidance of Debt, Customs, Taxes on Income, General Administration, Currency and the New Capital at Delhi.

RETRENCHMENTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

75. **Mr. K. Rama Aiyangar :** Will the Government be pleased to state if any action has been taken on the Report of the Ryan Committee on retrenchment in the Post and Telegraph Department ? If so, what steps have been taken and what retrenchment has been effected ?

The Honourable Sir Bhupendra Nath Mitra : The various recommendations in the report of the Posts and Telegraphs Department Committee 1924-25 are in process of being examined by Government, who wish to consult the Standing Advisory Committee to the Department of Industries and Labour on some of the more important of them before coming to a decision as to the action to be taken. I hope to be able to lay a statement on the table of the House at the beginning of next Session, giving the information desired by the Honourable Member.

† For answer to this question, see answer to question No. 72.

RAILWAY EXPENDITURE.

76. **Mr. K. Rama Aiyangar** : Will the Government be pleased to lay before the House in a tabular form the difference of charges to capital and to revenue under the old and the revised rules relating to working expenses, maintenance and depreciation and repairs in State Railways, giving the information for each Railway and for the years 1924-25 and 1925-26 ?

Mr. G. G. Sim : The information is not available and cannot be obtained without an examination of the allocation of expenditure on each voucher ; millions of vouchers would have to be dealt with and special establishment at considerable extra cost would have to be employed. As Government do not consider that the information would be worth even a fraction of the cost, they do not propose to collect it.

GRANT TO SENIOR CLERKS IN THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, SOUTHERN COMMAND AND POONA DISTRICT, OF OFFICIATING PROMOTIONS TO THE GRADE OF ACCOUNTANTS.

77. **Dr. K. G. Lohokare** : With reference to the answer given to question No. 2319 of 22nd September 1924, will Government please state whether the Military Accountant General has since issued orders on further consideration of the question of grant of officiating promotions to the grade of Subordinate Accounts Service to the senior clerks ? If not, when are such orders likely to issue ?

The Honourable Sir Basil Blackett : The question is now under the consideration of the Government and orders are expected to issue shortly.

LEAVE VACANCIES IN THE OFFICE OF THE FIELD CONTROLLER OF MILITARY ACCOUNTS, POONA.

78. **Dr. K. G. Lohokare** : With reference to the answer given to question No. 2320, dated 22nd September 1924, will Government please state whether the question of officiating promotions in place of accountants going on leave from the office of the Field Controller of Military Accounts, Poona, has received further consideration and if so whether the necessary orders have been issued ? If not, will Government please state the cause of delay ?

The Honourable Sir Basil Blackett : The matter is still under the consideration of the Military Accountant General along with the general question of the extent to which officiating promotions are to be made in the Military Accounts Department.

REVISION OF THE PAY OF ACCOUNTANTS AND CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

79. **Dr. K. G. Lohokare** : (a) Will the Government of India please state whether the orders regarding the revision of pay of clerks of the Military Accounts Department have been notified ? If not, how long do Government expect to ponder over the question in view of the fact that a second revision of scales of pay in Civil Accounts Offices has been sanctioned from 1st April 1924 ?

(b) Is it a fact that the pay of the Subordinate Accounts Service in Civil and Postal Accounts Offices has been revised a second time from 1st April 1925 ? If the reply be in the affirmative, do the Government of India propose to revise the pay of Subordinate Accounts Service in the Military Accounts Department ?

(c) If the questions at (a) and (b) are under consideration will Government be pleased to state why such abnormal delay is being caused in revising the pay of accountants and clerks of the Military Accounts Department when revision in the case of Civil Account Offices has had effect long ago ?

The Honourable Sir Basil Blackett : (a) No. It is expected that the orders will issue shortly.

(b) (1) Yes. (2) The question is under consideration.

(c) I am not prepared to agree that there has been abnormal delay.

TENURE OF SERVICE AT ADEN FOR THE ESTABLISHMENTS OF THE MILITARY ACCOUNTS DEPARTMENT.

80. **Dr. K. G. Lohokare :** Will the Government of India please state the reasons for which the tenure of service at Aden in the case of the Military Accounts Department has been fixed at three years when in the case of the personnel belonging to the Indian Army Service Corps, Indian Ordnance, Medical and Postal Departments, it does not exceed two years ? Is not the period of service at Aden based generally on climatic conditions ? If so, are there any special reasons to treat the members of the Military Accounts Department differentially ?

The Honourable Sir Basil Blackett : The tenure of service of three years at Aden has been fixed for the establishments of the Military Accounts Department for administrative reasons but the Controller of Military Accounts, Southern Command and Poona District, has been given discretionary powers to reduce this period in deserving cases. The reply to the second part of the question is in the affirmative. The differential treatment referred to in the last part of the question is due to the fact that the establishment of the Military Accounts Department is better paid than the other services mentioned.

GRANT OF CONVEYANCE ALLOWANCE TO CLERKS AND ACCOUNTANTS OF THE MILITARY ACCOUNTS DEPARTMENT.

81. **Dr. K. G. Lohokare :** Is it a fact that in the Postal Department conveyance allowance has been recently sanctioned in the case of clerks whose place of duty is outside city limits ? If so, will the Government of India please consider the question of the grant of a similar allowance to the clerks and accountants of the Military Accounts Department ?

The Honourable Sir Basil Blackett : A few clerks of the Postal Department, who are not provided with free quarters at certain stations, have, I understand, been granted conveyance allowance for special reasons.

The question of granting similar concessions to the clerks of the Military Accounts Department has been considered, but there is no justification for granting such concessions, as the rates of pay, conditions of service, etc., are not similar to those of men employed in the Postal Department.

WITHDRAWAL OF INCREMENTS EARNED BY CLERKS AND ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

82. **Dr. K. G. Lohokare** : With reference to the answer given to questions Nos. 48 and 49 of 22nd January 1925, will the Government of India please state the number of cases in which increments which were actually granted to the subordinates of the Military Accounts Department were subsequently withdrawn (not withheld) for various reasons during 1923-24 and 1924-25 ? In how many cases did the withdrawals have retrospective effect ? Will Government please state whether the aggrieved parties were definitely informed beforehand of the punishment ?

The Honourable Sir Basil Blackett : The information has been called for and will be furnished to the Honourable Member on receipt.

WRITING OFF OF OVERPAYMENTS OF PAY MADE TO CERTAIN CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

83. **Dr. K. G. Lohokare** : Is it a fact that overpayments of pay due to misinterpretation of rules were made to certain temporary clerks, who were entertained on or after 26th October 1920 and granted increments of pay based on their temporary service, on their permanent absorption in the Military Accounts Department ? Is it a fact that the rules were incorrectly interpreted by several Controllers of Military Accounts thereby leading the clerks concerned to reasonably believe that the overpayments made were legitimately due to them ? Were the overpayments challenged within the prescribed time limit of six months ? Are the Government of India prepared to write off the amounts overpaid in these cases under Article 228, Civil Account Code, Vol. I ?

The Honourable Sir Basil Blackett : Overpayments of pay due to misinterpretation of rules were made to certain temporary clerks, but this does not prove that they were accepted by the clerks under the reasonable belief that they were entitled to them. The Government of India are not prepared to write off the overpayments on the ground that members of an Audit Department should not benefit from their own misinterpretation of orders.

PROPOSED DEPUTATION FROM THE MILITARY ACCOUNTS ASSOCIATION, POONA, TO THE FINANCE MEMBER.

84. **Dr. K. G. Lohokare** : Is it a fact that the Military Accounts Association, Poona, requested the Honourable the Finance Member to allow a deputation from the Association to wait on him to represent certain grievances ? If so, was the request granted ? If not, are Government prepared to say why the request was refused ?

The Honourable Sir Basil Blackett : The reply to the first two parts of the question is in the affirmative. The question in the third part does not arise.

EFFICIENCY BAR FOR ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT.

85. **Dr. K. G. Lohokare** : (a) With reference to my interpellation No. 368, of September 1924, in answer to which it is stated that a general principle underlying the efficiency bar is that, if after passing the bar, an

officer becomes inefficient, he is liable to reduction to the lower stage, will Government be pleased to state whether the so-called general principle which has been made applicable to the Military Accounts Department by the special Notification of a Government Resolution, is being made applicable to all other departments of Government? If so, will Government please ascertain and state the number of cases in the Subordinate Accounts Service in which pay has been likewise reduced in the Civil and Postal Accounts Departments from 1st August 1924 to 31st March 1925, and those in the Military Accounts Department? If that procedure is inapplicable to the Civil Subordinate Accounts Service, why was it considered necessary to issue a special Resolution for the Military Accounts Department when a Government servant could be removed from service under the general principle contained in the Civil Service Regulations? Have Government issued any special orders in the Civil or in any other Departments under the Government of India, like those issued in the Military Accounts Department? If not, why is differential treatment being accorded to the Subordinate Accounts Service of the Military Accounts Department?

(b) Before reducing for inefficiency an individual's pay from Rs. 500 to Rs. 450 per month is he informed of the particular cases of his omissions or commissions as the result of which he is considered unfit to continue to receive the pay he was getting? If not, are the Government of India prepared to issue orders to that effect with a view to give an opportunity to the aggrieved party to represent his case and show improvement to regain his status?

The Honourable Sir Basil Blackett : (a) The rules in question have been framed so as to secure the standard of efficiency required to be maintained in the Military Accounts Department and to suit the conditions of service of the men of that Department which are not analogous to those prevailing in the Civil Accounts Department. The Government of India do not propose to make any modification to the existing rules.

(b) An accountant whose pay is reduced is furnished with a copy of his confidential report. The last part of the question does not arise.

PROMOTIONS TO THE GRADE OF DEPUTY ASSISTANT CONTROLLERS IN THE MILITARY ACCOUNTS DEPARTMENT.

86. **Dr. K. G. Lohokare :** Is it a fact that the Government of India have recently notified by the issue of a special letter that permanent and *sub pro tem* vacancies of Deputy Assistant Controllers of Military Accounts in the Military Accounts Department are hereafter to be filled from selected accountants by a Selection Board comprising of the Financial Adviser, Military Accountant General and two Command Controllers? If so, what were the standing orders under which such promotions were hitherto made and why is it now considered necessary to depart from the standing orders? Will Government please say whether such a Selection Board has been constituted in the Civil and Postal Accounts Offices? If not, why is it considered necessary to follow this procedure in the Military Accounts Department?

The Honourable Sir Basil Blackett : The reply to the first portion of the question is in the affirmative.

The promotions to the grade of Deputy Assistant Controller have hitherto been made by the Government of India by selection from

among the accountants of the Department on the recommendation of the Military Accountant General.

There is no such Selection Board in the Civil and Postal Accounts Department.

The present system of audit and accounting in the Military Accounts Department involves considerable complications and requires thoroughly efficient men. The change was made by Government on administrative grounds and in the interests of the efficiency of the Department.

PAY OF *Sub Pro Tem* ACCOUNTANTS OF THE MILITARY ACCOUNTS DEPARTMENT.

87. **Dr. K. G. Lohokare** : Will Government please state whether the Military Accountant General has issued a general warning to all *sub pro tem* accountants of the Military Accounts Department that the pay earned by them for and from the month of April 1925 should be considered as paid provisionally ? If so, will Government please state the reasons for such a warning ?

The Honourable Sir Basil Blackett : The warning was issued by the Military Accountant General with the approval of the Government of India with a view to regularising certain *sub pro tem* promotions to the accountant's grade, made in the past, on an erroneous principle.

APPLICATIONS FOR TRANSFERS FROM ACCOUNTANTS AND CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

88. **Dr. K. G. Lohokare** : Will Government please state :

- (1) The number of applications submitted by accountants and clerks of the Military Accounts Department who had served for 5 years in a District, 3 years in Baluchistan and Aden, requesting their transfer ;
- (2) How many of these were favourably considered ;
- (3) The number of applications that were rejected ; and
- (4) Whether any of the applications at (1) and (2) were withheld by Controllers ?

The Honourable Sir Basil Blackett : The information has been called for and will be furnished to the Honourable Member on receipt.

NUMBER OF CLERKS AND ACCOUNTANTS OF THE MILITARY ACCOUNTS DEPARTMENT ON PAY OF RS. 300 AND UNDER, ETC.

89. **Dr. K. G. Lohokare** : Will the Government of India please state the present number of accountants and clerks of the Military Accounts Department, whose pay does not exceed Rs. 300, and

- (1) who are permanent residents of the Bombay Presidency but serving in the Northern, Western and Eastern Commands and in the Royal Air Force and Factory Accounts Offices ;
- (2) who are permanent residents of the Punjab but serving in the Southern and Eastern Commands ;
- (3) who are permanent inhabitants of Bengal but working in the Northern, Southern and Western Commands ?

The Honourable Sir Basil Blackett : The information is not available, and to furnish it would involve the expenditure of a considerable amount of time and labour which in the opinion of the Government of India would not be commensurate with the results.

GRANT OF MEDICAL LEAVE TO SUBORDINATES OF THE OFFICE OF THE CONTROLLER OF MILITARY ACCOUNTS, WESTERN COMMAND AND BALUCHISTAN DISTRICT, QUETTA.

90. **Dr. K. G. Lohokare** : Is it a fact that the Controller of Military Accounts, Western Command and Baluchistan District, Quetta, is granting

(1) leave without pay, and

(2) leave on half pay

to the subordinates of his office who are unable to attend office owing to sickness certified by authorised Government medical officers although privilege or furlough on full average salary stands at their credit ? If so, will Government please state how his action is justified ? Is the grant of privilege leave and furlough on full average salary even in cases of medical certificates entirely in the discretion of the sanctioning authority ?

The Honourable Sir Basil Blackett : The information has been called for and will be furnished to the Honourable Member on receipt.

COMPETITION BETWEEN IMPORTED JAPANESE AND INDIAN MILL-MADE PIECE-GOODS.

91. **Mr. Kasturbhai Lalbhai** : With reference to the Honourable the Commerce Member's assurance during the last Simla Session that the Government would " watch very carefully " the competition between the imported Japanese and the Indian mill-made piece-goods, will the Government be pleased to state the result of their watching ?

The Honourable Sir Charles Innes : I will answer questions Nos. 91 and 93 together, and refer the Honourable Member to the reply given by His Excellency the Viceroy to the deputation of the Millowners, a report of which has appeared in the Press.

INQUIRY INTO THE CASE OF HOSEIERY.

92. **Mr. Kasturbhai Lalbhai** : Have Government completed their inquiry into the case of hosiery and are they now in a position to give their judgment reserved by the Honourable the Commerce Member during the last Simla Session ?

The Honourable Sir Charles Innes : No.

ASSISTANCE TO THE INDIAN TEXTILE INDUSTRY.

93. **Mr. Kasturbhai Lalbhai** : (a) Is it a fact that during the recent interviews between the Bombay millowners and Honourable Sir Charles Innes and Honourable Mr. Chadwick, different alternatives were suggested to assist the Indian textile industry ?

(b) Is it a fact that Government did not see their way to accept any of the said alternatives ? Will Government be pleased to state what policy they propose to follow in the present sad plight of the textile industry ?

† For answer to this question, see answer below question No. 91.

INCLUSION OF LAND VALUES IN THE RAILWAY CAPITAL ACCOUNT.

94. **Dr. K. G. Lohokare** : With reference to the answer to question No. 103 at page 4214 of the Legislative Assembly Debates, Volume III, is it a fact that the lands made over free to the 18 old Railway Companies, viz. :

- (1) Bengal Central,
- (2) Bombay, Baroda and Central India,
- (3) Brahmaputra Sultanpur,
- (4) Deoghur,
- (5) Eastern Bengal,
- (6) East Indian,
- (7) Great Indian Peninsula,
- (8) Kalka Simla,
- (9) Madras,
- (10) Mymensingh Jamalpur Jagannathganj,
- (11) Nilgiri,
- (12) Noakhali (Bengal),
- (13) Oudh and Rohilkhand,
- (14) Ranaghat Krishnagar,
- (15) Scinde, Punjab and Delhi,
- (16) Segowly Raxaul,
- (17) South Indian,
- (18) Tarkessur,

have now, with the purchase of the railways, reverted to Government and are employed for the purposes of a Commercial (Railway) Department ; if so, do Government propose to charge the cost of those lands to capital account in accordance with the concluding portion of the reply to question No. 19 at page 29 of the L. A. D., Volume III ?

Mr. G. G. Sim : The reply to the first part of the question is in the affirmative.

As to the second part, Government do not propose to disturb the past accounts. The principle referred to in the concluding portion of the reply to question No. 19 at page 29 of the Legislative Assembly Debates, Volume III, does not apply to the cost of land paid for from Revenue which is taken over as a part of a railway purchased by Government. If, however, any portion of such land reverted to Government from any cause and was subsequently acquired for a railway not entitled to land free of cost, its value would be debited to Capital.

The Honourable Member's attention is also invited to the proceedings of the 20th July of the Standing Finance Committee for Railways where the whole question of the treatment in the accounts of the cost of land supplied free to subsidised companies is discussed and the conclusion reached that no change in the existing procedure as affecting contracts still in force should be made.

RATES FOR THE CARRIAGE OF COAL FOR NON-STATE RAILWAYS.

95. **Dr. K. G. Lohokare** : With reference to the reply to question No. 169 at page 4401 of the Legislative Assembly Debates, Volume III, is it a fact that the obligation to carry coal for non-State Railways at the cheaper rates fixed for Railways generally is both extra-contractual and post-contractual and not a direct legal consequence of those Railways being required, under the terms of their contracts, to carry Government stores at the rates fixed for State Railways ; if so, when and where was the obligation first laid down ?

The Honourable Sir Charles Innes : The reply to the first part of the question is in the affirmative. The principle that all Railways, whether State or Companies, should be treated alike in the matter of rates for the carriage of coal was laid down by the Government of India in 1890.

PROVISION OF INTERMEDIATE CLASS ACCOMMODATION ON PASSENGER TRAIN ON THE GREAT INDIAN PENINSULA RAILWAY.

96. **Dr. K. G. Lohokare** : With reference to the reply to question No. 1785 (d) page 3189 of Assembly Debates of 1924, will Government be pleased to say on what passenger trains (and not on mail and express trains) has intermediate class accommodation since been provided by the Great Indian Peninsula Railway on the N. E. and S. E. Sections ?

The Honourable Sir Charles Innes : The information is being obtained and will be furnished to the Honourable Member in due course.

DISADVANTAGES OF INTERMEDIATE CLASS TRAVELLING ON THE GREAT INDIAN PENINSULA RAILWAY.

97. **Dr. K. G. Lohokare** : Will Government be pleased to say, if :

- (a) Second class coupon tickets fare between Bombay and Poona and between Bombay and Nasik is less than the intermediate class fare;
- (b) there are any week-end or other return tickets for the intermediate class on the Great Indian Peninsula Railway similar to those for the second class;
- (c) the Great Indian Peninsula Railway has any particular object in making intermediate class travelling disadvantageous ;
- (d) in carriage capacity an intermediate class carriage gives such accommodation as to bring greater return from the number of seats available than a second class carriage ?

The Honourable Sir Charles Innes : Information is being obtained and will be furnished to the Honourable Member in due course.

DISTANCE OF THIRD CLASS BOOKING OFFICE FROM THE ENTRANCE TO THE STATION AT POONA.

98. Dr. K. G. Lohokare : Will Government be pleased to say :

- (a) if the Great Indian Peninsula Railway or Government authorities are aware and have received complaints about the long distance between the third class booking office and entrance to the station and the platform on the newly constructed station at Poona ?
- (b) if the Great Indian Peninsula Railway authorities or the Government are prepared to consider the inconvenience to the third class passengers and locate the third class booking office somewhere in the main building, preferably in the room for the parcel office ?

The Honourable Sir Charles Innes : (a) and (b). Government have not received or heard of any such complaints. A copy of the question and answer will be sent to the Agent.

APPOINTMENT OF MUHAMMADANS IN THE MULTAN DIVISION, NORTH WESTERN RAILWAY.

***99. Mr. Abdul Haya :** (a) Has the attention of the Government been drawn to the issues of the *Muslim Outlook* dated 22nd July 1925 and 7th August 1925 in which are published allegations of injustice done to Muslims in the matter of appointments in the North Western Railway, Multan Division, owing to the unsympathetic and bigoted activities of the non-Muslim employees of the Multan Division who are in a preponderating majority ?

(b) If so, have the Government inquired into the matter and what steps have the Government taken to safeguard the interests of the Muslims and to ensure that Muslims of required qualifications are not debarred from entering the Railway service in that Division and also that their future prospects and promotions are not placed in jeopardy ?

(c) Is it a fact, that in this Division one Shams-ud-Din, Head Clerk, Commercial Section, was recently removed from that post and a Hindu by name Gopal Das was appointed in his place ?

(d) Will the Government please state the period of Shams-ud-Din's service and since when he was working as Head Clerk in the Commercial Section ?

(e) Is it a fact that Shams-ud-Din had served in the Great War and had about 11 years' continuous overseas service to his credit ?

(f) What were the comparative qualifications of Gopal Das who was allowed to supersede Shams-ud-Din and what were the reasons for this supersession ?

APPOINTMENT OF MUHAMMADANS IN THE MULTAN DIVISION OF THE NORTH WESTERN RAILWAY.

100. Mr. Abdul Haya : (a) Is it a fact that one Ram Lal, a junior and a new man, was given promotion over the head of one Nur Muhammad, a clerk in the Commercial Section of the Multan Division on the North Western Railway ?

* For answer to this question, see answer below question No. 109.

(b) Is it a fact that in this Division one Jalal Shah has been on the surplus list since 1924 and that he has not been provided against any permanent vacancy although two other Hindu clerks have been so provided although they were juniors to Jalal Shah and were brought on the list long after him ?

(c) Is it a fact that out of 10 officers at present working in the Multan Division not one is a Muslim ?

(d) Is it a fact that out of 10 Head Clerks in the Division only one is a Muslim ?

(e) If the above facts are correct, are the Government prepared to issue instructions and take such steps as are necessary to ensure that Muslims are given their due share of these appointments ?

Mr. G. G. Sim : I will answer questions Nos. 99 and 100 together. Government have seen the article referred to. They cannot undertake to inquire into the alleged grievances of individual clerks on the North Western Railway. As regards the general question raised by the Honourable Member the general policy has been laid down by the Government and the Government have no doubt that that policy is observed by the Agent.

PERCENTAGE OF MUHAMMADANS IN THE PROVINCIAL CIVIL SERVICE, NORTH WEST FRONTIER PROVINCE.

101. **Mr. Abdul Haya** : (a) What is the total strength of the Provincial Civil Service in the North West Frontier Province and how many out of the present incumbents are Muhammadans ?

(b) Will the Government please state how many Hindus and how many Muslims were recruited in the Provincial Civil Service during the past 5 years ?

(c) What steps have the Government taken during the last 5 years to give the Musalmans a greater share in this Service of the Province ?

(d) Are the Government prepared to so arrange the future recruitment so as to bring the proportion of the Muslims in this service in the neighbourhood of at least 75 per cent. ?

Sir Denys Bray : (a). The sanctioned strength is 36, but at present there are 38, including seconded members. Of these 31 are Muslims, 5 are Hindus and 2 Christians, 1 British and 1 Indian.

(b) 10 Muslims, 3 Hindus and 1 Indian Christian.

(c) and (d). Appointments are by selection. The Honourable Member will see from the figures I have given that the present percentage of Muslims is actually above the percentage he advocates.

EXTENSION OF THE ARRANGEMENTS FOR THE SUPPLY OF INDIAN REFRESHMENTS ON RAILWAY TRAINS.

102. **Sardar V. N. Mutalik** : (a) Will Government be pleased to state on what trains arrangements are made for the supply of Indian refreshments and dinners ?

(b) Do Government intend to extend the arrangements on other trains ?

Mr. G. G. Sim : The Honourable Member is referred to the answer* given in this Assembly to a similar question asked by Mr. B. Das.

* *Vide* Unstarred question No. 8.

CONSTRUCTION OF A WAITING ROOM AT KOREGAON ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

103. **Sardar V. N. Mutalik** : (a) Will Government be pleased to state whether they are aware that the Koregaon station on the Madras and Southern Mahratta Railway is growing in importance as a commercial centre and as a centre of motor communication to various parts, and that very great inconvenience is felt on account of the want of waiting room ?

(b) In view of the above, do Government intend to construct a waiting room or rooms, at the station at an early date ?

Mr. G. G. Sim : (a) and (b). Government have no information on the subject. Such matters are within the discretion of the Railway Administration. A copy of the question and the answer will be sent to the Agent, Madras and Southern Mahratta Railway Company, for such action as he may consider necessary.

REVISION OF THE PAY OF CLERKS OF THE MILITARY ACCOUNTS DEPARTMENT.

104. **Sardar V. N. Mutalik** : Will Government be pleased to state whether they intend to revise the scale of pay of the clerical branch of the Military Accounts Department, and if so, when ?

The Honourable Sir Basil Blackett : The question is now under consideration and orders are expected to issue shortly.

MOTION FOR ADJOURNMENT.

Mr. President : I have received notice of a motion from Mr. Jinnah, asking for the adjournment of the business of the Assembly to discuss a definite matter of urgent public importance, namely, the composition of the Currency Commission as announced in the speech of His Excellency the Viceroy. I am inclined to rule the motion in order unless the Government have got anything to say.

The Honourable Sir Alexander Muddiman (Home Member) : There is only one point I want to mention not on the merits of this particular motion for adjournment.

Mr. President : Will you restrict yourself to the point of order ?

The Honourable Sir Alexander Muddiman : I shall confine myself to a general point of order in connection with the motion now before you. The point is a very short one. I notice there is a motion on the agenda for to-morrow for the second reading of a Bill dealing with exchange. It occurs to me that that motion might be considered as blocking the present motion for adjournment on the ground that on the second reading of a Bill of that kind the points raised in this motion for adjournment could be specifically discussed and therefore the motion for leave for adjournment to-day might indeed be considered a breach of the rule against anticipation. I submit the matter entirely for your consideration.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : As the Bills referred to stand in my name, may I inform the Honourable the Home Member that after the announcement regarding the

[Sir Purshotamdas Thakurdas.]

appointment of the Commission I informed the Honourable the Finance Member and I think his department too that I do not propose to proceed with the second reading of the Bills this Session and I intend to ask for postponement of consideration of the Bills if that stage is reached.

The Honourable Sir Alexander Muddiman : I am merely acting on the information I have received from the business on the paper.

Sir Purshotamdas Thakurdas : In view of what I have said just now, will the Honourable Member modify his views ?

The Honourable Sir Basil Blackett (Finance Member) : I do not remember being told that this was not going to be moved. I was told yesterday by my department that it was. There is evidently a misunderstanding on the subject. •

Sir Purshotamdas Thakurdas : May I say to the Honourable the Finance Member that I owe him an apology. I did not give official notice. That is quite true. I now declare on the floor of the House that I do not propose to take up the second reading of the Bill this Session.

Mr. President : I take it then that Mr. Jinnah's motion has the leave of the Assembly.

(A Voice : " No. ")

Mr. President : In that case, I ask Members who are in favour of the motion to rise in their seats.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : I do not want the leave of the Assembly at all. You having held that my motion is in order I am entitled to move, until there is an objection on the part of any Member of this House to my motion. It is only when an objection is raised that you have to ascertain whether there are 25 Members here who would stand up and support me. If they do, then I am entitled to move. May I draw your attention to the Manual of Business and Procedure, rules 42 and 43 :

" The Member asking for leave must before the commencement of the sitting of the day leave with the Secretary a written statement of the matter proposed to be discussed."

which I have done :

" If the President is of opinion that the matter proposed to be discussed is in order, he shall read the statement to the Assembly and ask whether the Member has the leave of the Assembly to move the adjournment. If objection is taken, the President shall request those Members who are in favour of leave being granted to rise in their places and if not less than 25 Members rise, accordingly, the President shall intimate that leave is granted and that the motion will be taken at 4 P.M. or at some other time."

Therefore, Sir, unless there is an objection it is for you to determine whether the motion should be taken up at four o'clock or some other time which may be convenient to the Honourable the Home Member who has a voice in this matter.

Mr. President : I understand that Sir Sivaswamy Aiyer has taken objection to leave being granted, and therefore it becomes my duty to ask Members who are in favour of the motion to rise in their seats.

(43 Members rose in their seats.)

Mr. President : There being 43 members in favour of the motion, leave is granted. The discussion will take place at 4 P.M.

STATEMENT LAID ON THE TABLE.

The Honourable Sir Charles Innes (Commerce Member): Sir, I lay on the table the Convention and Statute on the International Regime of Maritime Ports and Protocol of Signature ratified on behalf of India.

RATIFIED ON BEHALF OF INDIA.

C. 823 M. 312 VIII, 1923.

[C. G. C. T.-36.]

LEAGUE OF NATIONS.

SECOND GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT.
(November 15th—December 9th, 1923.)

CONVENTION AND STATUTE ON THE INTERNATIONAL REGIME OF
MARITIME PORTS AND PROTOCOL OF SIGNATURE.

(As this Convention is to remain open for signature until October 31st, 1924, the names of the countries, and of their plenipotentiaries will be inscribed on that date in alphabetical order.)

* * * * *
Desirous of ensuring in the fullest measure possible the freedom of communications mentioned in Article 23 (c) of the Covenant by guaranteeing in the maritime ports situated under their sovereignty or authority and for purposes of international trade equality of treatment between the ships of all the Contracting States, their cargoes, and passengers ;

Considering that the best method of achieving present purpose is by means of a General Convention to which the greatest possible number of States can later accede ;

And whereas the Conference which met at Genoa on April 10th, 1922, requested, in a resolution which was transmitted to the competent organisations of the League of Nations with the approval of the Council and the Assembly of the League, that the International Conventions relating to the Regime of Communications provided for in the Treaties of Peace should be concluded and put into operation as soon as possible, and whereas Article 379 of the Treaty of Versailles and the corresponding articles of the other Treaties provide for the preparation of a General Convention on the International Regime of Ports ;

Having accepted the invitation of the League of Nations to take part in a Conference which met at Geneva on November 15th, 1923 ;

Desirous of bringing into force the provisions of the Statute relating to the International Regime of Ports adopted thereat, and of concluding a General Convention for this purpose, the High Contracting Parties have appointed as their plenipotentiaries.

[Here follow the names.]

* * * * *
who, after communicating their full powers, found in good and due form, have agreed as follows :

Article 1.

The Contracting States declare that they accept the Statute on the International Regime of Maritime Ports annexed hereto, adopted by the Second General Conference on Communications and Transit which met at Geneva on November 15th, 1923.

This Statute shall be deemed to constitute an integral part of the present Convention.

Consequently, they hereby declare that they accept the obligations and undertakings of the said Statute in conformity with the terms and in accordance with the conditions set out therein.

Article 2.

The present Convention does not in any way affect the rights and obligations arising out of the provisions of the Treaty of Peace signed at Versailles on June 28th, 1919, or out of the provisions of the other corresponding Treaties, in so far as they concern the Powers which have signed, or which benefit by, such Treaties.

[Sir Charles Innes.]

Article 3.

The present Convention of which the French and English texts are both authentic, shall bear this day's date, and shall be open for signature until October 31st, 1924, by any State represented at the Conference of Geneva by any Member of the League of Nations and by any States to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Article 4.

The present Convention is subject to ratification. The instruments of ratification shall be deposited with the Secretary-General of the League of Nations, who shall notify their receipt to every State signatory of or acceding to the Convention.

Article 5.

On and after November 1st, 1924, the present Convention may be acceded to by any State represented at the Conference referred to in Article 1, by any Member of the League of Nations, or by any State to which the Council of the League of Nations shall have communicated a copy of the Convention for this purpose.

Accession shall be effected by an instrument communicated to the Secretary-General of the League of Nations to be deposited in the archives of the Secretariat. The Secretary-General shall at once notify such deposit to every State signatory of or acceding to the Convention.

Article 6.

The present Convention will not come into force until it has been ratified in the name of five States. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification. Thereafter, the present Convention will take effect in the case of each Party ninety days after the receipt of its ratification or of the notification of its accession.

In compliance with the provisions of Article 18 of the Covenant of the League of Nations, the Secretary-General will register the present Convention upon the day of its coming into force.

Article 7.

A special record shall be kept by the Secretary-General of the League of Nations showing, with due regard to the provisions of Article 9, which of the Parties have signed, ratified, acceded to or denounced the present Convention. This record shall be open to the Members of the League at all times; it shall be published as often as possible, in accordance with the directions of the Council.

Article 8.

Subject to the provisions of Article 2 above, the present Convention may be denounced by any Party thereto after the expiration of five years from the date when it came into force in respect of that Party. Denunciation shall be effected by notification in writing addressed to the Secretary-General of the League of Nations. Copies of such notification shall be transmitted forthwith by him to all the other Parties, informing them of the date on which it was received.

A denunciation shall take effect one year after the date on which the notification thereof was received by the Secretary-General, and shall operate only in respect of the notifying State.

Article 9.

Any State signing or acceding to the present Convention may declare at the moment either of its signature, ratification or accession, that its acceptance of the present Convention does not include any or all of its colonies, overseas possessions, protectorates, or overseas territories, under its sovereignty or authority, and may subsequently accede, in conformity with the provisions of Article 5, on behalf of any such colony, overseas possession, protectorate or territory excluded by such declaration.

Denunciation may also be made separately in respect of any such colony, overseas possession, protectorate or territory and the provisions of Article 8 shall apply to any such denunciation.

Article 10.

The revision of the present Convention may be demanded at any time by one-third of the Contracting States.

In faith whereof the above-named plenipotentiaries have signed the present Convention.

DONE at Geneva the ninth day of December, one thousand nine hundred and twenty-three, in a single copy which shall remain deposited in the Archives of the Secretariat of the League of Nations.

[Here follow the signatures.]

STATUTE.

Article 1.

All ports which are normally frequented by sea-going vessels and used for foreign trade shall be deemed to be maritime ports within the meaning of the present Statute.

Article 2.

Subject to the principle of reciprocity and to the reservation set out in the first paragraph of Article 8, every Contracting State undertakes to grant the vessels of every other Contracting State equality of treatment with its own vessels, or those of any other State whatsoever, in the maritime ports situated under its sovereignty or authority, as regards freedom of access to the port, the use of the port, and the full enjoyment of the benefits as regards navigation and commercial operations which it affords to vessels, their cargoes and passengers.

The equality of treatment thus established shall cover facilities of all kinds, such as allocation of berths, loading and unloading facilities, as well as dues and charges of all kinds levied in the name or for the account of the Government, public authorities, concessionaries or undertakings of any kind.

Article 3.

The provisions of the preceding article in no way restrict the liberty of the competent Port Authorities to take such measures as they may deem expedient for the proper conduct of the business of the port provided that these measures comply with the principle of equality of treatment as defined in the said article.

Article 4.

All dues and charges levied for the use of maritime ports shall be duly published before coming into force.

The same shall apply to the by-laws and regulations of the port.

In each maritime port, the Port Authority shall keep open for inspection by all persons concerned a table of the dues and charges in force, as well as a copy of the by-laws and regulations.

Article 5.

In assessing and applying Customs and other analogous duties, local octroi or consumption duties, or incidental charges, levied on the importation or exportation of goods through the maritime ports situated under the sovereignty or authority of the Contracting States, the flag of the vessel must not be taken into account, and accordingly no distinction may be made to the detriment of the flag of any Contracting State whatsoever as between that flag and the flag of the State under whose sovereignty or authority the port is situated, or the flag of any other State whatsoever.

Article 6.

In order that the principle of equal treatment in maritime ports laid down in Article 2 may not be rendered ineffective in practice by the adoption of other methods of discrimination against the vessels of a Contracting State using such ports, each Contracting State undertakes to apply the provisions of Articles 4, 20, 21 and 22 of the Statute annexed to the Convention on the International Regime of Railways, signed at Geneva on December 9th, 1923, so far as they are applicable to traffic to or from a maritime port, whether or not such Contracting State is a party to the said Convention on the International Regime of Railways. The aforesaid articles are to be interpreted in conformity with the provisions of the Protocol of Signature of the said Convention. (See Annex.)

Article 7.

Unless there are special reasons justifying an exception, such as those based upon special geographical, economic, or technical conditions, the Customs duties levied

[Sir Charles Innes.]

in any maritime port situated under the sovereignty or authority of a Contracting State may not exceed the duties levied on the other Customs frontiers of the said State on goods of the same kind, source or destination.

If, for special reasons as set out above, a Contracting State grants special Customs facilities on other routes for the importation or exportation of goods, it shall not use these facilities as a means of discriminating unfairly against importation or exportation through the maritime ports situated under its sovereignty or authority.

Article 8.

Each of the Contracting States reserves the power, after giving notice through diplomatic channels, of suspending the benefit of equality of treatment from any vessel of a State which does not effectively apply, in any maritime port situated under its sovereignty or authority, the provisions of this Statute to the vessels of the said Contracting State their cargoes and passengers.

In the event of action being taken as provided in the preceding paragraph, the State which has taken action and the State against which action is taken, shall both alike have the right of applying to the Permanent Court of International Justice by an application addressed to the Registrar; and the Court shall settle the matter in accordance with the rules of summary procedure.

Every Contracting State shall, however, have the right, at the time of signing or ratifying this Convention, of declaring that it renounces the right of taking action as provided in the first paragraph of this article against any other State which may make a similar declaration.

Article 9.

This Statute does not in any way apply to the maritime coasting trade.

Article 10.

Each Contracting State reserves the right to make such arrangements for towage in its maritime ports as it thinks fit, provided that the provisions of Articles 2 and 4 are not thereby infringed.

Article 11.

Each Contracting State reserves the right to organise and administer pilotage services as it thinks fit. Where pilotage is compulsory, the dues and facilities offered shall be subject to the provisions of Articles 2 and 4, but each Contracting State may exempt from the obligation of compulsory pilotage such of its nationals as possess the necessary technical qualifications.

Article 12.

Each Contracting State shall have the power, at the time of signing or ratifying this Convention, of declaring that it reserves the right of limiting the transport of emigrants, in accordance with the provisions of its own legislation to vessels which have been granted special authorisation as fulfilling the requirements of the said legislation. In exercising this right, however, the Contracting State shall be guided, as far as possible, by the principles of this Statute.

The vessels so authorised to transport emigrants shall enjoy all the benefits of this Statute in all maritime ports.

Article 13.

This Statute applies to all vessels, whether publicly or privately owned or controlled.

It does not, however, apply in any way to warships or vessels performing police or administrative functions or, in general, exercising any kind of public authority, or any other vessels which for the time being are exclusively employed for the purposes of the Naval, Military or Air Forces of a State.

Article 14.

This Statute does not in any way apply to fishing vessels or to their catches.

Article 15.

Where, in virtue of a treaty, convention or agreement, a Contracting State has granted special rights to another State within a defined area in any of its maritime ports for the purpose of facilitating the transit of goods or passengers to or from the territory of the said State, no other Contracting State can invoke the stipulations of this Statute in support of any claim for similar special rights.

Every Contracting State which enjoys the aforesaid special rights in a maritime port of another State, whether contracting or not, shall conform to the provisions of this Statute in its treatment of the vessels trading with it and their cargoes and passengers.

Every Contracting State which grants the aforesaid special rights to a non-Contracting State is bound to impose, as one of the conditions of the grant, an obligation on the State which is to enjoy the aforesaid rights to conform to the provisions of this Statute in its treatment of the vessels trading with it and their cargoes and passengers.

Article 16.

Measures of a general or particular character which a Contracting State is obliged to take in case of an emergency affecting the safety of the State or the vital interests of the country may, in exceptional cases, and for as short a period as possible, involve a deviation from the provisions of Articles 2 to 7 inclusive; it being understood that the principles of the present Statute must be observed to the utmost possible extent.

Article 17.

No Contracting State shall be bound by this Statute to permit the transit of passengers whose admission to its territories is forbidden, or of goods of a kind of which the importation is prohibited, either on grounds of public health or security, or as a precaution against diseases of animals or plants. As regards traffic other than traffic in transit, no Contracting State shall be bound by this Statute to permit the transport of passengers whose admission to its territories is forbidden, or of goods of which the import or export is prohibited, by its national laws.

Each Contracting State shall be entitled to take the necessary precautionary measures in respect of the transport of dangerous goods or goods of a similar character, as well as general police measures, including the control of emigrants entering or leaving its territory, it being understood that such measures must not result in any discrimination contrary to the principles of the present Statute.

Nothing in this Statute shall affect the measures which one of the Contracting States is or may feel called upon to take in pursuance of general international conventions to which it is a party, or which may be concluded hereafter, particularly conventions concluded under the auspices of the League of Nations, relating to the traffic in women and children, the transit, export or import of particular kinds of articles such as opium or other dangerous drugs, arms, or the produce of fisheries, or in pursuance of general conventions intended to prevent any infringement of industrial, literary or artistic property, or relating to false marks, false indications of origin or other methods of unfair competition.

Article 18.

This Statute does not prescribe the rights and duties of belligerents and neutrals in time of war. The Statute shall, however, continue in force in time of war so far as such rights and duties permit.

Article 19.

The Contracting States undertake to introduce into those conventions in force on December 9th, 1923, which contravene the provisions of this Statute, so soon as circumstances permit and in any case on the expiry of such conventions, the modifications required to bring them into harmony with such provisions, so far as the geographical, economic or technical circumstances of the countries or areas concerned allow.

The same shall apply to concessions granted before December 9th, 1923, for the total or partial exploitation of maritime ports.

Article 20.

This Statute does not entail in any way the withdrawal of facilities which are greater than those provided for in the Statute and which have been granted in respect of the use of maritime ports under conditions consistent with its principles. This Statute also entails no prohibition of such grant of greater facilities in the future.

Article 21.

Without prejudice to the provisions of the second paragraph of Article 8, disputes which may arise between Contracting States as to the interpretation or the application of the present Statute shall be settled in the following manner:

Should it prove impossible to settle such dispute either directly between the Parties or by any other method of amicable settlement, the Parties to the dispute

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may, before resorting to any procedure of arbitration or to a judicial settlement, submit the dispute for an advisory opinion to the body established by the League of Nations as the advisory and technical organisation of Members of the League for matters of communications and transit. In urgent cases a preliminary opinion may be given recommending temporary measures, including measures to restore the facilities for international traffic which existed before the act or occurrence which gave rise to the dispute.

Should it prove impossible to settle the dispute by any of the methods of procedure enumerated in the preceding paragraph, the Contracting States shall submit their dispute to arbitration, unless they have decided or shall decide, under an agreement between them, to bring it before the Permanent Court of International Justice.

Article 22.

If the case is submitted to the Permanent Court of International Justice, it shall be heard and determined under the conditions laid down in Article 27 of the Statute of the Court.

If arbitration is resorted to, and unless the Parties decide otherwise, each Party shall appoint an arbitrator, and a third member of the arbitral tribunal shall be elected by the arbitrators, or, in case the latter are unable to agree, shall be selected by the Council of the League of Nations from the list of assessors for Communications and Transit cases mentioned in Article 27 of the Statute of the Permanent Court of International Justice; in such latter case, the third arbitrator shall be selected in accordance with the provisions of the penultimate paragraph of Article 4 and the first paragraph of Article 5 of the Covenant of the League.

The arbitral tribunal shall judge the case on the basis of the terms of reference mutually agreed upon between the Parties. If the Parties have failed to reach an agreement, the arbitral tribunal, acting unanimously, shall itself draw up terms of reference after considering the claims formulated by the Parties; if unanimity cannot be obtained, the Council of the League of Nations shall decide the terms of reference under the conditions laid down in the preceding paragraph. If the procedure is not determined by the terms of reference, it shall be settled by the arbitral tribunal.

During the course of the arbitration the Parties, in the absence of any contrary provision in the term of reference, are bound to submit to the Permanent Court of International Justice any question of international law or question as to the legal meaning of this Statute the solution of which the arbitral tribunal, at the request of one of the Parties, pronounces to be a necessary preliminary to the settlement of the dispute.

Article 23.

It is understood that this Statute must not be interpreted as regulating in any way rights and obligations *inter se* of territories forming part of or placed under the protection of the same sovereign State, whether or not these territories are individually Contracting States.

Article 24.

Nothing in the preceding articles is to be construed as affecting in any way the rights or duties of a Contracting State as Member of the League of Nations.

ANNEX.

Text of the articles of the Statute on the International Regime of Railways and of the provisions relating thereto contained in the Protocol of Signature:

Article 4.—Recognising the necessity of granting sufficient elasticity in the operation of railways to allow the complex needs of traffic to be met, it is the intention of the Contracting States to maintain unimpaired full freedom of operation while ensuring that such freedom is exercised without detriment to international traffic.

They undertake to give reasonable facilities to international traffic and to refrain from all discrimination of an unfair nature directed against the other Contracting States, their nationals or their vessels.

The benefit of the provisions of the present article is not confined to traffic governed by a single contract; it extends also to the traffic dealt with in Articles 21 and 22 of the present Statute subject to the conditions specified in the said articles.

Article 20.—The Contracting States, recognising the necessity in general of leaving tariffs sufficient flexibility to permit of their being adapted as closely as possible to

the complex needs of trade and commercial competition retain full freedom to frame their tariffs in accordance with the principles accepted by their own legislation, provided that this freedom is exercised without detriment to international traffic.

They undertake to apply to international traffic tariffs which are reasonable both as regards their amounts and the conditions of their application, and undertake to refrain from all discrimination of an unfair nature directed against the other Contracting States, their nationals or their vessels.

These provisions shall not prevent the establishment of combined rail and sea tariffs which comply with the principles laid down in the previous paragraphs.

Article 21.—The benefit of the provisions of Article 20 shall not be confined to transport based on single contracts. It shall extend equally to transport made up of successive stages by rail, by sea or by any other mode of transport traversing the territory of more than one Contracting State and regulated by separate contracts, subject to the fulfilment of the following conditions :

Each of the successive contracts must specify the initial source and final destination of the consignment ; during the whole duration of carriage the goods must remain under the supervision of the carriers and must be forwarded by each carrier to his successor direct and without delay other than that necessary for the completion of the transport operations and the Customs, octroi, police or other administrative formalities.

Article 22.—The provisions of Article 20 shall be equally applicable to internal, as well as to international, traffic by rail as regards goods which remain temporarily at the port without regard to the flag under which they have been imported or will be exported.

Protocol of Signature.—It is understood that any differential treatment of flags based solely on the consideration of the flag should be considered as discrimination of an unfair nature in the sense of Articles 4 and 20 of the Statute on the International Regime of Railways.

PROTOCOL OF SIGNATURE OF THE CONVENTION ON THE INTERNATIONAL REGIME OF MARITIME PORTS.

At the moment of signing the Convention of to-day's date relating to the International Regime of Maritime Ports, the undersigned, duly authorised, have agreed as follows :—

1. It is understood that the provisions of the present Statute shall apply to ports of refuge specially constructed for that purpose.

2. It is understood that the British Government's reservation as to the provisions of Section 24 of the " Pilotage Act " of 1913 is accepted.

3. It is understood that the obligations laid down in French Law in regard to ship-brokers shall not be regarded as contrary to the principle and spirit of the Statute on the International Regime of Maritime Ports.

4. It is understood that the condition of reciprocity laid down in Article 2 of the Statute on the International Regime of Maritime Ports shall not exclude from the benefit of the said Statute Contracting States which have no maritime ports and do not enjoy in any zone of a maritime port of another State the rights mentioned in Article 15 of the said Statute.

5. In the event of the flag or nationality of a Contracting State being identical with the flag or nationality of a State or territory which is outside the Convention, no claim can be advanced on behalf of the latter State or territory to the benefits assured by this Statute to the flags or nationals of Contracting States.

The present Protocol will have the same force, effect and duration as the Statute of to-day's date, of which it is to be considered as an integral part.

In faith whereof the above-mentioned plenipotentiaries have signed the present Protocol.

DONE at Geneva, the ninth day of December, one thousand nine hundred and twenty-three, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations ; certified copies will be transmitted to all the States represented at the Conference.

[Here follow the same signatures as those appearing at the end of the Convention.]

[Sir Charles Innes.]

FINAL ACT OF THE SECOND GENERAL CONFERENCE ON COMMUNICATIONS AND TRANSIT.

The Second General Conference on Communications and Transit, convened in accordance with the Rules of Procedure for General Conferences adopted at the Barcelona Conference, and in execution of the resolutions adopted by the Council of the League of Nations on April 19th, 1923, met on November 15th, 1923, at the seat of the Secretariat of the League of Nations at Geneva.

The Conference discussed the agenda prepared by the Advisory and Technical Committee for Communications and Transit. In particular, it considered a Draft Convention and Statute on the International Regime of Railways, a Draft Convention and Statute on the International Regime of Maritime Ports, a Draft Convention and Statute relating to the Transmission in Transit of Electric Power, and a Draft Convention and Statute relating to the Development of Hydraulic Power affecting more than one State.

The Council of the League of Nations appointed

M. Ettore CONTI, Senator of the Kingdom of Italy,
as President of the Conference.

The secretarial work was entrusted to the following members of the Communications and Transit Section of the Secretariat of the League of Nations :—

M. B. HAAS (Secretary-General of the Conference) ;

Mr. T. A. HIAM ;

Mr. J. M. F. ROMEIN.

The following States participated in the Conference, and for this purpose appointed the Delegations, whose members are set out below :

[Here follow the names of States and their Delegates.]

The Conference met from November 15th until December 9th. The Conference adopted the four Draft Conventions submitted to it for discussion.

The Conference also adopted the following recommendations :

“ The Conference recommends the Contracting States to encourage the conclusion of special Conventions, in the sense of Articles 21 and 38 of the Statute on the International Regime of Railways, with a view to providing for the carriage by rail, or other means of transport, of goods which cannot be consigned on a single contract and which are therefore forwarded by successive contracts and remain, throughout the whole duration of carriage, under the charge of the carrier.”

“ With a view to ensuring the widest possible extension of the principles of freedom of communication, of equality of treatment and of reciprocity, which are the basis of the Convention and Statute relating to the International Regime of Maritime Ports adopted by the Conference held at Geneva on December 9th, 1923, and which govern, in accordance with the principles of the Covenant and also in conformity with the resolution of the Economic Conference held at Genoa in 1922, the rights laid down in the above-mentioned Statute ;

“ Considering that the critical conditions in all countries are due, among other causes to restrictions affecting passenger and goods traffic which have come into being and have recently become accentuated ;

“ The Conference recommends that all States, including those which are not Members of the League of Nations, should accept the fundamental principles of the above-mentioned Statute, and should refrain from inequitable economic measures such as, in particular, an abusive extension of the conception of maritime coasting trade ;

“ More especially, the Conference recommends to States signatories of the Convention relating to the International Regime of Maritime Ports, or adhering thereto, which are under the same sovereignty as other States whose territory is situated overseas or which have such territories under their sovereignty or authority, to apply, in all circumstances, in their ports or in the ports of such territories, and, under the conditions laid down in Articles 2, 5 and 6, to ships of their nationality carrying on trade between their territories and such States or territories overseas, and to their cargoes and passengers, the same treatment as is applied to the ships of other Contracting States utilising the aforesaid ports and carrying on other trade than the trade specified above.”

“ The Conference expresses the hope that the Contracting States will endeavour to ensure the widest possible application of the provisions of the Convention on the Regime of Maritime Ports, the Convention on the Regime of Railways, the Convention relating to the Transmission in Transit of Electric Power and the Convention relating to the Development of Hydraulic Power, in the colonies, overseas possessions, protectorates and overseas territories placed under their sovereignty or authority, unless special circumstances render this impossible, and meanwhile that, in particular as regards the Convention on the Regime of Maritime Ports, they will grant equitable treatment to the vessels, passengers, and cargoes of the other Contracting States and maintain the facilities existing at present in the chief colonial ports open to international traffic.”

“ The Conference notes the recommendation made by the Central Commission for Rhine Navigation which is as follows :

‘ The Commission hopes that the competent organisations of the League of Nations will consider the best method of assuring collaboration between waterways and railways.’

“ Considering that the question raised by the Central Commission is of a highly complicated character and calls for full and careful investigation,

“ And, in view of the great importance of the question,

“ The Conference refers the matter to the Secretary-General of the League of Nations and requests him to instruct the competent organisations of the League to carry out this investigation with a view to the making of such recommendations as may appear desirable.”

In faith whereof the Delegates have signed the present Act.

DONE at Geneva the ninth day of December, one thousand nine hundred and twenty-three, in a single copy, which shall remain deposited in the Archives of the Secretariat of the League of Nations.

[Here follow the signatures.]

THE INDIAN INSURANCE COMPANIES BILL.

The Honourable Sir Charles Innes (Commerce Member): Sir, I introduce the Bill to consolidate, amend and extend the law relating to Insurance Companies.

THE SALT LAW AMENDMENT BILL.

The Honourable Sir Basil Blackett (Finance Member): I beg to move for leave to introduce a Bill to amend the law relating to salt and salt-revenue for the reasons stated in the Statement of Objects and Reasons.

Mr. President : The question is :

“ That leave be given to introduce a Bill to amend the law relating to salt and salt-revenue.”

The motion was adopted.

The Honourable Sir Basil Blackett : I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 102 AND 103.)

Mr. H. Tonkinson (Home Department : Nominated Official) : I move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908.

This Bill, Sir, deals with two recommendations of the Civil Justice Committee. The first relates to section 102 of the Code of Civil Procedure. As Honourable Members are aware, under that section a second appeal does not lie in any suit of the nature cognisable by a Court of Small Causes when the amount or value of the subject matter of the original suit does not exceed Rs. 500. In regard to this section, the Civil Justice Committee refer to the limit of Rs. 500 in the Provincial Small Cause Court Acts. Honourable Members will remember that the normal maximum limit of the powers of Small Cause Courts under the Provincial Small Cause Courts Act is Rs. 500 but Local Governments may increase that limit to Rs. 1,000. The Civil Justice Committee have recommended that Local Governments shall take this action to a greater extent than in the past because they say that in the present circumstances, the value of money and the increased efficiency of the subordinate courts, it is fitting that these enhanced powers should now be exercised by them to a greater extent than in the past. They further suggest as a necessary corollary to this recommendation that the limit of Rs. 500 in section 102 of the Code of Civil Procedure should be increased.

The second recommendation, Sir, relates to section 103 of the Code. Under that section in a second appeal the High Court may, if the evidence on the record is sufficient, determine any issue of fact necessary for the disposal of the appeal not determined by the lower appellate court. In regard to this section, the Civil Justice Committee point out that a finding of fact of the lower court may have been come to owing to a misreception of evidence or other error of law. They recommend therefore an amendment of section 103 so as to increase the powers of the second appellate court in these matters. I may mention, Sir, that on this recommendation we have already consulted Local Governments and judicial authorities. There is, I think, one outstanding reply—the Madras Government's; otherwise the replies practically universally approve of the recommendation.

Sir, I move for leave to introduce.

The motion was adopted.

Mr. H. Tonkinson : Sir, I introduce the Bill.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 60.)

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move for leave to introduce a Bill further to amend the Code of Civil Procedure, 1908.

This is a very small Bill and I need not detain the House at length. Its object is to amend section 60 of the Code of Civil Procedure. By Act XXVI of 1923 the limit of exemption in regard to civil court attachments and sales in respect of salaries of public officers, railway servants and local authorities was raised. It was raised to double the original limit, namely, from Rs. 20 to Rs. 40 and from Rs. 40 to 80. The Bombay Government in 1924, I think, pointed out that this adversely affected the

working of co-operative societies in advancing loans, being particularly hard on people on small pay, and they suggested a special exemption in the law in regard to co-operative societies. That, Sir, is what the Bill which I ask leave to introduce to-day does.

Sir, I ask for leave to introduce.

The motion was adopted.

The Honourable Sir Alexander Muddiman : I introduce the Bill.

THE INDIAN NATURALIZATION BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to the naturalization in British India of aliens resident therein.

I need say very little about this Bill. Speaking generally it is the same Bill which was introduced by my predecessor in July 1923 and got as far as the Select Committee stage. The object of the Bill is this. We have always had in India an old Act, the Indian Naturalization Act of 1852, which enables a local certificate of naturalization to be obtained from the authorities in India. As you all know, in the year 1914, the British Nationality and Status of Aliens Act was passed by the Imperial Parliament. It effected a great consolidation of the naturalization law of the Empire. The question then arose whether we should maintain our local Act. It was thought desirable to do so for this reason that a knowledge of English is required in order to claim naturalization under the Imperial Act but that of course is not the case under our local Act. It would be advantageous to a certain number of aliens who are unable to speak English that they should be able to obtain the rights of British citizenship within the ambit of the Indian Legislature. It is for that reason that I introduce the Bill which revises and expands the old Act of 1852 on the lines of the more modern Act of 1914 to which I have referred. I really do not think there is anything more I need say at this stage. The Bill is similar to the one which has already been before a Select Committee of this Assembly and which emerged without any material alteration, and this is the same measure save in so far as it has been necessary to modify it in one respect.

Sir, I ask for leave to introduce.

The motion was adopted.

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

THE INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I beg to move for leave to introduce the Bill to amend the Presidency Towns Insolvency Act, 1909, and the Provincial Insolvency Act, 1920.

This, Sir, is a Bill to give effect to three recommendations of the Civil Justice Committee. In the first place, it brings the town of Karachi within the jurisdiction of the Presidency-towns Insolvency Act instead of within that of the Provincial Insolvency Act which is now in force in that town. The Committee have given reasons for recommending this. It is a matter which has been impressed on the Government of

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[Sir Alexander Muddiman.]

India for some years. I myself, I admit, have in the past been somewhat opposed to it because it was doubtful to my mind whether the necessary machinery for the procedure of the Act was available in Karachi. But we have now had repeated recommendations made on the subject reinforced by the recommendation of the Committee which is of great authority. We therefore think it right at any rate to bring it before this House in the form of a Bill.

The second change effected by the Bill is also on the recommendation of the Civil Justice Committee and proposes to amend the law relating to offences against the Insolvency Act. It amends section 104 of the Presidency-towns Insolvency Act on the lines of the amendments made some years ago in the Provincial Insolvency Act.

The third amendment of any importance made by the Bill deals with a cognate matter. It amends both the Insolvency Acts on the line of the English bankruptcy law. It is again based on the recommendation of the Civil Justice Committee. We have also taken the opportunity of making one or two formal amendments in the law relating to insolvency necessitated by the constitution of a High Court at Rangoon.

Sir, I ask for leave to introduce the Bill.

The motion was adopted.

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

THE LEGISLATIVE BODIES CORRUPT PRACTICES BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move for leave to introduce a Bill to provide for the punishment of corrupt practices by or relating to members of legislative bodies constituted under the Government of India Act.

As the law stands, bribery of members of legislative bodies is not punishable although bribery of an elector is an offence. The matter was considered by the Reforms Inquiry Committee and is one of the side issues of their report. On this matter the recommendation of the Committee was unanimous. It was based on a report by a sub-committee presided over by Sir Tej Bahadur Sapru and the conclusions of that Committee were accepted by the Committee as a whole. The offence is created by the insertion of a new Chapter in the Indian Penal Code. It is based on the existing law as to illegal gratification and I do not think I need say much further at this stage. The Bill penalises the offering of a bribe to a member of a legislature in connection with his functions as such and also the receipt or demand by a member of a legislature of a bribe in connection with his function as such. The definition adopted for the offence follows that in section 171B of the Code in regard to the offence of bribing a voter at an election and in order to prevent vexatious prosecutions we have included a provision on the lines of section 196 of the Code of Criminal Procedure.

I move for leave to introduce the Bill.

The motion was adopted.

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

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 375 AND 376.)

The Honourable Sir Alexander Muddiman (Home Member) : Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code.

This Bill involves the amendment of sections 375 and 376 of that Code. Now this is a Bill on which I must say a little more than what I should usually say on introducing a Bill which had been before the House on a previous occasion. This is a well known Bill ; it has been with us like the poor for a long time. The original measure was introduced by my friend Sir Hari Singh Gour as far back as February 1924. Here I should like to bear witness to the public spirit and determination with which Sir Hari Singh Gour has pressed this measure of reform upon this House ; and I should like to make it quite clear that in introducing my Bill I have not the slightest wish to deprive him of the just commendation which he received from all parties for taking up this difficult subject. It is not, as I have said, my purpose to snatch his thunder, but in reality to forward the proposals which he, and I am sure many in this House, have so deeply at heart. The Bill is what is known as the Age of Consent Bill. It has had a very chequered career ; it has wandered between the House and Select Committee and it went into outer darkness on another occasion. The original Bill introduced by Sir Hari Singh Gour was referred to a Select Committee, and here I may say that it was a very strong Select Committee, which took great care and paid great attention to the particularly difficult questions raised by the Bill. They returned it to the House with a recommendation that the age of consent should be raised to thirteen within the marriage tie and to fourteen outside the marriage tie. I may say that that was as far as in the opinion of the Government it was safe to go on the opinions received on the original Bill. It is useless to deny and I do not think the promoter of the original Bill will seek to contend it that a considerable body of opposition was raised to his Bill as framed and would have been raised to the Bill as amended by the Select Committee. Still, we did feel that there was sufficient support to justify us in going as far as that ; and here I should like to say that I feel I am a little to blame myself in connection with this measure. I have been referring to the debates at Delhi and although it was my intention I do not think I made it quite clear, as I ought to have done to the House that it was the intention of Government not to go further than the Select Committee report. Very likely it was due to my own fault—possibly when I was making my statement I did not make it as clear to the House as I ought to have done, and I may have misled the House to that extent. The result was that the House at the consideration stage of the Bill raised the age to fourteen inside marriage and sixteen outside marriage. Now that was a proposition that was entirely beyond anything that Government had contemplated doing. It was particularly beyond anything that Government had referred to Local Governments, and here I may say that when proposals of this kind dealing with the whole of the criminal law of India governing relations between parties, in tracts as far distant as Cape Comorin, and the tribes of the Himalayas, are brought forward, it behoves the Executive Government to be extremely careful that they do not amend the law without consulting those who have a much better knowledge of how that law will operate in the particular tracts of the country which are administered by the Local

[Sir Alexander Muddiman.]

Governments or Administrations as the case may be. That, Sir, is the history of the former Bill. I had to take objection on those grounds and I had very reluctantly, because a certain proposition of mine could not be accepted, to vote with those who desired to throw out that Bill ; and the Bill was thrown out. I have been very much criticised for that action and it has been suggested that it was taken upon some dislike of progress. I need hardly in this House deny such an imputation. Nothing was farther from my thoughts or wishes. But it does behove the Executive Government to be extraordinarily careful in dealing with these matters, and before accepting a motion of that kind it would have involved the reference of that question again to Local Governments. However, I am now doing my best to reinstate the position as it existed when the Select Committee reported on the Bill, and the Bill I bring in is the Bill of the Select Committee. I think that at this stage I have said enough to explain the position to the House and I ask for leave to introduce the Bill.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhamadan Rural) : Mr. President, I desire to oppose the introduction of this Bill, and I confine myself at this stage to stating just in two or three sentences why I choose to stand and oppose this Bill. I do not go into the merits of the Bill at all ; I do not consider at this stage that I should do so. But I wish to oppose the introduction of this Bill on behalf of myself and all others who feel that matters of this kind ought not to become the subject of legislation by a Government which is not yet national, nor perhaps at any stage ; these matters ought to be left to the good sense of the communities concerned, and I for one have not the slightest hesitation in saying that great changes are coming, healthy changes are coming in among ourselves and legislation of this kind is absolutely unnecessary. Therefore on this principle I say that this Government, constituted as it is, or perhaps as it may be for a pretty long time to come, ought not to interfere in matters concerning the social and religious practices of communities in this country. and I therefore object to leave being given to introduce this Bill in this Assembly. I am aware that there is a strong body of opinion in favour of such social reform. As I said, on the merits of the Bill, I am for reform to a certain extent. But I again say that there is no great need for this House to go into it ; and I feel that the matter ought not to become the subject of legislation by a heterogeneous body such as this House is. The only community perhaps where early marriages prevail is the Brahman Community, which is a small percentage of the population of India ; and it is all hyperbole to say that all Indian motherhood is being greatly affected and all that kind of thing by the practices now obtaining ; and that India will go down unless the Penal Code is amended. I do not believe that there is any great truth in statements of this kind. In any case I object on principle to legislation of this kind in matters purely social or partly social and partly religious.

Mr. President : The question is :

“ That leave be given to introduce a Bill further to amend the Indian Penal Code.”

The motion was adopted.

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

THE LEGISLATIVE MEMBERS EXEMPTION BILL.

The Honourable Sir Alexander Muddiman (Home Member) : Sir, this Bill is also a product of the unanimous opinion of the Reforms Inquiry Committee. The first Bill that I just introduced imposes certain penalties for offences by or relating to members of Legislative bodies, which I trust will never arise. This Bill, on the other hand, confers certain privileges upon Members of the Legislature. The proposal was the work of the Sub-Committee which was composed of distinguished members like Sir Tej Bahadur Sapru and several others, who were members after them, and it was accepted by the Reforms Inquiry Committee as a whole. The original proposal of the Committee was to exempt Members of the Legislature from sitting as jurors or assessors in criminal trials, and to give them immunity from arrest or imprisonment in civil causes during the Session of the Legislature and for a period of 7 days immediately preceding or following the Sessions. We have slightly modified this, as we have added immunity from arrest and imprisonment of Members not only when the Legislature is actually in Session, but also when they are sitting on committees of the Legislature. We have increased the period of immunity from 7 days to 14 days. We consider that, having regard to the immense distances in India, a period of 7 days was too little. These are the provisions embodied in the Bill which I now ask leave to introduce.

The motion was adopted.

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

THE INDIAN LIMITATION (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department: Nominated Official) : Sir, I move for leave to introduce a Bill further to amend the Indian Limitation Act, 1908.

The Bill, Sir, deals with a point in the Report of the Civil Justice Committee, but it is a point which had already engaged the attention of the Government, and upon which we consulted the Local Governments and judicial authorities in 1924. Honourable Members will remember that in Order XXXVII of the First Schedule of the Code of Civil Procedure, a summary procedure is provided for certain classes of suits dealing with promissory notes, etc. For those classes of suits in the Courts to which the Order relates, it is possible for the plaintiff to bring his suit in a particular form, and then unless the defendant appears and is given leave to defend his suit, the summary procedure in that Chapter is followed. This summary procedure, Sir, has, I understand, been found particularly valuable in England in speeding up the administration of justice and in securing that there shall be a minimum of those delays which in some cases practically amount to a denial of justice.

Now, Sir, in addition to the provisions of Order XXXVII in the First Schedule, there is a provision in section 128 of the Code of Civil Procedure under which High Courts may by rule extend the summary procedure to certain other classes of suits. With the attention which has been directed in recent years towards methods of obtaining speedy justice, certain of our High Courts have considered it advisable to take action under this clause,

[Mr. H. Tonkinson.]

and this, Sir, brought to light certain drafting defects in regard to the period of limitation to which the present Bill mainly relates. Now, Order XXXVII of the Code of Civil Procedure reproduces practically the provisions of Chapter XXXIX of the Code of Civil Procedure of 1882. Honourable Members will remember that when the present Code of Civil Procedure was before the Legislature proposals were also before the Legislature to consolidate and amend the law regarding limitation. Those proposals eventually took the form of the present Limitation Act of 1908. That Act was preceded by the Act of 1877. Now, in the provision in the Schedule to that Act which dealt with suits under summary procedure a period of limitation of six months was provided for the following description of suit :

“ 5. Under the Code of Civil Procedure, Chapter XXXIX, summary procedure on Negotiable Instruments.”

The Limitation Bill was introduced in the old Legislative Council in 1907. In the Bill as introduced this provision ran as follows :—

“ Under the Code of Civil Procedure when triable summarily.”

Now these two Bills were before the Select Committees at the same time, and that, I assume, is the reason for this drafting defect to which the Bill mainly relates, for the Select Committee on the Indian Limitation Act amended the description of suit in this particular as follows :—

“ Under the summary procedure referred to in section 128 (2) (f) of the Code of Civil Procedure, 1908.”

Well, Sir, that contains no reference to suits under Order XXXVII. I admit that certain commentators have found no difficulty in deciding that this Article prescribes the period of limitation for suits under Order XXXVII. For example, Mr. Justice Mulla of the Bombay High Court definitely asserts that the period of limitation is that prescribed in this Article. But when one examines the exact words, there will, I think, be no doubt that it is necessary for us to provide in this provision that the Article shall apply definitely to suits under Order XXXVII. When, Sir, we took up this matter, we thought it advisable also at the same time to extend the period of limitation from six months to one year. That was the proposal upon which we consulted the Local Governments in 1924. In this respect our Bill differs somewhat from the recommendations of the Civil Justice Committee. The Civil Justice Committee have recommended that the period of limitation shall be three years, that is to say, the ordinary period of limitation for a suit under the Negotiable Instruments Act. We thought, before we received the report of the Committee, that a period of six months was too restrictive and unduly prevented resort to the procedure under Order XXXVII. We did not, however, think that the period should be so long as three years. We thought that, if a man wished to be in a position to be able to walk into court and to place upon the defendant the onus of proving that he had a defence, it was reasonable that he should be prompt and therefore we took the middle course of suggesting one year as the period of limitation. We consulted Local Governments and High Courts upon this proposal. Some authorities suggested that the existing period should be retained. Others suggested that the period should be extended to three years, but, so far as we are able to judge, the weight of opinion is in favour of the middle course adopted in this Bill. Sir, it is unnecessary for me to refer, except briefly to the other details of the Bill. We also propose in it to make the same drafting change in Article 159 of the First Schedule,

and again we also propose to make it clear that the period of limitation in Article 5 shall only apply to a suit which is brought under the summary procedure so long as it is open to a plaintiff to move by that procedure or, at his option, by the ordinary procedure.

Sir, I move for leave.

The motion was adopted.

Mr. H. Tonkinson : Sir, I introduce the Bill.

THE RELIGIOUS ENDOWMENTS (AMENDMENT) BILL.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move for leave to introduce a Bill further to amend the Religious Endowments Act, 1863.

This Bill, Sir, is a small enabling measure. Honourable Members will remember that in the definition in section 2 of the Religious Endowments Act of 1863, it is provided that the words "civil court and court" shall mean the principal court of original civil jurisdiction in the district in which the mosque, temple or religious establishment is situate relating to which, or to the endowment whereof, any suit shall be instituted or application made under the provisions of this Act. The Bill which I ask leave to introduce proposes to enable a Local Government to empower other courts to take the action a court may take under this Act. In this connection, Sir, I think I might refer briefly to other analogous provisions of the law. Honourable Members will remember the provision in section 92 of the Code of Civil Procedure which provides that the suits under that section may be brought in a principal civil court of original jurisdiction or in any other court empowered in that behalf by the Local Government. That, Sir, is a provision exactly on all fours with the amendment of the Religious Endowments Act which we now propose to make. To turn to the Charitable and Religious Trusts Act, 1920, it will be remembered that in section 2 of that Act, as passed, a court means District Court. But Honourable Members may remember that in the first Legislative Assembly, on the motion of a private Member from Madras, a provision exactly on the same line as that in the Bill which I am now asking for leave to introduce was introduced and passed into law. The Civil Justice Committee have suggested that there is no reason why these powers should not be exercised by courts specially empowered in that behalf by the Local Government. We have made one restriction in the powers we propose to permit Local Governments to confer upon courts under the Act. That is, Sir, in regard to section 10 of the Act which deals with the filling of vacancies in a committee. If a vacancy in a committee is not filled by election within a period of three months, any person may apply to the civil court and the civil court will then fill the vacancy. We considered, Sir, in regard to this one provision in the Religious Endowments Act, it was desirable that the power should only be exercised by one court, that of the District Judge.

Sir, I move for leave.

The motion was adopted.

Mr. H. Tonkinson : Sir, I introduce the Bill.

THE INDIAN CARRIAGE OF GOODS BY SEA BILL.

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

“ That this Assembly do recommend to the Council of State that the Bill to amend the law with respect to the carriage of goods by sea, be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of 10 Members.”

The House will remember that I gave a short explanation of this somewhat forbidding-looking Bill when I introduced it in February last. The fact of the matter is that for many years past there have been constant bickerings between shippers and ship-owners about bills of lading. The shippers complained that every time anything happened in which a ship-owner was sued for damages, the ship-owner promptly included in the Bill of lading a clause which contracted him out of that particular liability. The shippers say that ship-owners have contracted themselves out of every possible liability under a Bill of lading. The ship-owners, of course, have got their side of the case. They protest that, if they did not do this, they would have to raise freights. And they also say that, after all, they do not mean it and that, when claims come, they do in fact treat them generously—and I believe that is a fact. But still these disputes have been going on for many years. One Government after another felt impelled to legislate in the matter, and eventually the International Conference of Maritime Law took the matter up. They got the shippers and ship-owners round a table and for two years they hammered away at what is a very difficult subject. As a result of these negotiations they eventually produced an agreed code of rules known as the Hague Rules. A very prominent authority in England has said that these rules represent the greatest common measure of agreement that is ever likely to be arrived at between shippers and ship-owners and the conference strongly recommended that the various Governments should give statutory force to this code of rules. Now, the House will remember that, after I had introduced this Bill last February, we decided to circulate it. The Bill has been circulated to all Local Governments and to all important commercial bodies, and there is an overwhelming unanimity of opinion that the rules may be given statutory force in India.

There is only one point outstanding, and that is whether or not these rules should be applied in their entirety, or with modifications, to the coasting trade. The Home Government had to make a special modification in their Act in regard to the coasting trade and the question we have now to decide is how far and to what extent we should follow the Home Government's decision in regard to our coasting trade. The matter is essentially a commercial one and I think that it will be of great advantage to us if in considering it in Select Committee we enlisted the aid of the wealth of commercial talent in the Council of State. That is why I now propose that the Bill be referred to a Joint Committee. Sir, I move my motion.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhamadan Rural) : Sir, I desire to make a very small suggestion, which I hope will be accepted. I am not opposing the motion to refer the Bill to a Joint Committee at all. I suggest that the number may slightly be raised from 10 to 14—7 from this House and 7 from the other Chamber. When I was just leaving Madras for Simla I remember my friend

Mr. Gopala Menon, President of the South Indian Chamber of Commerce, coming and telling me that he would like to discuss this Bill and give me some suggestions as to how this Bill will affect the shipping trade of Madras from the point of view of the South Indian Chamber of Commerce. I had no time to discuss the matter with him. I believe my esteemed friend Diwan Bahadur Rangachariar also has probably had some representations from some of the merchants in Madras. I would suggest that the number might be raised to 7 and 7. I see from the agenda for Thursday circulated to us the names of the Members whom the Honourable Sir Charles Innes is going to suggest. Perhaps he might add one from Madras and one from Bengal to that list and also two more gentlemen from the Council of State so as to make the number from each Chamber equal. I only wanted to make this small suggestion, that the number may be raised from 10 to 14, 7 from each House.

The Honourable Sir Charles Innes : I have no objection at all.

Mr. President : The question is :

“ That the following motion be adopted :

‘ That this Assembly do recommend to the Council of State that the Bill to amend the law with respect to the carriage of goods by sea, be referred to a Joint Committee of this Assembly and of the Council of State, and that the Joint Committee do consist of 14 Members.’

The motion was adopted.

THE COAL GRADING BOARD BILL.

The Honourable Sir Charles Innes (Commerce Member) : Sir, I move for leave to introduce a Bill to provide for the grading of coal and for the grant of certificates for coal intended for export.

I hope, Sir, that at this stage it is not necessary for me to say very much about this Bill. I have explained it very fully in the Statement of Objects and Reasons and from that Statement the House will find that the Bill carries out the principal recommendation of the Indian Coal Committee. The Indian Coal Committee attached the very greatest importance to the establishment of this Grading Board as a means of assisting the Indian coal trade to recover its export markets not only overseas but also in Indian ports. If the House gives me leave to introduce the Bill, I shall have more to say on the purpose and objects of the Bill when asking the House to agree to the principle of the Bill by referring it to a Select Committee. At this stage I hope the House will allow me without further remarks to introduce the Bill.

The motion was adopted.

The Honourable Sir Charles Innes : Sir, I introduce the Bill.

The Honourable Sir Charles Innes : Sir, may I at this moment say that I propose to make two changes in the personnel of the Select Committee ? Mr. Cocke has asked if he may be relieved and I propose to put in Mr. Chartres' name in the place of Mr. Cocke. Mr. Ramachandra Rao also has told me that he will be unable to serve, and I propose in the place of Mr. Ramachandra Rao, Mr. Devaki Prasad Sinha.

Mr. A. Rangaswami Iyengar (Tanjore *cum* Trichinopoly ; Non-Muhammadan Rural) : May I just make a suggestion, Sir ? I wanted to propose an amendment to add two more names, namely, Mr. Shanmukham Chetty and Mr. Jamnadas Mehta.

The Honourable Sir Charles Innes : I have no objection at all.

Mr. A. Rangaswami Iyengar : Then you can put these two names in so as to avoid my moving an amendment.

The Honourable Sir Charles Innes : Sir, I move :

“ That the Bill to provide for the grading of coal and for the grant of certificates for coal intended for export be referred to a Select Committee consisting of Sir Willoughby Carey, Mr. K. C. Neogy, Mr. N. M. Dumasia, Seth Kasturbhai Lalbhai, Mr. Chartres, Mr. Devaki Prasad Sinha, Maulvi Abul Kasem, Mr. A. Rangaswami Iyengar, Mr. Jamnadas Mehta, Mr. Shanmukham Chetty and myself, with instructions to report within ten days and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

Mr. M. S. Aney (Berar Representative) : May I make a suggestion, Sir, that Mr. Abhyankar's name be included on the Committee ?

The Honourable Sir Charles Innes : I have no objection, Sir.

Mr. President : In that case the suggestion will form part of the original motion.

The Honourable Sir Charles Innes : Sir, I feel that I owe some explanation to the House why I am, so to speak, portmanteauing two Resolutions into one to-day, that is to say, why I am not only introducing the Bill but also asking the House on the day of introduction to agree to the principle of the Bill and to refer it to a Select Committee. The explanation is as follows. In the first place, as I have already said, this Bill carries out the principal recommendation of the Indian Coal Committee. That Committee was appointed primarily for the purpose of devising measures whereby the Indian coal trade which, I regret to say, is in a state of depression, might be assisted to recover its export markets. The second reason is this. I would never have ventured to put this Bill before the Assembly without having had the most careful consultations with both sections of the coal trade, namely, the Indian Mining Association and the Indian Mining Federation. Both those sections of the coal trade have formally agreed to the principle of the Bill, that is to say, they have agreed that we should appoint a Grading Board. And finally, I draw the attention of the House to the fact that the Indian Coal Committee not only made this recommendation but also pressed very strongly that immediate steps should, if possible, be taken to give effect to the recommendation. They said that every month that passes makes the task of recovering the overseas markets more difficult for the coal trade, and it is for that reason that I feel that if the Legislature is willing to pass this Bill at all, we ought to make an effort to pass it this Session. I have said that my Bill embodies almost literally the principal recommendation of the Indian Coal Committee, and I should like to make a preliminary remark about the report of that Committee. I am afraid that the report got rather a bad start. By what I believe is known as journalistic scope one of the important papers managed to get hold prematurely of the summary of the Coal Committee's recommendations. They published that summary before they were authorised to do so and therefore the coal trade were confronted with the summary of the conclusions without being able to read the report on which those conclusions were based. The result was that the report did not at first get a very favourable reception in Calcutta. I should like

1 P.M.

to say at once on behalf of the Government of India that we regard the report as a very valuable document indeed. I am quite prepared to admit that it is a frank, I might say almost a merciless, exposition of the problem of the coal trade. Nevertheless, not very long after the report had been published I went down to Calcutta to meet the coal trade, and even in that short time I noticed that a change of view had come over the trade. After all, before you can prescribe a remedy you must diagnose the disease, and I think the coal trade are beginning to recognise the value of this report, for the value of the report is that it points the direction in which improvement lies. There is no gainsaying the fact that there is a very great necessity for this improvement, for, as I have mentioned just now, I am afraid that the coal trade, temporarily I hope, is passing through a period of depression. We hear of some of the weaker collieries closing down, prices are certainly tumbling, and everywhere there is complaint that there is difficulty in selling coal. Now, the reason for that difficulty I think is not very far to seek, and I should like to give the House just a few figures. Between 1914 and 1923 the number of coal mines in India increased by 332, that is, by 50 per cent., and if we take as the basis of our comparison the average production of the three years preceding the war and of the three years ending 1924-25, we find that there was a very great increase in the production of coal. In the pre-war years the Indian coal mines produced on an average $16\frac{1}{2}$ million tons of coal. In 1924 they produced over 21 million tons, that is to say, the production of coal in India is now $4\frac{1}{2}$ million tons greater than what it was before the war. Concurrently with that increase of production there has been a very considerable loss of markets. I take the same years as the basis of my comparison. We have lost in export trade to foreign ports 600,000 tons a year. In the export trade by sea to Indian ports the loss amounts to 1,276,000 tons a year, and the loss in bunker coal amounts to 300,000 tons a year. I am unable to say how far this loss of exports by sea to Indian ports has been compensated for by the carriage of coal by rail to ports but we may take it as quite certain that the loss of markets compared with the pre-war period amounts to some 2 million tons a year. That is to say, on the one hand, you have got an increase of production amounting to $4\frac{1}{2}$ million tons and on the other hand you have got a diminution of markets amounting to 2 million tons a year, and that is the problem which confronts the coal trade.

The task of the Committee was to try and devise measures by which the trade might recover these markets, and the whole of their report is devoted to that subject. They find that a solution of the problem lies in two words, "price" and "quality." Indian coal must come down in price, and since the report was written it has come down very considerably, and concurrently with that fall in price there must be an improvement in quality. The Indian coal must rehabilitate its reputation. Now, that is a very important point, because the House has got to remember that the competition with which our coal has got to meet not only in foreign ports but also in our own ports is growing fiercer every day. India is not the only country where the coal trade is depressed and where the coal owners are fighting for markets. In addition to the competition of other coal, coal from Japan, coal from Australia, coal from South Africa—in addition to that competition we

[Sir Charles Ianes.]

have to remember that more and more every year coal is coming into competition with electric power and also with oil fuel. Oil fuel particularly is becoming more and more popular on the west coast of India. In 1919-20 the imports of oil fuel into India amounted to 34 million gallons, and on a conservative estimate 34 million gallons of oil fuel is equivalent to 255,000 tons of coal; if you are speaking of Indian coal it is probably equivalent to more. In 1924-25 the imports of oil fuel into India amounted to 90 million gallons, that is to say, the equivalent of 675,000 tons of coal. It is that competition which the Indian coal has now got to meet. I do not propose at this stage to say very much on the question of price. There is one clause in this Bill which deals with that question. But the Bill after all purports to set up a Grading Board, and the Grading Board is being set up mainly, in fact entirely, to deal with the question of quality. I do not know whether Honourable Members have studied the evidence taken by the Indian Coal Committee. I must admit that I personally paid a great deal more attention to the evidence given by the overseas consumers and by consumers at the Indian ports than to the evidence taken by the Committee in Calcutta. That evidence is very depressing reading indeed. I do not wish to go through it here, but I will say that it amply confirms the statement made by the Indian Coal Committee that

“purchasers overseas are profoundly dissatisfied with the quality of almost all Indian coal received of late years, and that most of it is equally unsatisfactory as regards condition.”

Now, that is a very disconcerting statement, but I would not like the House to think that that statement is in any way due to any inherent defect in the quality of the Indian coal. It is perfectly true that the Indian coal has difficulties of its own and in the Jheria field particularly there is a certain lack of uniformity about the coal. There is not only variation from seam to seam but there are variations in different sections of the same seam, and almost I might say, in fact I may say, in the same sections of the same seam. The Indian Coal Committee devoted a considerable part of their report to an examination of the quality of Indian coal. You may have noticed that they give comparative analyses of Indian coal, coal from Natal, coal from Transvaal, coal from Australia and coal from Japan, and their definite conclusion is that

“the best Indian coal can compete in any market in the East, but that if such competition is to be effective only the best coal should be exported and particular care must be taken not to allow purchasers overseas to be misled as to the precise quality of the coal.”

I have quoted those words, Sir, because in those words you will find the keynote of the Indian Coal Committee's report. I would just like you to put yourself in the position of a large consumer of coal, say, in Singapore. You want coal. You call up the agent of an Indian firm and ask, “What can you supply?” He will tell you, “I can supply first class Jheria” or something like that. The Singapore man will say, “Yes. But what does that mean? What is the analysis of the coal?” The agent of the Indian firm will say, “I will wire to India to my principals to send you out an analysis.” Then the Singapore man will say, “Can you give me a guarantee that I will get the coal that I contracted to buy?” And the agent of the Indian firm will be silent.

Contrast the case of South Africa. Suppose the same man calls up the agent for South African coal. That agent will say "I can give you coal from such and such a colliery and here is the certified analysis". He produces a certificate certified by the Coal Grading Board in South Africa stating exactly what the quality of the coal is, what the percentage of ashes is, what the percentage of moisture is and what the colories are. Then the agent will say: "What is more, if you buy this coal I will be able to produce to you the certificate of the Coal Grading Board certifying to the quality of the coal you contracted to buy." Now, I think the House will realise that the purchaser in Singapore who has to choose between those two offers will choose the South African coal, simply because he knows exactly what he is going to buy and he knows that he is going to get exactly what he has bought. That is why the Indian Coal Committee make a very special point of the fact that it is not enough to bring down your prices. All the evidence that I have read in Singapore and Colombo tends to show that there is now a prejudice against Indian coal in those ports and it is up to the Indian coal to overcome that prejudice, and that is the reason why the Indian Coal Committee has definitely recommended that the only way of overcoming that prejudice is to establish a Coal Grading Board. As I have mentioned they attach such importance to this recommendation and to immediate action being taken on this recommendation that they made several proposals to that end. One is, they say, that the ideal is, and here I entirely agree, that the coal trade should organise and arrange its own organisation for grading. On that I think we will all agree. But the Coal Committee point out that it must be a considerable time before the new organisation is brought into being and therefore they recommend that the Grading Board should in the first instance utilise the Chief Mining Engineer to the Railway Board and his organisation. The coal trade have entirely accepted that recommendation. The only doubt, in fact, that I heard expressed in Calcutta was whether in two years' time they would be willing to dispense with Mr. Whitworth's services. I may say at once on behalf of Government that neither the Government nor the Chief Mining Engineer are at all anxious to mix themselves up in this matter. But still this recommendation has been made by the Coal Committee. It has been accepted by the coal trade. We are anxious to help and we have agreed. Then the Committee recommended that in order that we might get ahead at once we should not introduce any legislation in the Indian Legislature. One of their proposals is that on coal certified for export an additional rebate of 8 annas per ton should be allowed by the railways and that the Port Trust Commissioners of Calcutta should allow a rebate of 4 annas of river dues. You cannot justify statistically that proposal to give any further rebate of railway freight. The effect of that proposal is that the net railway receipts on coal carried from the Kidderpore docks when we give that extra rebate will be only two or three annas more than our net railway receipts before the war. That is to say, we should be carrying the coal for a net charge almost the same as it was before the war in spite of the fact that our expenses have gone up so much. At the same time, as the House no doubt knows, the Indian railways are always generous. They are always willing to assist Indian industries and, though this proposal cannot be justified on statistical grounds, we are prepared to carry it out provided that the rebate is confined to coal certified for export because we do not believe that the coal trade would do any good at all unless they send their coal through this Grading Board and rehabilitate their reputation for

[Sir Charles Innes.]

quality. Similarly the Port Trust has also agreed. But the House will observe that that means a differentiation in charges. Coal certified for export will get an extra rebate of 8 annas. Coal which is not graded and not certified will not. That brings us into collision with section 42 (2) of the Indian Railways Act, namely, the undue preference section of the Railways Act. While my conscience and the Government of India's conscience may possibly be elastic, it is not elastic enough to go so far as that. We are advised and we hold strongly that with due regard to legislative proprieties we could not adopt that suggestion and that the proper course is for us to come frankly before the Legislature and say: "This is our proposal, will you agree to it". That is the explanation of the clause in the Bill which proposes this extra rebate.

I think I have given sufficient explanation of the purposes and object of this Bill. I should like to emphasise the fact that before I even agreed to undertake this legislation I went down personally to interview the committees of the two coal associations in Calcutta, the Indian Mining Association and the Indian Mining Federation. They have both unanimously agreed with the principle of this Bill. Then again after we had the Bill drafted I sent it down to Calcutta. It was again placed before the committees of these two bodies and I understand that they circulated it to their members. I have had replies from both. They both adhere to the statement that they accept the principle of the Bill but one of the two associations, the Indian Mining Federation, has sent in certain suggested amendments to the Bill. I propose to place their letter before the Select Committee. I think that this is all I need say at this stage. I would emphasise again that if the House is willing to go with me and to carry this legislation then in the interests of the coal trade, which is the only thing which is at stake at the moment, we ought to carry the legislation this Session. That is why I hope that the House will accept this motion which I have placed before them.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhammadan) : May I ask if the Honourable Member has taken the opinions of the small mine owners into consideration. Has he at all consulted those who do not belong to the Indian Mining Federation ?

The Honourable Sir Charles Innes : No, Sir, but I may point out that the very small collieries which the Honourable Member has in mind do not export coal at all and that the best chance for those small collieries whose prosperity the Honourable Member has in view is that this Bill should go through and that the exports of coal should revive so that they may find a market for their coal in India. I do not think that these small collieries are concerned in the Bill at all.

Mr. Devaki Prasad Sinha : Their coal can be graded ?

The Honourable Sir Charles Innes : Certainly.

Mr. Jamnadas M. Mehta : I do not move the amendment in my name.

Mr. President : The question is :

"That the Bill to provide for the grading of coal and for the grant of certificates for coal intended for export be referred to a Select Committee consisting of Sir Willoughby Carey, Mr. K. C. Neogy, Mr. N. M. Dumasia, Seth Kasturbhai Lalbhai, Mr. Chartros, Mr. Devaki Prasad Sinha, Mr. Shanmukham Chetty, Mr. Jamnadas

Mehta, Mr. Abhyankar, Maulvi Abul Kasem, Mr. A. Rangaswami Iyengar and the mover with instructions to report within ten days and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The motion was adopted.

Mr. President : I have fixed 4 o'clock as the time for taking up the motion for adjournment by Mr. Jinnah. Since then it has been felt by Members that the business of the day might terminate earlier and it has been suggested to me by some Members that it would be more convenient to the House if we begin the discussion of the motion for adjournment immediately after the termination of to-day's business. I have consulted the Honourable the Finance Member about it and he agrees to the arrangement. I do not think the House also objects to my fixing the hour at four or at such earlier time as the business might terminate.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Well, Sir, may I suggest that it is now twenty minutes past one and as soon as the business placed on the agenda terminates, which will probably be by 1-30 (*Honourable Members* : "No no") any way I understand that the motion standing in my name will be taken after lunch.

Mr. President : That is so. The discussion of the adjournment will take place immediately on the termination of the business on the agenda.

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.

THE PROVIDENT FUNDS BILL.

CONSIDERATION OF AMENDMENTS MADE BY THE COUNCIL OF STATE.

Mr. H. Tonkinson (Home Department : Nominated Official) : Sir, I move that the further amendments made by the Council of State in the Bill to amend and consolidate the law relating to Government and other Provident Funds be taken into consideration.

I think, Sir, that it might be convenient for the purposes of the subsequent discussions on this motion if I indicate, in the first place, the stage which the discussions on this Bill have reached. The Bill was first introduced in the Council of State, that is to say, the Council of State is the originating Chamber for the purposes of our legislative rules. It came to this Chamber and we took it into consideration on the 24th September last. Some amendments were made in the Bill and it went back to the Council of State. The Council of State have made further amendments and the Bill has now come back to us; that is to say, we have reached the stage dealt with in sub-rule (4) of rule 36 of the Legislative Rules. Three courses are now open to this House. They may either accept the Bill as it came to us from the Council of State or they may accept the Bill as it has come to us a second time from the Council of State, or they may insist upon amendments to which the Council of State does not agree. I hope, Sir, to be able to persuade the House to accept the second course. Of course I should not object if they accepted the first alternative, as that is the Bill as it was originally introduced by Government. Still, I assume that this House will be more ready to accept the second course because as a matter of fact the further amendments made

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in the Council of State were intended to meet the substance of the criticism directed to the original Bill in this Chamber. If neither of these courses appeals to this House, then the Bill must go back to the Council of State, and we can only assume that the Council of State will either allow the Bill to lapse or else will report the fact of disagreement to the Governor General under sub-rule (5) of rule 36.

There is another preliminary point to which I should like to refer. Honourable Members may remember that the motion now standing in my name was included in the List of Business in the Delhi Session on one day in February last. The reason why on that occasion I did not make the present motion is that at the last moment certain drafting defects in the Bill, as it stands, were brought to our notice. I think it is only fair for me to inform the House of this point. These drafting defects, however, did not affect any question of principle, but if the House agrees with the amendments made by the Council of State, it will be necessary for me to introduce another short amending Bill to put these drafting defects straight. The idea is that both the main Bill which is now before us and the small amending Bill should be brought into effect on the same date.

I now turn to the question of principle. We are only concerned with clause 6 of the Bill as it has come to us from the Council of State which clause deals only with contributory provident funds, that is to say, with funds which are made up partly of subscriptions or deposits from the employee and partly of contributions from the employer, Government. As the Bill stands now, two principles are proposed in regard to these funds. In the first place, it is proposed that the subscriptions of the employee shall be inviolable. These subscriptions and accumulations upon them by way of interest are proposed to be placed in exactly the same position as the funds in an ordinary provident fund. They will, therefore, if the subscriber or depositor dies before maturity—on the assumption that under the rules of the fund they are payable to a dependant—vest in that dependant. In any case they will not be liable to attachment under any decree or order of any Civil, Revenue or Criminal Court. Here, I am sure, the House will endorse the principle of the Bill before us and will realise the advance it is proposed to make by this Bill in this respect. We propose in fact to make it clear that these subscriptions of the employee are the employee's own property, banked for him by Government. Our differences in September last arose in connection with contributions. The Bill now proposes that the contribution, with interest thereon in whole or in part, may be withheld either if the subscriber or depositor has been dismissed from employment for any reasons specified in this behalf in the rules of the fund or if he leaves his employment within five years from the commencement thereof.

These, Sir, are the principles which were in issue in September last. But there is one important difference between the sub-clause we were then considering and the sub-clause as it now stands. In the sub-clause of last September, it was provided that the authority concerned might withhold the contribution if the subscriber or depositor had been dismissed for any cause. Under the sub-clause as it stands, it will only be possible for the contribution to be withheld for reasons which may be specified in that behalf in the rules of the fund. That was the amendment made by the Council of State in the original sub-clause when they reinserted it, and I hope the House will be persuaded to accept the

amended sub-clause. The amendment was moved by the Government with the intention of meeting the substance of the criticisms made in this House.

Now, Sir, what is the position of Government in regard to these contributions ? First of all let me reiterate it is only the contributions payable by Government which are in question. We are not concerned at all with the subscriptions or deposits made by the employee. These contributions only affect contributory provident funds, that is, funds which are established for persons whose service does not qualify them for pension. The contributions take the place of pensions, and we hold that they must be liable to be withheld in circumstances corresponding to those in which a pension may be withheld. It may be suggested that these contributions are a form of deferred pay. That was suggested in the Assembly in September last. I submit that they are no more deferred pay than are pensions, and they like pensions should only accrue if continuous good service is accorded, and I submit also that the circumstances in which contributions may be withheld should be a matter of contract; that is, they should be specified in the rules of the fund which the employee accepts when he joins the fund. If Honourable Members will refer to the clause, they will see that under it the deduction is not compulsory. The clause only provides that the whole or any part of the amount of any such contribution, interest and increment may, if the authority by which the fund has been constituted so directs, be deducted. One variety of case in which these deductions may be made is that of resignation from the service within five years from the commencement thereof. In this respect the provision corresponds closely to our pension rules, for under article 474 of the Civil Service Regulations, no pension is payable until ten years' service has been completed. We consider that in the case of these contributory provident funds, it is reasonable to allow the contribution to be paid if the officer has completed five years' service. If he has not completed five years' service, we think that Government ought to have the right to withhold the contribution in whole or in part.

Another case in which contributions may be withheld is dismissal for reasons to be specified in the rules of the fund. Now, corresponding provisions to these will be found in regard to pensions in our Civil Service Regulations. For example, in article 351 of the Civil Service Regulations, it is provided that future good conduct is an implied condition of every grant of pension. The Local Government, the Government of India and the Secretary of State in Council reserve for themselves the right of withholding or withdrawing pensions in whole or in part if the pensioner is convicted of serious crime or is guilty of grave misconduct. Again in article 353 it is provided that no pension may be granted to an officer who is removed for misconduct, insolvency or inefficiency. These, Sir, I submit are provisions which are practically on all fours with the proposals in the present Bill, and we claim that, so far as these contributions are concerned, it is a reasonable position, and further that it is the only possible position which can be accepted by Government in regard to its relations with its employees in this respect.

Sir, I have detained the House for some time, and as there are some further points to be referred to, I do not think I ought to keep the House long in referring to corresponding provisions in the Statute-books of other

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countries. I think, however, it is desirable to refer to some of those provisions. For example, I will take the case of England. There, as here, pensions are only payable for diligent and faithful service. The general provision now in force is contained in section 8 of the Superannuation Act, 1859. It says:

“ It shall not be lawful for the commissioners of the treasury to grant the full amount of superannuation allowance which can be granted under this Act to any person not being the head officer or one of the head officers of a department, unless upon production of a certificate (signed by the head officer of a department or by two head officers, if there be more than one) that he has served with diligence and fidelity to the satisfaction of such head officer or officers.”

That, Sir, is the provision there. A much closer analogy is to be found in provisions in regard to contributory pensions. Those are pensions which are payable at certain rates and to which a Government servant contributes a certain percentage of his salary periodically. An Act of this description is the Asylum Officers' Superannuation Act, 1909. I only wish to refer to section 5 of that Act. That section reads as follows:

“ An established officer or servant who is dismissed or resigns or otherwise ceases to hold office in consequence of any offence of a fraudulent character or of grave misconduct, shall forfeit all claim to any superannuation allowance under this Act in respect of his previous service, provided that the visiting committee of the asylum in which he was last employed may in special cases, if they see fit, return a sum equal to the amount of all or part of his aggregate contributions under this Act.”

That, Sir, I invite the House to note, is a very similar provision to the proposal in our Bill, though of course we are very much more liberal to the employee. Under section 5 it is provided that the visiting committee of the asylum may pay the subscription or deposits to the person concerned but nothing more. In our Bill we provide that these subscriptions shall be paid with interest on them. Our Bill provides that the subscriber or depositor who has been dismissed may get a part of his contributions. It is only permissible for a part of the contributions or for the whole of the contributions to be withheld. On the other hand, under section 5 of this Act, it is provided definitely that he shall not get any contribution from the employer, because the section provides that he shall forfeit all his claim to superannuation allowance.

I turn now to another country, which has perhaps the most advanced code of labour legislation in the world. The Commonwealth of Australia Parliament passed in 1922 an Act to provide superannuation benefits for persons employed by the Commonwealth and to make provision for the families of those persons. There are provisions in this Act to which I might refer corresponding closely to our provisions in regard to the withholding of contributions for resignation within five years from the commencement of service.

I wish, however, to refer more particularly to section 40 of that Act. This provides that where a contributor resigns or is dismissed or discharged from service, there shall be paid to him the amount of the actual contributions paid by him under this Act, irrespective of the cause of his resignation, dismissal or discharge. That again is a very corresponding provision to the one we propose in this Bill. Our position, Sir, is therefore that we are dealing with contributions paid by the employer, not with the subscriptions or deposits paid by the employee. These contributions cor-

respond to pension, and they should be capable of being withheld in circumstances in which pensions are liable to be withheld. Very similar provisions are, as I have shown, in force in other countries, and from this position I am afraid Government cannot move. There may, Sir, have been cases in the past where contributions have been withheld and have not been paid to the employee when they should have been. It is not my purpose either to affirm or to deny that. We here, Sir, at the present time, are not administering the law, we are making law, and as we all know hard cases make bad law.

Finally, I must explain that the principles in this Bill which we are now considering are in certain cases not in conformity with certain Government provident funds as they now exist. I do not think it is necessary for me to read out the provisions in question in these rules. But I think I should mention that these rules may only be modified now by the Secretary of State in Council under section 96-B of the Government of India Act, and I am glad to be able to inform the House that the Secretary of State has agreed that, if this Bill is passed in its present form, he will make the necessary amendments to the rules to give effect to the principles followed in this Bill, which I hope will be accepted by this House. I trust, Sir, that, after this explanation, the House will have no hesitation in accepting the motion which I have moved, and further that they will later have no hesitation in accepting this Bill as it has come to us from the Council of State. By doing so, Sir, they will confer upon a large number of Government employees the great benefits which are proposed to be conferred on them, by this Bill. Sir, I move.

Dr. K. G. Lohokare (Bombay Central Division: Non-Muhammadan Rural): Sir, I am sorry at this stage I have to oppose the consideration of the alterations that have been placed here. Under the Act, it has just been pointed out, we have only three courses open. And, if we oppose the consideration, there is a likelihood of the Bill being dropped. Comparing the former legislation, the old Provident Funds Act, with the legislation that we have in hand here, I might say it gives one advantage and places another disadvantage. The old Act did not make a differentiation between the contributions by the employee and by the employer, and prescribed no such powers in the hands of the master so as to enable him to penalise the servant, while this Bill proposes that employees should suffer for each and every sundry reason at the hands of the employer. The little benefit that is given is some protection from the usurers, to the dependants and family of the member or the subscriber to the provident fund. The comparison, therefore, comes to this much that while protection is afforded to the dependants from a third party, a class of persons, usurers, or persons who may have their decrees against the dependants for an amount owed by the subscriber himself, the disadvantage which is introduced here is that the employer can penalise the servant and take out the contributions that he has paid to the provident fund. There was no such distinction in the old Act. If we have the *status quo* that is, if the old Act only remains and this is dropped, we will have to weigh the one advantage with the other disadvantage which this Bill confers. This is one of the main reasons that we will have to bear in mind while following the position.

The second case that has been made out here is that Government in the other House have tried to meet the objections and criticisms that have

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been made here. While perusing the Bill, the change I find is only in the wording "for any reasons specified in this behalf in the rules of the Fund". That is the only addition. Who is to make these rules? Well, one of the Honourable Members of the House of Elders said: "Possibly employees and employers might sit together and then draft the rules". This illusion was shattered by the Honourable Member introducing the Bill himself, who said: "No, the employer has full privilege and liberty to lay down any rules he wants". And with open eyes the needy man who is going in for service has to agree to any terms that the employer chooses. That is the sum and substance of the change that is designed to meet the criticisms we made here. The criticism here was: "Had this clause provided some sort of arrangement by which the complaint could go before a Tribunal or some Conciliation Board, I could have understood it." As it is there is no Conciliation Board or independent body having judicial acumen enough to decide these cases and as long as there are such superior officers, there will always be the plea it is bad administration only but not bad law. Well, that law which leaves such a loophole for bad administration cannot be good law. I ask you, can we possibly lay before the House laws which leave such loopholes for bad administration? That is one of my queries and that will kindly be attended to.

The Honourable Member in the other House, who supported the Government motion, first said that employers and employees might sit together and then frame a set of rules in mutual agreement, but subsequently he himself showed us what sort of sympathy the servants can expect from the employers. He said, "Now, I presume employers are not such hard-hearted men." But unfortunately he himself, while serving on an institution, with another Honourable colleague of his, both of them birds of the same feather, capitalists in full power over the employee, showed what their sympathy was. They did lay down rules for the provident fund quite contrary to their expressions. Even the contributions of the employee, they laid down, should be taken away. That was the rule there, this was their sympathy with the employee. And this is the law now that is to be administered in this sense of sympathy!!

Is it good law which leaves loopholes in administration so as to put poor people to disadvantage and to trouble?
 3 P.M. Even if it is in principle a good law, and if in administration you find that it is an absolute failure, do you yet maintain that it is good law?

The third thing that I find here is an analogy between pensions and provident fund. The responsibility of paying the full contribution for the sake of pensions is to be shifted to the employee. The employer may pay one anna and the employee may pay one anna. That means the employer's liability is shifted to that extent to cover the full amount of the pension. He wants the servant to share it and yet have the upper hand. That is exactly the analogy between pensions and provident fund that is being placed here. You want to lessen your burden and yet try to have the upper hand for dismissing and further penalising a man at the sweet will and pleasure of the employer. We maintained here that there should be some independent tribunal by which such cases can be decided. We were ready to accept such a thing. What are we told in reply? We are told, "No, the employers must be free, and predominant, whatever be the case of the employee." Even if his dependants starve, they do not

care. They will have their own privilege. For what? For shifting the responsibility. They want to shift the responsibility to the poor man and yet they want to have an upper hand. Is this analogy correct? The analogy of pensions would have held good if the whole amount of old age provision of the servants came out of the pockets of the employer. Since the whole amount does not come out of the pockets of the employer, the analogy of the pensions cannot hold good.

There are several other Acts which my Honourable friend opposite read out just now. I will ask him one question. Does he know the National Insurance Act? Can the contributions paid by the State as well as by the employer be taken away under the National Insurance Act? Is that the law prevailing in England? I am not a lawyer nor have I carefully studied English laws. I am told—I think my information is correct, but I am yet open to correction—that no man can take out of this national insurance amount the money that is due to a man whether he goes to jail or is transported for life. The amount has to be paid to his dependants in full, the contribution by the State, the contribution by the employee as well as the contribution by the employer. If there is that analogy, how can we contend that the analogy of pensions applies in this case only?

Sir, to cut the matter short, the criticisms that we made here have not been met by the change that has been inserted in the other House. We were prepared to have some sort of judicial tribunal. The reply that we have got is a change in the words—"under rules". Who is to make these rules? The employer himself. Who is to administer these rules? The employer himself; and the poor employees are to suffer and suffer. That is the change that has been presented to us. I had put in my amendment just to make the point clear, if it were possible, and to meet the ground half-way. But I am sorry that the rules do not allow that sort of amendment at this stage. Consequently, I have no other alternative but to request my colleagues to oppose this proposal wholesale. It might create an opportunity of having a joint session or it might create an opportunity for His Excellency the Governor General in Council to reconsider the bill. In that case that sort of compromise may be availed of, and I think that compromise is worth having. But of course we have been debarred from having it just now. I therefore appeal to my friends to take an interest in the case of these poor employees and not leave them absolutely at the mercy of the employers themselves.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, last time when this question was discussed, I was one of those people who enunciated the principle that contribution to the provident fund was a deferred form of payment of salaries, and on account of that the employer has no right for any reason whatsoever to deprive the employee of that contribution under any circumstances. Sir, I stand by that principle even to-day. But even supposing for the sake of argument that under certain circumstances the employee may be deprived of this contribution by the employer towards the provident fund, the present circumstances under which the employees are dismissed in certain Departments of the Government of India, particularly in the Railway Department, make it incumbent upon me not to accept any rule which enables the Government of India or the railway authorities to deprive the employees of the contribution to the Provident Fund. On Railways people are dismissed without proper reason. That is a fact. I would like the Member in charge of Railways to make an inquiry. He shirks an inquiry into that question. Sir, those people who have studied how

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people are being dismissed on Railways know very well that a man may be dismissed without any reason at the sweet will of his superior. The rules provide for appeals, but these appeals are never heard and no redress is ever given. If a man is dismissed, say, by some superintendent of some department, the man may make an appeal to the Agent. The Agent, in order to maintain the prestige of his subordinate, will not interfere. If the Agent will not interfere, and if an appeal is made to the Railway Board, the Railway Board in order to maintain the prestige of the Agent, will not interfere. They see no reason for interference. Hundreds and hundreds of cases are found where the Railway Board refuses to interfere when an appeal is made for wrong dismissal. If the Railway Board provides some machinery by which the appeals will be properly heard.....

The Honourable Sir Charles Innes : An appeal to Mr. Joshi, I suppose.

Mr. N. M. Joshi : I do not mind if he appeals to me under the present circumstances, but I would not be so unreasonable. I shall be quite satisfied with some machinery wherein the employees are represented in some way. Appoint a committee where the employee will be represented to go into the question of dismissals. That is not quite an unknown method. That is not quite a new method of considering dismissals of employees. But, under the present circumstances, as long as employees on the Railways can be dismissed very easily and as long as there is not much redress, I think this rule will work a great hardship.

Therefore, even if we forego the principle for a moment, and I make it quite clear that I am not prepared to forego the principle which I have enunciated, namely, that the contributions to the provident fund are only a deferred form of the payment of the salaries, I think that this Assembly should not allow the Council of State to reverse its decision. The Honourable Member who spoke for Government quoted instances from England and Australia. Unfortunately, the circumstances vary a great deal. In England the working class people and the employees are very well organised. In Australia they are not only very well organised but they are politically very strong. It is the working class who form the Government, and as long as the conditions in England and Australia and those in India vary you cannot make the same rules for both. I therefore think that this Assembly should not allow the Council of State to reverse its decision. As my Honourable friend, Dr. Lohokare has suggested, if the Council of State is willing and if the Government are willing we shall be quite ready to meet them in a joint session and discuss this question again, but on this occasion I am not prepared to accept the decision of the Council of State. I shall therefore request the House to vote against the motion to take into consideration the amendments made by the Council of State.

Mr. H. G. Cocke (Bombay : European) : I hope that the prospect of the novelty of a joint session will not lead Members of this House into dismissing this Bill in its amended form. It has had very careful consideration in this House and in the Council of State on two occasions, and although there is one obviously contentious point, I hope that that point, after the consideration it has had, will not be deemed sufficient to require that a joint session should be held to discuss it further. I have had a good deal of experience of provident funds, not large provident funds such as one finds in Railways, I admit, but the principle involved is the same. Whether you are dealing with the provident fund of a company, a mill or a small firm, the principle after all is the same, and it is perfectly absurd

to suggest that the employer, whether that employer be a railway or a company, should not have, in certain circumstances, the right to refuse an employee the proportion of the total amount which has been paid in by the employer. It is all very well for Mr. Joshi to argue that it is deferred pay. Actually I do not consider it is. When any one joins a concern he joins it with a knowledge that a provident fund exists and of the general rules governing the fund, and he knows perfectly well that in certain circumstances he will stand to lose the amount which the employer pays into his credit. Therefore, to say that in every circumstance it must be regarded as deferred pay is to my mind absurd. The Honourable Member for Government has referred us to the legislation existing in other parts of the world and to the rules governing this particular point, and I think he has made it perfectly clear that this right of an employer to withhold this credit in certain circumstances from the employee is generally recognised throughout the world. I do hope that this House will not be carried away, as I said, either by the prospect of the novelty of a joint session or for any other reason into again refusing to pass this Bill, in the form in which it has come before us to-day.

***Diwan Bahadur M. Ramachandra Rao** (Godavari *cum* Kistna : Non-Muhammadan Rural) : It is true, as pointed out by my Honourable friend Mr. Cocke, that this question has come up before this House more than once, but I do feel, Sir, that several Honourable Members are in exactly the same state of enlightenment in regard to the exact points which are raised in this amendment as they were before in September last. There are three questions which seem to arise in regard to the amendment which is clause (b), and that is the amendment which has been adopted in the Council of State, which requires consideration. The first point is, whether the rules of the fund are made by the Government or the Railways with the consent or with the approval of the contributories. It is quite easy for the contributories, namely, ignorant railway employees, without reading the rules to become subscribers to these funds. Assuming that in the rules made by the railway administrations or by the authorities of any other provident funds it is stated expressly that anybody who joins a strike will be dismissed and that forms part of the contractual obligations between the employer and the employee. I ask Mr. Tonkinson to say whether that would be one of these reasons which would deprive the employee of the contribution made by himself as well as by the authority which employs him.

Mr. H. Tonkinson : The answer is in the negative.

Diwan Bahadur M. Ramachandra Rao : How does it arise ?

Mr. H. Tonkinson : Under the proposals to amend the rules it will not be possible to forfeit contributions on account of strikes in future.

Diwan Bahadur M. Ramachandra Rao : The point I am making is this. This amendment says ;

“ where the subscriber or depositor has been dismissed from the employment of that authority, for any reasons specified in this behalf in the rules of the Fund.....”

The point is, if the rules of the fund—and these rules are made solely on the authority of Government or the Railways without the employees being heard—specify that a man will be dismissed for joining any strike, I think, Sir, on the fact of the amendment his contribution must be withheld....

The Honourable Sir Alexander Muddiman (Home Member) : The question is what the rules specify.

* Speech not corrected by the Honourable Member.

Diwan Bahadur M. Ramachandra Rao : It means that it gives a wide latitude and discretion to the authority making these rules, namely, the railway administrations or the authorities of these provident funds, to lay down anything they like in those rules including the case that I have put in, namely, joining a strike. It gives such an absolute discretion in the making of the rules that the employee will be really at the mercy of the employer. If you give such a tremendous latitude to lay down anything in these rules, and they are made only by the employers, then the employees will be merely at the mercy.....

The Honourable Sir Alexander Muddiman : May I ask the Honourable Member in case of ordinary employment who makes the terms of the employment, the employer or the employee ?

Diwan Bahadur M. Ramachandra Rao : I admit that it is the employer, but you have to recognise that when dealing with a large number of ignorant employees in these railway administrations and their provident funds that these men require some protection against the employer, and if you give such a wide discretion in the making of these rules to the authority which is the employer, it seems they may put in anything they like in these rules.

The Honourable Sir Charles Innes : I quite see the Honourable Member's complaint. But I wish to explain to him that he has chosen a singularly unfortunate illustration. He has suggested that the rules of the provident fund may include dismissal on account of strike. The Railway Board have issued rules to the effect that absence on strike does not constitute a break in service even for purposes of gratuity. We have already covered the point. I was only pointing out to my Honourable friend that he has chosen a singularly unfortunate illustration.

Diwan Bahadur M. Ramachandra Rao : That will happen within the wording of this amendment. What I am anxious to say is this that the Government should consider whether they should not limit the discretion of the employer in some suitable manner so as not to place the employee entirely in the hands of the employer. I think that that would perhaps meet the difficulty of many of my Honourable friends. But the wording of this amendment is so wide and gives such large latitude in making these rules to the authorities which control these provident funds, that it seems to me that that is a real difficulty which my Honourable friend Mr. Tonkinson has to meet. Of course he has unbounded confidence in the authorities that make these rules, but several of us are not so constituted as to wish to leave everything to the authorities that control these funds. That is the first difficulty that I feel about this amendment.

Then there is another thing that I should like to ask the Honourable Member, namely, whether on the face of clause 6 the deduction relates only to the contribution of the employer or also of the employee ?

Mr. H. Tonkinson : May I invite the Honourable Member's attention to the definition of a contribution ? The definition of a contribution indicates very clearly indeed that it is the amount contributed by the employer.

Diwan Bahadur M. Ramachandra Rao : The third point is about the latter portion of clause 6 :

“ or where he has resigned such employment within five years of the commencement thereof, the whole or any part of the amount of any such contributions, interest and increment.”

I should like to know from Mr. Tonkinson why this period of five years has been fixed ?

The Honourable Sir Alexander Muddiman : If the Honourable Member had listened to Mr. Tonkinson, he would have heard that ten years is the period within which if a member of the All-India services leaves that service he gets no pension. Mr. Tonkinson pointed that out clearly.

Diwan Bahadur M. Ramachandra Rao : May I point out that the All-India services draw such large pay that even if they resign within five years they are not in need of any contribution. I am surprised that my Honourable friend should compare the All-India services with these unfortunate men who have to seek employment under these railway administrations ?

Mr. N. M. Joshi : Why do they want Parliamentary guarantees for their pensions ?

Mr. H. Tonkinson : The provision in regard to pension only being earned after ten years' service applies not only to members of the All-India services but to practically all persons in the service of the Crown in India.

Diwan Bahadur M. Ramachandra Rao : I am surprised that my friend can only draw analogies from the case of the All-India services and from the Provincial services, but I do regard the case of these smaller men as entirely on a different footing. After all their service might be five years, perhaps ten years. The man seeks employment in one railway for the first three years and then gets on to another job, because his job is not quite pleasant to him; and it seems to me that to base the case of these men on the analogy of the All-India services is really not at all taking into consideration the small pay of these men who make their contributions to these funds.

The last point I should like to make is that I would suggest for the consideration of Mr. Tonkinson the desirability of postponing this measure and allowing us to see both the Bills together at the same time. I suppose there can be no objection to that. If he will do that next week.....

The Honourable Sir Alexander Muddiman : I think the Honourable Member's information is not correct. If he had heard Mr. Tonkinson, he must have learned that he stated very clearly that the second Bill is purely of a formal character, containing some drafting amendments. There is no question of substance involved.

Mr. G. G. Sim (Financial Commissioner: Railways): Sir, when this Bill was last debated in this House I understand that the amendment, which was carried for the purpose of depriving the employer of any power to withhold the employer's contribution from an employee in case of dismissal, was carried owing to statements made by several Members of this House to the effect that in the Railways vast numbers of men are annually dismissed and contributions to the provident funds confiscated. Now, Sir, since that debate took place, statements have been made both in another place in connection with this Bill and in this House in connection with the Resolution moved by my Honourable friend Mr. Acharya regarding railway men's grievances which should have removed these misapprehensions from the minds of Honourable Members. It is astonishing to me to find Mr. Joshi coming here and repeating the statement that every year hundreds and hundreds of

[Mr. G. G. Sim.]

these cases occur. There are no such hundreds of cases. It was stated clearly in the course of that discussion.....

Mr. N. M. Joshi : Why do you refuse an inquiry ?

Mr. G. G. Sim : We have got the facts. The facts were given to Mr. Joshi only the other day. He was definitely told that in 1923-24 the railway authorities, that is the employers, had contributed 82½ lakhs of rupees as bonus to their employees in that year, and the amounts withheld from employees of over 5 years' service came only to Rs. 25,000. On six of the more important railways of India in that year 28 men were dismissed with forfeiture of their bonus ; 17 were dismissed on account of theft, two for molesting female passengers, one for being drunk while in charge as guard of a train, two for taking bribes and the rest for abuses in connection with free passes and the like.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muham-
madan) : Is there any case where the appellate authority set aside the order of the authority who passed the order ?

Mr. G. G. Sim : There are cases. I am quoting the final orders that were passed in those cases. Mr. Joshi wants us to make an inquiry. A full inquiry has been made. It was made in consequence of the astounding statements regarding thousands of cases that were made in this House in the previous debate. I have got a complete statement of the number of bonuses withheld on each railway for the last five years and the reasons why they were withheld and I challenge Mr. Joshi or any other Member of this House to mention to me a single railway in India where in any particular year in the last four or five years there have been "hundreds and hundreds" of such cases.

Dr. K. G. Lohokare : What about the years before ?

Mr. G. G. Sim : I am referring to the more immediate past. My own experience in dealing with these cases has been that so far from the railway authorities being unduly severe in these cases they are if anything, in the opposite direction. It was only the other day that I had to defend before the Public Accounts Committee the action taken by railway authorities in this matter. They pressed for drastic action being taken and immediate action in order to prevent loss of public money, and in many cases I was able to point out that we had been able to recover portions of the losses from the employees concerned from our contributions to the provident funds. But in many cases we had not been able to take even that effective action. I had to point out to the Committee that this power of withholding our own contributions to the fund is the only hold we have got over the employees who are entrusted with the enormous sums of money that pass through the railway treasuries. As I have said I have a complete set of papers here and I am prepared to reply to any Member of this House who holds the view that this particular power has been abused on any railway. I have got a summary of the figures for the seven principal railways of India for the last five years. There were about 350 lakhs of rupees paid into provident funds as bonuses in those years and out of that sum Rs. 90,000 or one-fourth of one per cent. of the total amount had been withheld in the case of men of over five years' service. Many of the complaints regarding these wholesale dismissals came, I believe, from Madras. I do not wish to weary the House with a statement of all the cases that have occurred on every railway in the last five years,

but since the complaints came from Madras I should like to give to the House a complete list of all the cases that have occurred on the Madras and Southern Mahratta Railway and the South Indian Railway in the last five years.

Mr. A. Rangaswami Iyengar : Why not others ?

Mr. G. G. Sim : The Honourable Member comes from Madras and he will presumably be interested to know what happened in his own part of the country. In 1920-21 on the Madras and Southern Mahratta Railway, there were ten such cases. In two of these the employees were dismissed as they were found to have been quarrying *kankar* on the Company's land and selling it to the seasonal contractor. There were two other cases where the employees were dismissed for fraud. Two were convicted of theft in the Courts. One was dismissed for taking bribes from a third class passenger under threats, one for accepting a bribe from a passenger and two others for theft of goods from railway wagons. In 1921-22, there were nine cases, the amount forfeited being Rs. 3,703 as compared with Rs. 6½ lakhs paid in that year. In one case the employee had been convicted of forgery. In another case the dismissal was due to the employee retaining in his possession the amount of a bill due to a railway school until the police got upon his track ; another was dismissed for receiving presents from merchants ; another was convicted of receiving illegal gratifications ; one was dismissed for being drunk on duty, one for theft of goods from a van, another for carrying passengers in a brake van without tickets with intent to defraud. In 1923-24 there were ten such cases, two of theft, one was an absconder, one was dismissed for the misuse of privilege ticket orders, two for the misappropriation of the Company's money, one for receiving money from a passenger and taking him along without a ticket, another for molesting a female passenger, one for fraud and one for theft from a wagon. On the South Indian Railway there were in 1919-20 only two such cases both of misappropriation of property ; in 1920-21 there were two such cases, one of misappropriation of the Company's cash and one of a clerk found reselling tickets that had previously been used ; in 1921-22 there were five cases, two of misappropriation, two of theft of railway material, and one where the employee had absconded ; in 1922-23 there was only one case of an employee dismissed for theft ; in 1923-24 there were three cases of dismissal for theft.

Now, Sir, the House must recognise that it is absolutely essential that in cases of this sort the authorities must retain power to punish their employees and to have a power that will act as a deterrent against a recurrence of such cases. The cases are remarkably few considering the enormous sums of money that pass through the hands of railway employees and considering the vast number of railway employees in this country. The great bulk of our employees serve this country and the railways faithfully and well in spite of the temptations that lie in their way and in spite of voluminous allegations and complaints, as evidenced in this House at question-time,—complaints which they suffer from in company with railway employees all over the world wherever people travel by rail. But I am surprised to find Mr. Joshi, in view of the railway record in this matter, in view of the fact that this action of dismissal is only taken in the very worst cases, bringing forward the statement that our railway workmen have anything to fear from such a power being retained in the hands of the

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railway authorities. I say that that is an unmerited slur on the railway workers in this country. They have nothing whatever to fear from these necessary precautions that are taken for punishing the few black sheep that must be found in such an enormous labour force.

And now, Sir, supposing this motion is carried, what will be the result? This Bill has been brought forward for two purposes. One purpose is to enable the employees to get their provident fund money more easily than they can under the present rules; the other is to restrict the power of Government to take from the employee anything more than the Government's own contribution. It is astonishing to find that proposal resisted in this House. What will be the result if the proposal that the Government should have no power to withhold the Government's own contributions were to be carried? You are then going to place on exactly the same footing the employee who has worked hard and faithfully for his company and for the country, and the employee who, so far from being faithful, has been guilty of misappropriating his employer's money or guilty of such gross carelessness as to cause serious loss to his employer; you are going to put on the same footing with the honest employee a man who abuses his position to molest passengers on the train or who is so neglectful of his duty as to cause serious risk to the lives of the people who use the railways of this country. I would appeal to the House, Sir, to support the proposal made by my Honourable friend Mr. Tonkinson, for the measure that is now before the House is one entirely in the interests of the railway employees.

Mr. T. A. Chalmers (Assam : European) : Sir, will the Honourable Member before he sits down give us any figures for men who have been dismissed for going on strike?

Mr. President : This is not the question time.

Diwan Bahadur T. Rangachariar (Madras City : Non-Muham-madan Urban) : Sir, may I ask the Honourable Member whether these rules which are passed by railway administrations, be they company-managed or Government railways, come up for confirmation by the Government, whether the Government can examine these rules before they get authority to enforce them? May I also ask, even if it is not so now, whether it is possible hereafter to provide by executive order that these rules shall be confirmed by the Government of India before they are accepted?

Mr. G. G. Sim : Yes. The position is this, that the provident fund moneys of railway companies have actually been taken over by the State and the rules require the sanction of the Government.

Diwan Bahadur T. Rangachariar : As regards company-managed railways too?

Mr. G. G. Sim : Yes.

Diwan Bahadur T. Rangachariar : I want to know whether the Government will give an undertaking that no rule shall be enforced with regard to provident funds without the Government of India's approval. Then perhaps there may not be so much objection to the rule as it stands.

Mr. G. G. Sim : Yes, the Government can give the undertaking that rules will not be framed without its approval.

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhamadan Rural) : I am very glad, Sir, to hear from my Honourable friend Mr. Sim there that after all there have been so very few cases of gross misconduct on the part of railway servants—only 13 recoveries on the South Indian Railway during 5 years, and so on. I am very glad of this certificate with respect to the honesty of the poor man in my Presidency who works very hard—a certificate unimpeachable so far as their good conduct is concerned. If these cases of misconduct are really so few, why should we have this huge provision here empowering in a very vague way any employer for any offence whatsoever on the part of the employee to dismiss him and to take away the whole or part of the provident fund to which the employer and employee have both contributed ? On the other hand in cases such as those that have been brought to our notice by Mr. Sim, where an employee has for instance misappropriated any part of the railway company's property and things of that kind, it must be possible under the criminal law or otherwise to recover from the man anything he has stolen or criminally misappropriated. There is no reason why, just to protect the companies from such gross misconduct on the part of an infinitesimally small number of men, almost the whole bulk of the employees should be as it were, day in and day out, in dread lest for anything whatsoever one of them may be asked to go away, be dismissed, and his provident fund taken away. That is the position. I do not say that the employers are bad men, but, human nature being what it is, there is always the likelihood of the employers' power being abused if the employees are not safeguarded against it. As has been pointed out already, you give to the employers full liberty to make rules. The employees in the very nature of things cannot possibly acquaint themselves beforehand with all the rules to which they become subject. They are poor. Poor men go about in search of employment ready to get in wherever they can find an opening, and it is not possible for such men to acquaint themselves with all the rules or the risks—the trouble that may lurk here, the danger that may threaten there—before they make up their minds to take up work. In the ordinary course of things they try to do their very best ; and I am glad of Mr. Sim's certificate, that the vast bulk of them are doing their work very well. It is in those cases where in spite of the best they can do they come under the displeasure of their superior officers, that the difficulty comes in. Neither Mr. Joshi nor I nor anybody else here holds a brief for any one who is downright wicked, who commits robbery and things of that kind. Our hearts go out to those who having done their best have yet incurred the displeasure of their employers or superior officers and are told to go. I do not know under what term they come, whether they are said to be dismissed or said to be discharged. I am told that on the railways there is this very fine distinction between men who are discharged, given a month's notice and told their services are not wanted : these men do not come under the category of dismissals. But the result is the same. You give him a month's notice or a month's pay in lieu of notice and his services are terminated. ✓

The Honourable Sir Charles Innes : But they get their provident fund if they are discharged.

Mr. M. K. Acharya : I am glad to hear their provident funds are not withheld. But there is nothing in this clause 6 (b) to say that, if an employee is dismissed or discharged or sent away or leaves within

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five years of his appointment—if he finds that he is rather badly treated by his superior officer and makes up his mind to leave, not that he has done anything particularly bad—in that case the whole or part of his provident fund may be withheld. That is the reason why we say our men require greater protection. The poor railway employees require greater protection. Not that we grudge to give some reasonable power with proper restraints and safeguards to the employers. If some such reasonable compromise could be reached we should be glad to agree to it ; but if we are asked either to agree to the whole of this as it stands or to reject the whole, we have no alternative but to ask our friends in the interests of the many poor men to reject giving any such power into the hands of the employers, because we know that, human nature being what it is, the employers are sure to abuse the power that is entrusted to them. It is not only the railway companies who are employers, but other kinds of men also. It is best therefore in our interests to safeguard the weak against the strong, and on that principle I wholeheartedly support the motion that this should be rejected.

The Honourable Sir Charles Innes (Commerce Member): Sir, I am afraid it is not very often that my Honourable friend from Madras and I are in agreement. But I do agree most wholeheartedly with one remark which he has just made, namely, that I am quite sure that every Member of this House is very anxious to come to a right decision in this matter. For it is a very important matter for very many,—I may say hundreds of thousands of our railway employees. Whatever view the House may take of this Bill I do not think the House will deny that it is a very much more liberal measure than the Act which is now upon the Statute-book. Just let me give you one example. Under the existing Act we have power to take away not merely our own contributions but also the employee's subscriptions. We want to liberalise our practice in that matter ; we want to deprive ourselves of the power of taking away a man's subscriptions, and we are willing even to restrict our power of taking away even our own contributions. I mention these facts because we want the House to realise that we will be conferring a very great benefit on many thousands of employees if we pass this Bill to-day. The Bill may not go as far as some Members of the House would like it to go, but it goes as far as we think that we ought to go and let not the House forget this, that, as I say, it does confer a very real advantage upon employees.

Now, the debate as usual has turned very largely upon the Railways. I do not propose to say anything very controversial on this point, especially as my Honourable friend Mr. Sim has dealt quite faithfully with my Honourable friend, Mr. Joshi. All I will say about Mr. Joshi is this. Every time this question comes up, Mr. Joshi repeats the statement that hundreds and hundreds of employees are dismissed every year and lose their provident fund. Sir, I think my Honourable friend, Mr. Joshi must have studied that wonderful poem—the Hunting of the Snark—and that he must proceed upon the principle “ if I say a thing three times it is true ”, because, Sir, there is no other basis for his assertions. As I say, I am very anxious indeed to get the House to agree with us in the solution of this problem, and I should like very briefly to restate the position as I see it, purely from the railway point of view—I do not profess at all to speak in respect of any other provident fund. Now, our position is this, that our railway employees are taken in on the basis of a contract. The provident fund rules are a part of that contract. I wish to point out that

these rules as far as Railways are concerned are very liberal rules indeed, and I think that my business friends from Bombay and Calcutta will bear me out when I say this. We make a contribution of cent per cent. of the subscription of the employee ; that is to say we put in the same amount as he puts in, and in addition to that we allow $5\frac{1}{2}$ per cent. interest upon the fund. The only safeguards we make are that if a man resigns our service within five years we do not pay him our contribution ; and that if he is dismissed we withhold it. Mr. Ramachandra Rao suggested that it was unfair that we should have this first stipulation, that if a man resigns our service within five years we should reserve the power to withhold our contribution. But surely, Mr. Ramachandra Rao will agree that it is a reasonable provision. This provident fund does not apply merely to the lower paid staff ; it applies to all our railway servants. Now, is it reasonable that we should spend a lot of money in training, say, assistant engineers ? For the first five years of their service they are being trained. They cost us a lot of money and we do not get full value for the money we spend on them. Suppose that before the end of five years they go off to a better job. Is there any reason in the world when men go off like that why we should pay them not only their subscriptions but also our contribution in addition ? Surely the House will agree with me that it would be perfectly absurd to do that. You must in a matter of this kind be just to the employer as well as to the employee. You must try to hold the scales even between us.

I next come to the other safeguard—that we should be entitled to withhold contribution when a man is dismissed. Mr. Acharya quite correctly said that we make a distinction between discharge and dismissal. We can discharge a man if we are not satisfied with his service and we give him a month's notice or a month's pay in lieu of notice ; but when we discharge him in that manner there is no question whatever of withholding his provident fund. We only propose to limit the power of withholding the contribution to cases of actual dismissal. Now, Mr. Acharya suggested that we should only withhold contributions in cases where a man was convicted in a Criminal Court of some offence. But it is quite impossible for us to agree to a rule of that kind. We are constantly having cases of this kind. We have a case of defalcation ; we know the man who must be held responsible ; we may not be able to prove that there was actual dishonesty, that the man appropriated the money for his own use ; if we can prove actual dishonesty we do take him into Court and we prosecute and we get him convicted. But we may not be able to prove actual dishonesty. We know however that there has been gross negligence which has cost the Railways and thereby the State much money. Now, is it not reasonable that we should hold that man responsible, even though we may not be able to get him convicted in Court, that we should hold him responsible for negligence and make him bear part of the loss by withholding his contribution ? Mr. Ramachandra Rao did raise this point and I think Mr. Rangachariar also raised it. He said, " Yes, that is all very well ; but you take the power to define offences for which the bonus should be withdrawn ; you are taking too much power to yourself." Mr. Sim has given me some figures which show that we do not withhold these bonuses very often. But I am quite prepared to make this offer to the House in the hope that they will agree with me that it is a reasonable solution. I am speaking now only of railway provident funds. As Mr. Sim has explained to Mr. Rangachariar the State has

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taken over these provident funds ; we have sanctioned the rules ; we will go through these rules and we will see for what offences we should allow the provident fund bonuses to be withheld ; and we will consult the Central Advisory Council and we will ask the Central Advisory Council whether they do not agree that our proposals are reasonable.

Now, Sir, as I said I am very anxious in the interests of the many hundred thousands of our railway employees in India that we should get this Bill through because I am perfectly convinced that this Bill, though, as I have said, it may not quite satisfy my Honourable friends Mr. Joshi and Dr. Lohokare, is going to do a vast amount of good to these employees. I admit that a real point has been taken when it is said that we take complete power to say for what offences the provident fund bonuses should be withheld ; and in order to meet that point, I make this offer to the House, that we will go through the rules and place our proposals before the Railway Central Advisory Council. I hope the House will accept that as a reasonable solution and that it will accept Mr. Tonkinson's motion.

Mr. Devaki Prasad Sinha : May I ask the Honourable Member one question ? Supposing the Railway Central Advisory Council does not agree with the rules framed by the Government, then what will happen ?

The Honourable Sir Charles Innes : I cannot do more than what I have offered to do. As I have said, we will place our proposals before the Railway Central Advisory Council and take their views upon them, and I think the Council will bear me out when I say that we have always paid very great attention to their advice.

Mr. President : The question is :

“ That this House do agree to the further amendments* made by the Council of State in the Bill to amend and consolidate the law relating to Government and other Provident Funds.”

The Assembly divided :

AYES—56.

Abdul Mumin, Khan Bahadur Muhammad.	Blackett, The Honourable Sir Basil.
Abdul Qaiyum, Nawab Sir Sahibzada.	Bray, Sir Denys.
Abul Kasem, Maulvi.	Burdon, Mr. E.
Ahmad Ali Khan, Mr.	Carey, Sir Willoughby.
Ahmed, Mr. K.	Chalmers, Mr. T. A.
Aiyer, Sir P. S. Sivaswamy.	Chartres, Mr. C. B.
Ajab Khan, Captain.	Clow, Mr. A. G.
Akram Hussain, Prince A. M. M.	Cocke, Mr. H. G.
Ashworth, Mr. E. H.	Cosgrave, Mr. W. A.
Ayyar, Mr. C. V. Krishnaswami.	Crawford, Colonel J. D.
Bajpai, Mr. R. S.	Dalal, Sardar B. A.
Bhore, Mr. J. W.	Dumasia, Mr. N. M.

* In clause 6 of the Bill, the letter ‘a’ within brackets and the word ‘or’ at the end of the sub-clause were reinserted, and sub-clause (b) was reinserted with the following amendment, namely :—After the word ‘authority’ the words ‘for any reasons specified in this behalf in the rules of the Fund’ were reinserted.

Sub-clause (b) as amended.

“(b) where the subscriber or depositor has been dismissed from the employment of that authority for any reasons specified in this behalf in the rules of the Fund, or where he has resigned such employment within five years of the commencement thereof, the whole or any part of the amount of any such contributions, interest and increment.”

AYES 56—contd.

Flooming, Mr. E. G.	Muddiman, The Honourable Sir Alexander.
Ghulam Bari, Khan Bahadur.	Muhammad Ismail, Khan Bahadur Saiyid.
Gordon, Mr. E.	Panduranga Rao, Mr. V.
Gordon, Mr. R. G.	Raj Narain, Rai Bahadur.
Gour, Sir Hari Singh.	Rangachariar, Diwan Bahadur T.
Graham, Mr. L.	Reddi, Mr. K. Venkataramana.
Gurnor, Mr. C. W.	Roy, Mr. G. P.
Hira Singh Brar, Sardar Bahadur Captain.	Sarda, Rai Sahib M. Harbilas.
Hussanally, Khan Bahadur W. M.	Setalvad, Sir Chimanlal.
Innes, The Honourable Sir Charles.	Sim, Mr. G. G.
Langley, Mr. A.	Singh, Rai Bahadur S. N.
Lindsay, Sir Darcy.	Stanyon, Colonel Sir Henry.
Lloyd, Mr. A. H.	Sykes, Mr. E. F.
Macphail, Rev. Dr. E. M.	Tonkinson, Mr. H.
Maguire, Mr. L. T.	Vijayaraghavacharyar, Diwan Bahadur T.
Mitra, The Honourable Sir Bhupendra Nath.	Webb, Mr. M.

NOES—52.

Abhyankar, Mr. M. V.	Mehta, Mr. Jamnadas M.
Acharya, Mr. M. K.	Misra, Pandit Harkaran Nath.
Aiyangar, Mr. C. Duraiswami.	Murtaza Sahib Bahadur, Maulvi Sayad.
Aiyangar, Mr. K. Rama.	Mutalik, Sardar V. N.
Aney, Mr. M. S.	Nehru, Dr. Kishenlal.
Belvi, Mr. D. V.	Nehru, Pandit Motilal.
Chanda, Mr. Kamini Kumar.	Nehru, Pandit Shamlal.
Chetty, Mr. E. K. Shanmukham.	Neogy, Mr. K. C.
Das, Mr. B.	Phookun, Mr. Tarun Ram.
Dattu, Dr. S. K.	Purshotamdas Thakurdas, Sir.
Duni Chand, Lala.	Ramachandra Rao, Diwan Bahadur M.
Dutt, Mr. Amar Nath.	Ranga Iyer, Mr. C. S.
Ghazanfar Ali Khan, Raja.	Ray, Mr. Kumar Sankar.
Goswami, Mr. T. C.	Sadiq Hasan, Mr. S.
Gulab Singh, Sardar.	Samiullah Khan, Mr. M.
Huns Raj, Lala.	Sarfaraz Hussain Khan, Khan Bahadur.
Ismail Khan, Mr.	Shafee, Maulvi Mohammad.
Iyengar, Mr. A. Rangaswami.	Singh, Mr. Gaya Prasad.
Jeelani, Haji S. A. K.	Sinha, Mr. Ambika Prasad.
Jinnah, Mr. M. A.	Sinha, Mr. Devaki Prasad.
Joshi, Mr. N. M.	Sinha, Kumar Ganganan.
Kartar Singh, Sardar.	Syamacharan, Mr.
Kazim Ali, Shaikh-e-Chatgam Maulvi Muhammad.	Tok Yyi, Maung.
Kelkar, Mr. N. C.	Venkatapatiraju, Mr. B.
Lohokare, Dr. K. G.	Yakub, Maulvi Muhammad.
Majid Baksh, Syed.	Yusuf Imam, Mr. M.

The motion was adopted.

MOTION FOR ADJOURNMENT.

Mr. M. A. Jinnah (Bombay City : Muhammadan Urban) : Sir, the motion that I have to move in this House is for the adjournment of the House ; and the ground

on which I propose to move it is that the composition of the Commission which was announced in His Excellency the Viceroy's speech is not acceptable to us.

Sir, this question has got a history behind it and I will draw the attention of the House as to how this matter stood even as recently as the last Delhi Session. In Delhi a Resolution was moved by my friend Mr. Raju and that Resolution was as follows :

“ That this Assembly recommends to the Governor General in Council that a Committee with a majority of Indian non-officials on it and with an Indian Chairman

[Mr. M. A. Jinnah.]

be immediately appointed to examine the whole question of exchange and currency in the light of the experience gained since the date of the publication of the Babington-Smith Report, and to make recommendations as to the best policy to be pursued to secure a system of currency and exchange best suited to the interests of India."

This Resolution was carried by this House by 52 votes against 38. At the time this Resolution was being discussed in this House, the Honourable the Finance Member spoke as follows : he was not inclined to approve of this Resolution which desired that the Chairman should be an Indian ; he was not agreeable that the majority of this proposed Committee should be Indians, but he spoke, and I quote his words, as follows :

" The Government of India are therefore prepared to accept the Resolution —."

And here I may point out, Sir, that there was a question whether the word " immediately " should be replaced by " without avoidable delay ".

—" The Government of India are therefore prepared to accept the Resolution as thus amended, provided that it is clearly understood that in doing so they are not committing themselves beyond what the words say, namely, that there should be a Committee to inquire into the currency system of India with an effective and adequate representation of Indian interests to be appointed without any avoidable delay."

Sir, now the question is, what is adequate and effective representation of Indian interests ? Instead of this Committee being appointed, we have now the Royal Commission announced and the personnel of the Royal Commission comprises 6 Europeans and 4 Indians. Therefore, although this House was strongly of opinion that our desire was that the Chairman should be an Indian, that the majority of this Committee should be Indians, still the Chairman is not an Indian, the majority are not Indians. Out of 10 members, there are only 4 Indians. Then, Sir, I do not know what the Honourable Member considers would comply with that formula of adequate and effective representation of Indian interests. I dare say he will get up and say that we have got 4 Indians on this Commission, and surely that is enough to comply with that formula. Sir, I do not wish to say a single word against the men who are appointed on this Commission. Whatever views may be held with regard to their capacity or their qualifications, I am not going to discuss that on this motion. But I can only say this, that throughout, as far as one can ascertain, both the public and the press is dissatisfied and they consider that Indian interests will not be adequately and effectively represented on this Commission, and I am sure that I am only echoing the feeling of this House that we on our side of the House are not satisfied.

Sir, it might be said that this is a Royal Commission and, after all, it is a Commission which has been appointed by the King on the recommendation of His Majesty's Government. But I am sure even the Honourable the Finance Member will admit that in practice the Government of India must have been consulted as to the personnel of this Commission. And I am sure that the Honourable the Finance Member must have spent many sleepless nights before he determined upon the four Indian representatives who are going to represent adequately and effectively the Indian interests. Sir, probably he kept all this anxiety and this worry which must have troubled him for a long time in the

secret chambers of his heart and never consulted anybody, specially non-official opinion. If the Honourable the Finance Member thinks that what he has done complies with that formula, I am afraid I must say that he has lived in India as a Member of the Government in vain for all these years. Therefore, I venture to say that he ought at least to have consulted some leading Member of this House in view of the fact that there was a very strong feeling on the question. Of course, Government are always the final judges. Government have always got the power to say in the end, "Having heard everything, we do not agree with you. We shall decide as we think right". But, Sir, are we even to be denied the humble privilege of consultation? I ask the Finance Member, did he even show the courtesy of consulting any leading Member of this House? Is that due to us or is that not due to us? Do not forget that this House felt strongly about it. Remember this House desired that there should be a majority of Indians. Remember that this House said that there should be a Chairman who should be an Indian. You knew all that, and what did you do? Did you consult anybody? No. Sir, these are the ways of Government that are responsible for a great deal of dissatisfaction, and I do not know when they will really learn to mend their ways and improve the manner in which they proceed with regard to these matters of such vital importance. Sir, I can only read from one newspaper and that newspaper is by no means an extremist newspaper.

The Honourable Sir Basil Blackett (Finance Member) : *Bombay Chronicle* ?

Mr. M. A. Jinnah : No. That newspaper is one which even the Finance Member will not take exception to, unless, of course, if it happens to go against him, he might change his mind. That newspaper is the *Leader* and I think even my friend Sir Sivaswamy Aiyer has some respect for this newspaper. (Sir Sivaswamy Aiyer nodded assent.) It says this :

"The terms of reference to the Currency Commission, announced in the Viceroy's speech on Thursday are more satisfactory than the personnel. Only 4 out of the 10 members are Indians and we do not know why the distinguished Engineer and captain of industry, Sir Rajendra Nath Mukherjee, is included amongst them. He is not known as an economist."

Then it mentions several other names which might well have been appointed on this Commission. I want this House to understand that I hold no brief for any particular person to be appointed to this Commission. Sir, this question of currency and exchange policy is in importance next to no other question, next to no other problem with which we have to deal. The three greatest problems which require our immediate attention are the constitution of India, the Army, and next to those questions, I put this question. Are you going to have on this Commission men who have been brought up in a particular school of thought, whose opinions have been formed on certain lines according to the school of thought to which they belong, and are we going to abide by the decision of the majority of those men? I am not one of those, Sir, who say, "I object to an Englishman because he is an Englishman". We know, and I think that even the Finance Member dare not contradict me, that the interests of England and India stand in serious conflict over this policy of currency and exchange.

The Honourable Sir Basil Blackett : I deny that.

Mr. M. A. Jinnah : Then I say that the Finance Member has to learn yet, if he has not learnt already. Is there any doubt, I venture to ask, that you have in this country adopted a policy which is more suitable to the interests of the British ? Is there any doubt about it ?

The Honourable Sir Basil Blackett : It is entirely untrue.

Mr. M. A. Jinnah : I say the statement that you deny it is untrue and I say you cannot put your hand on your heart and say it is untrue.

The Honourable Sir Basil Blackett : It is untrue. (*A Voice :* "He has no heart.") I deny that.

Mr. M. A. Jinnah : I am prepared to deny that even after what the Finance Member has said. Now I am inclined to believe that he has got no heart. (*A Voice :* "His heart is elsewhere.") I do not wish to go further than this. There is not the slightest doubt that the policy has been regulated up to the present moment by those men who hold the key in England: India has more than once been led away by them. Therefore, I feel that it is no use your saying that you have included Englishmen who represent Indian interests. Do they represent any interests or do they not ?

The Honourable Sir Basil Blackett : Wait for my reply.

Mr. M. A. Jinnah : Do they represent any interest or are they mere dummies ? Sir, if there was going to be adequate and effective representation of Indian interests, was there going to be any other interest represented or not ? Whose interests were going to be represented ? Which was the other interest ? What is the good of pretending ? We know perfectly well that there is the Indian interest and there is the other interest. That is why adequate and effective representation of Indian interests is sought to be ensured. I ask the Finance Member to assume a little more responsibility and also to show a little bit of his heart if he has any. Sir, I feel, and I feel very strongly, and I am not saying this because it is my personal opinion. I know that it is the strong opinion of the country and also of the Members of this House. I do not wish to exceed my time limit and I have said all that could be said, and I shall certainly wait till the answer is given by the Honourable the Finance Member hoping that he will see that the matter required further consideration.

Mr. Jamnadas M. Mehta (Bombay Northern Division: Non-Muhammadan Rural) : Sir, I join in the protest embodied in the motion moved by my Honourable friend, Mr. Jinnah and I am sure that every Indian will agree that Government in announcing the constitution of the Royal Commission have defied the Resolution which the Assembly passed in January last. What was the Resolution ? The Resolution was that an inquiry should be undertaken immediately, that there should be an Indian Chairman and that there should be an Indian majority in the constitution of the Committee. In each one of these elements of the Resolution the Government have defied the Assembly and done exactly the reverse of what the Assembly wanted. Seven months have passed. It has taken Government seven months to cogitate over the personnel of the Commission and that certainly is not "without avoidable delay." The delay could have been avoided and a Committee appointed within

four weeks or six weeks if promptitude had been adopted in the matter. But Government have waited till exchange has been brought to a particular level and now the country will meet the Commission with an accomplished fact that for nearly a year the exchange has been at 1s. 6d. and you can realise the effect which it will have on the Commission. But I am not dilating on that subject further; suffice it to say that this delay in appointing the Commission is suspicious as the Commission will now be confronted by the settled fact of exchange at 1s. 6d. But what is worse the promises of the Honourable the Finance Member made on the floor of the House when this question was under consideration on the Resolution of my Honourable friend, Mr. Raju, have not been fulfilled—promises that Indian interests alone and no other interests counted in this matter. May I ask him who are these six gentlemen, these European gentlemen, and what are their qualifications for representing Indian interests? They are not even known to this country except perhaps one or two, and such of them as are known cannot be said to command the confidence of the Indian public. Sir, coming to the Indian members, I wonder how the Honourable the Finance Member proceeded to find out the gentlemen whom he has recommended. I agree with my Honourable friend, Mr. Jinnah, that it is no use commenting on the individual members of the Commission, when we are dissatisfied with the whole personnel itself, but it is impossible, much as we dislike it, to avoid passing some criticism on the individual members of the Commission. I make bold to say that except Sir Purshotamdas Thakurdas not one of these three gentlemen will succeed in any local board election, much less in a municipal election, rarely at a Legislative Council election, and never in a Legislative Assembly election. Have Government any respect for the franchises they themselves have created? If they have, then I challenge them to prove that even one of these gentlemen will pass the test which these franchises impose upon him. It is clear that these three gentlemen cannot be said to command the confidence of the people of this country, much as they may be capable gentlemen in their own spheres of life. Sir Maneckji Dadaboy may be a very good gentleman, Sir Rajendra Nath Mukherjee may be even better, and Professor Coyajee may be even superior to them, but as regards the confidence of the people of this country they themselves will not plead it nor have they ever claimed that they enjoy it; regarding expert knowledge, I doubt how many of them have got it, but even these are in a minority; I might inform the Honourable the Finance Member that the great English paper the *Economist* stated when this question of the Currency Commission was under consideration in this House that Sir Basil Blackett was disposed to agree that the majority of the Commission shall be Indian.....

Mr. B. Das (Orissa Division : Non-Muhammadan) : You forget the *Morning Post*.

Mr. Jamnadas M. Mehta : I remember having read in the *Economist* that Sir Basil Blackett was disposed to accept an Indian majority. As regards the interests represented by the six European members, no less a paper than the *Times of India* said in 1920 that the currency policy of the Government of India was being dictated from Whitehall and Charles Street and that the London financial interests predominated there. It is no use challenging that fact. It is notoriously true and

[Mr. Jamnadas M. Mehta.]

known to be true to every Indian who takes an interest in these matters ; much as the Government may deny it, it is true ; and until Government change their methods and appoint Indians, trusted Indians, Indians who command the confidence of the people of the country, no Royal Commission, you might call it a Royal Commission or an Imperial Commission or a super-Royal Commission—they will stand discredited at their inception. This Royal Commission which you have appointed will not command the confidence of the people of this country. It is discredited at its birth. You may do what you like, but it will not have the confidence of the people. It is possible still for Government to retrace their mistake as they did at the time of the announcement of the Industrial Commission in 1915, I think. At that time the constitution of the Industrial Commission found no favour with the public, and at the last moment, I think, my Honourable friend, Pandit Madan Mohan Malaviya, was appointed and that gave some confidence to the public. It is not too late yet. Government can still appoint three Indian members thereby giving the Indian representation a majority and although, as I have said, except Sir Purshotamdas Thakurdas the three Indian members at present on the Commission would not command the confidence of the country, still the Government will have carried out the Resolution of this Assembly otherwise the Commission will start its labours under a great handicap. Sir, I may say that only yesterday one Member of the Council of State, a Knight, a Moderate, asked me whether I had read the report of the Currency Commission. I could not understand the question. I said, "What do you mean?" He replied, "Have you read the report of the Royal Commission on Currency?" He meant that it was a decree that only remained to be registered; that the report had already been prepared, and that it remained to be signed. This is the opinion of a Member of the Council of State, a Knight and not an extremist. That is the judgment and verdict which a Member of the Council of State, a Knight whom the Government delight to honour, has passed on the Royal Commission, and I think that he has for once expressed the opinion of the country as a whole. Sir, when this proposition was under discussion the Honourable the Finance Member himself, as said before, had stated that in constituting this Committee the interests of India alone will count. Well, this morning, in answer to a question of Mr. Das, he said that Sir Purshotamdas Thakurdas properly and adequately represents the Assembly. Well, he does. But if one member is sufficient to represent 315 millions of people according to Sir Basil Blackett, how many people do these six European gentlemen represent, and where are those people? (*A Voice* : "The world".) Whom do they represent? If they are mere experts and advisers one or two would have been enough. One or two are quite sufficient. We want expert advice but we do not want expert dictation when it is further doubtful whether these experts are selfless and disinterested. These are the reasons why the public are thoroughly dissatisfied with the personnel of the Royal Commission. I am sorry that the Chairman cannot now be changed. We do not want to go to that length though it would have been better if an Indian had been appointed as Chairman. But still it is possible for Government to retrace their steps and retrieve their mistake by appointing three more Indians who will command the confidence of the

people of this country. Then alone will this Commission have a chance. Otherwise 7 or 10 lakhs of public money will be wasted and a long report will be made which will not be worth the paper on which it may be written.

Mr. Devaki Prasad Sinha (Chota Nagpur Division : Non-Muhamadan) : I have one special reason for being dissatisfied with the constitution of this Commission. In all inquiries relating to economic questions, whether it is by a Royal Commission or by a Committee appointed by the Governor General in Council, it has been assumed that the persons who are, primarily, mainly and solely interested in currency questions are the business men of Bombay and Calcutta. Sir, consistently with this tradition, in the appointment of this Royal Commission persons have been taken who belong either to one industry or to another. Sir, the largest industry in the country, the industry that affects the vast majority of our countrymen, namely, agriculture, is entirely unrepresented on the constitution of this Royal Commission. Sir, my Honourable friends Mr. Jinnah and Mr. Jamnadas Mehta have both complained that on this Royal Commission there are only two interests, the Indian interests and the European interests. Sir, the Indian interests, as they have very rightly pointed out, are represented in a very inadequate manner. I join with them in that remark but how much more inadequate would that Indian representation be if it leaves entirely out of account the vast bulk of the agricultural population in the country who would undoubtedly be very much affected by any solution of the currency question that would affect prices in this country. We have heard in this House repeated demands for bringing about stability in the rate of exchange. I entirely agree that there should be stability in the rate of exchange but I submit that stability in prices is far more important for the largest number of people in this country than any stability in the rate of exchange. Therefore, if this Royal Commission is to inquire thoroughly into this question, it is absolutely necessary that the bearing of any currency question upon prices has to be very carefully examined, and for that purpose it is necessary that those who are affected by any rise or fall in prices consequent upon a fall or rise in the rate of exchange should have an adequate representation upon this Commission. It may be said that the experts who sit on this Commission would adequately represent the interests of the consumers and the agriculturists and all the other voiceless countrymen of ours. Well, Sir, in the first place I dispute the title of these experts to understand the needs of the agricultural population of this country. I join with my friends from Bombay in the remark that these experts cannot understand either the needs of the industrial population or the needs of the agricultural population of our country. It is necessary, if this Royal Commission is to arrive at a finding which would appeal to the country, it is necessary that all interests must be directly represented, must be represented by men who are in touch with the needs of the community whom they represent and not merely by the so-called experts who are imported into our country at enormous cost and who after they have left this country still remain as ignorant as they were when they came to this country. For this reason, I have no faith that experts will adequately represent the agricultural interests and I have also some little suspicion, for which I hope my Honourable friends from Bombay will pardon me, that experts, whether

[Mr. Devaki Prasad Sinha.]

they are Indians or whether they are Europeans who represent the business concerns either of Bombay or of Calcutta, or who represent industries other than agricultural, will not properly appreciate the difficulties in which the agricultural population will be placed by a sudden rise or fall in prices by reason of a tampering with the rate of exchange. I must not be understood to say that I am against any modification either in the rate of exchange or that I am against the introduction of a gold standard in this country. Far from it. All that I desire is that before a question of such enormous importance, as the Honourable Mr. Jinnah has put it, is decided the interests of those who are affected in the decision of this question must be considered and considered impartially with reference to the needs of the community that would be chiefly affected by any change. With these words I join with my friend from Bombay in protesting against the personnel of this Royal Commission.

Mr. B. Venkatapatiraju (Ganjam *cum* Vizagapatam : Non-Muhamadan Rural) : Sir, before I criticise the action of the Government I must fairly acknowledge what they have done. We have had five Commissions before this. In the very first Commission of 1866 they never thought of India, but in the second Commission of 1892, the Herschell Committee, not a single Indian was appointed and it consisted only of Europeans who decided our fate and then in 1898, the Fowler Committee was appointed and again not a single Indian was appointed. All the members were Europeans but they have gone further. They examined some Indian witnesses which the previous Commissions did not do. In the 1914 Commission we had one Indian gentleman. Apparently he did not express any dissenting voice but joined the others and therefore we do not know his particular views with reference to India. But the greatest difficulty which the Government felt in securing an Indian to their taste on the Committee was in 1919 when they appointed Mr. Dalal on the Babington-Smith Committee. Government then found their mistake because this gentleman, being independent, expressed a view contrary to the views of the majority. He said that the views of the majority were wrong and opposed to the interests of India. As a matter of fact within five years the words of Mr. Dalal were fulfilled and the experts were found to be wrong. We have lost several crores on that account. If we take the present Royal Commission we have four Indian members. If they had appointed only one Indian it would have been far better than what they have done, for they have appointed three other Indians, who signed the Fiscal Commission report. The other minority members who represented the popular view complained that these made halting and half-hearted recommendations. One gentleman who was on the Railway Commission opposed to the popular view, wanted that all Railways should be under company management and the profits should go to the companies. We do not complain of the capacity of these gentlemen, but they do not represent the popular view. It has already been pointed out by Mr. Jinnah that Sir Basil Blackett promised that Indian opinion would be effectively represented. Whatever he means, we do not want Indians who cannot command the confidence of the people. Now it is stated that there are two interests that have to be considered. That is exactly where the Government make a mistake. I may be permitted to state that there are six interests. All these are conflicting interests—equity between debtor and creditor, equity between the tax-payer and the Government and equity between the exporting merchant and the importing merchant. Not a single person agrees with another. Exporting

merchants want large numbers of rupees for sovereigns and importing merchants want to secure sovereigns cheap. Government by a high exchange give an artificial value to the rupee. The tax-payer wants to have a lesser burden ; so also we notice the difference between debtor and creditor. Now, I ask Sir Basil Blackett what interests he thought would be represented by appointing these gentlemen on the Commission. We do not want any one opinion should be overbalanced. We want to safeguard all interests. We know how by artificially raising the value of the rupee our taxation was increased invisibly by 50 per cent. apart from the 300 per cent. increase of taxation within 25 years.

But this taxation of 50 per cent. is entirely due to the artificial rise in the value of the rupee.

The Honourable Sir Basil Blackett : How much per cent. ?

Mr. B. Venkatapatiraju : Fifty per cent., Sir. Now after all, if Government really want to fix the rate at 1s. 6d., it does not matter how they do it. If they do not want to have a gold coin in circulation in India, if they do not want to open even a branch of the Royal Mint in India, if they do not want that gold should be legal tender, why have this farce of appointing a Committee ? Why not say we are going to do it ; let the people accept it. We know what the net result of all this would be, because we know how previously various members of one Committee or the other ending with the Babington-Smith Committee, all great experts, fundamentally differed. I only ask the Honourable Sir Basil Blackett to remember one important statement made by him. He stated that he does not want mere experts, that any committee that is appointed to deal with the subject must be fully representative of Indian opinion ; and if it is an expert Committee it ought not to be a Committee of experts who have never been to India but a Committee composed mainly of people who know the Indian atmosphere and can look at the problem in the light of Indian conditions.

The Honourable Sir Basil Blackett : That is so.

Mr. B. Venkatapatiraju : That is what the Honourable Sir Basil Blackett says now, that he is thoroughly satisfied that these people represent all these interests knowing full well Indian conditions. Well, we beg to differ from him. He is mistaken altogether because these people cannot be expected to represent all these different interests. Nine of them will represent merely British interests or Britishers' interests. There are perhaps one or two at the most who will represent Indian interests and we may be sure of the result. If the Government want to let better counsels prevail and have an efficient and effective Indian representation, they will think twice before they are satisfied with the personnel of the present Commission which has caused so much dissatisfaction in all circles, whether moderate or extremist.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I do not share the opinion of some speakers who have preceded me when they said that they had some expectations and were therefore disappointed with the personnel of the Commission. I have very carefully gone through the speeches of my esteemed friend, the Honourable Sir Basil Blackett. I must say that he did not give any pledge to this House, he did not give any tangible undertaking either ; and he has not gone back on any pledge or any undertaking. I consider, Sir, that the position which was taken when the question was under discussion in this House, by a fiercely active member of our Party would have been the right position to-day. I refer to Mr.

[Mr. C. S. Ranga Iyer.]

Vithalbhai Patel. Mr. Vithalbhai Patel, when the subject was under discussion, said :

“ Now with regard to a non-official Indian majority, we know we have heard something about the Babington-Smith Committee. We had only one Indian, Sir Dadiba Dalal, and he stuck to his guns. He expressed the Indian public opinion and wrote a separate minute of dissent stating that the ratio should be 1s. 4d. If at that time the Committee had had a majority of Indians then the viewpoint of the Indian public would have been effectively represented and their report would have been quite different. All these manipulations in the currency during the last five or six years would have been impossible and the country would have been saved crores of rupees, as Mr. Jinnadas Mehta has very rightly pointed out. Therefore it is necessary now to take care to see that any committee which is appointed to examine the question of exchange and currency should have on it a majority of Indians. Of course there are Indians and Indians. So long as Government are what they are, not responsible to the people, they will appoint such Indians as will play into their hands and register their decrees. That cannot be helped, but the remedy lies in our own hands. But there are Dadiba Dalals sometimes. There is absolutely no reason why after the experience we have had in the past of such committees we should not demand an Indian majority on this Committee.”

And in reply to this the Honourable Sir Basil Blackett made it quite clear that there were “ Indians and Indians ”. Well, we do not approve of the Indians on the Committee. If I understand the purpose of this discussion, it is only to place on record our protest. I do not endorse the expectations and opinions based thereon of my Honourable friend Mr. Jinnah in regard to the Honourable the Finance Member, nor do I know if he struggled hard to give us an Indian majority on the Commission.

Mr. M. A. Jinnah : Sir, I rise to a point of order. I never said the Finance Member had given any pledge. I never said he had broken any pledge.

Mr. C. S. Ranga Iyer : That is not a point of order.

Mr. M. A. Jinnah : Certainly. All I said was that the Finance Member knowing the strong feeling of this House, ought to have appointed more Indians.

Mr. C. S. Ranga Iyer : I was not quoting Mr. Jinnah's words. I never said Mr. Jinnah said the Finance Member gave any pledge or undertaking. Apparently Mr. Jinnah was absent-minded (Laughter) when I was speaking ; I say I did not endorse the hopes Mr. Jinnah had entertained from the Finance Member. It is not on the ground of hopes falsified that I appeal to the moderate-minded Members of this House to associate themselves with the proposition that Mr. Jinnah has moved. I appeal for their help, for their association with Mr. Jinnah's motion on another ground, and that ground is, there are Indians and Indians. As the right kind of Indians are not there, the findings of a Commission like this need not be prophesied. We all know the British habit : When a momentous question stirs the country, when there is tremendous feeling over a vital matter, instead of respecting that feeling, instead of conciliating public opinion, instead of doing justice by the country, they appoint a Commission, a Royal Commission. And what does the Royal Commission do ? It comes to this country only to whitewash, camouflage, postpone or shelve an important question which calls for immediate solution.

Sir, we do not want Royal Commissions. Royal Commissions come to this country to waste the public money. It were far better that we

did not have a Commission of this kind than that public money should be wasted. Let us take the attitude Mr. Vithalbai Patel took up. So long as there is no responsibility to the people of this country, let us not irresponsibly waste public money on Commissions. I do not propose to blame the Honourable Sir Basil Blackett at all. He is not responsible for the present state of affairs in India. The responsibility lies on the British bureaucracy which sits on India like a nightmare. (A Voice : "He is one of them !") My Honourable friend Mr. Jamnadas Mehta says he is one of them. I do not know whether he is powerful enough to change that bureaucracy, and so long as that bureaucracy is there, whether there are Indians on that side or not, whether Mr. Patel himself from the President's Chair goes and occupies those Benches (pointing to the Treasury Benches), I do not know whether, if the best of this country were to sit there, if even an archangel were to come and sit there,—the state of things could be changed. What is the use of hurling arguments if not epithets at the occupants of those Benches ? Our duty is to reject this Commission, to boycott it. I put it to Honourable Members who have spoken in anger whether they are prepared to boycott the Commission. That is what the Egyptians did when the Milner Mission went to Egypt. It is no use bluffing. Follow your strong words by stronger deeds ! Boycott the Commission. Do not have anything to do with it. There are so many untouchables in this land. Treat this Commission as another untouchable. I do not know if Mr. Jinnah believes in untouchability. (Laughter.) But at least so far as this particular question is concerned, I should be satisfied if Mr. Jinnah and his friends do not indulge in mere talk but follow it up by action and reject this Currency Commission as dangerous poison.

The Honourable Sir Basil Blackett : Sir, I think the last speaker has really exactly summed up my position. Even if an archangel had appointed this Commission, what would have been the use of my hurling arguments at the other Benches to say that this is really a good Commission ? The arguments that have been used are as usual mutually destructive ; we have had, I think, six speeches, and it is perfectly evident that every one of those speakers would have spoken against the personnel of a committee appointed by any one of the other five. I was sorry when I was informed that this debate was going to come on because I did not think that it would be very desirable that the debate should take the form of a discussion of the merits of ten gentlemen all of whom have very considerable claims to be regarded as people with wide knowledge of the relevant subjects and it is most undesirable that the mere fact that the Government to the best of their ability have chosen ten men for a particular purpose should immediately lead to the vilification of some of them in this House. I am particularly sorry that the debate has to some extent taken a form, which I think this House ought not to feel very proud of, of vilification of the Indian gentlemen who have accepted this request of the Government to serve on a Royal Commission. The House has naturally been careful to except from that vilification the Honourable Member who is a Member of this House and present here, but I do put it to this House that it is not doing justice to itself and it is making a very bad impression on the world in general, when the immediate effect of the appointment of Indians with knowledge of a subject to a Commission is that their qualifications and qualities are belittled in this

[Sir Basil Blackett.]

House. As far as I could gather from Mr. Raju his real objection to the other three members of this Commission is that they had on one occasion or another signed a majority report instead of, I suppose, a minority report. In other words, because these gentlemen have had the courage of differing from a view which Mr. Raju may take, he thinks he is justified in coming here and saying that they are Indians of no account. Sir Rajendra Nath Mukherjee is known the length and breadth of India; Sir Maneckji Dadabhoj has been an honoured Member of the Council of State for many years—I believe he was before that a Member of the old Imperial Council. He has a very wide knowledge of financial matters which he has frequently brought to bear in the other place in a way that has been very valuable to the debates of that House and to the general interests of India. Professor Coyajee is a well-known economist who has made an expert study of economic questions and is surely entitled to something a little less unkind from this House than a statement that he belongs to the category of what the last speaker described as “Indians and Indians”.

Let me for a moment go back to the debates of last January. I do not think that the Honourable Mover quite brought out what happened in those debates. A motion was moved by my Honourable friend Mr. Raju containing a recommendation for the appointment immediately of a Currency Committee with an Indian Chairman and a majority of Indians. Now, this subject, as the House knows, of the currency and exchange of India is one which has occupied the special attention of the Finance Department in recent years and I may add it is one to which I have given very special and continuous attention ever since I took up my present office. I agree with Mr. Jinnah that it is a subject of very great importance—possibly not even in the third place that Mr. Jinnah put it in. It is a subject that interests every single individual in India. We were asked to appoint a committee to consider this subject. The line that I took in that debate was that I was in full sympathy with the desire to appoint a committee without unreasonable delay—with no avoidable delay. An amendment was moved by my friend, Diwan Bahadur Ramachandra Rao, which came within an ace of being unanimously accepted by this House. That amendment was to take away the words “Indian Chairman and Indian majority” and substitute “adequate and effective Indian representation”, and as far as I could gather at the time there was no real difference of opinion in this House on that subject. I am quite sure that the House would have carried that part of the amendment, if not unanimously, by a very large majority. Mr. Jinnah expressly accepted it as on the whole a preferable form of words than the demand for an Indian majority and an Indian Chairman. The reason why that amendment was not accepted at the last moment was because we could not agree on the substitution of the words “without any unavoidable delay” for the word “immediately”.

Now, it has been stated that the Government have defied the Resolution—Mr. Jamnadas Mehta with his usual capacity for exaggeration stated that the Government had flouted the Assembly.

Mr. Jamnadas M. Mehta : You are obeying it now, are you not ?

The Honourable Sir Basil Blackett : “Defied” was the word the Honourable Member used. At that time the most I could say about the

date was that we hoped that the Committee would be appointed within twelve months. It has been appointed in less than seven months or in just seven months. We have gone a long way towards meeting the view of this Assembly that there should be no avoidable delay in the appointment of this Commission.

Secondly, it was asked that its terms of reference should be very wide. No one has objected to the terms of reference; they are thoroughly wide; they do not, as the majority of Members who have spoken to-day seem to desire, narrow the issue down by writing the report of the Commission in advance, which is what Mr. Jamnadas Mehta obviously desired to do. I was very much interested to hear that there was a Knightly Member of another place who was capable of pulling Mr. Jamnadas Mehta's leg so successfully.

Now, the question has been asked, what interests do these ten gentlemen represent? It has been said they represent two interests, that they represent six interests and various other numbers of interests. I state quite confidently that they have been chosen to represent one interest only and that is the true interest of India taken as a whole; that is the only matter that is under consideration—the interests of India. That is in the terms of reference and it is the only interest which they are appointed to consider. There is of course a possibility of confusion of thought in the use of the word "interests". I see

5 P.M.

that I stated myself last January that there would be adequate and effective representation of Indian interests. (*A Voice* : "That is true"). It is perfectly true. There are ten gentlemen, and they are likely to be very adequate and effective in representing the Indian interests. (*Voices* from the Swarajist Benches "Not at all.") But the subject that was really then under consideration was as to how many Indians would be on the Commission. The Assembly then expressed, or rather one Member expressed, a desire for 9 members of whom 5 should be Indians including the Chairman, but I made it perfectly clear at the time that that was a request which the Government were not likely to accept. But I was prepared to give an undertaking,—in fact I did give an undertaking and I join issue with my friend Mr. Ranga Iyer on that,—I gave a definite undertaking that the Government would see to it that there was adequate and effective Indian representation.

Mr. Jamnadas Mehta does not think the representation adequate and effective, because he thinks that none of these three gentlemen would have been elected by the Swarajist Members of this Assembly. (*A Voice* : "Any Member.") I am not quite sure if his criterion would not exclude all four Indian members. I will not enter into that question, but if he thinks that the capacity to secure representation to this Assembly is the only capacity which qualifies a man to be an Indian member or to be a real representative of India on a Commission of this sort, surely he will agree that he has overstated his case. I might possibly go on to say that the fact that a man has found time to fight an election and secure election to this Assembly is likely to mean that he has not had the time to spare to become so deeply acquainted with the intricate questions of currency which this Commission requires as to be a really suitable member for a Commission of this sort.

Mr. Jamnadas M. Mehta : What about the Chairman ?

The Honourable Sir Basil Blackett : There are of course exceptions. There is an exception in the case of the Chairman ; there is an exception in the case of an Honourable Member of the other House, and in the case of an Honourable Member of this House. But those exceptions are comparatively rare.

Now, Mr. Jinnah asked whether we were going to have Members on this Commission chosen only from people brought up in a particular school ? That is exactly what the Government have tried to avoid doing. Most of the suggestions made from the Bombay Benches to-day come to this, that we ought not to have appointed anybody as a member of this Commission, whether Englishman or Indian, unless he had declared himself in advance as in agreement with some particular views held by particular people in Bombay, not even I think by the majority in Bombay, and certainly not common to the rest of India. Is that the sort of Commission we really want ? What do you want when you set up a Royal Commission on a subject like currency ? Essentially what you want is a set of gentlemen who are thoroughly impartial, who have not, so far as possible, committed themselves in advance to particular views, who have a wide knowledge of Indian conditions as well as of financial conditions, and who are capable of arriving at an unprejudiced and unbiassed judgment after listening to evidence on the subject matter of their terms of reference. That is the way in which we are most likely to get a report as to what currency system is most conducive to the interests of India. I know that Mr. Jamnadas Mehta thinks that the chief duty of this Commission will be to fix the ratio of the rupee to sterling. That will be one of its duties, but I submit, a comparatively unimportant one. Its duties will be, I hope, to make a very big step forward in regard to the currency theory and practice of India, and to assimilate the currency of this country as nearly as possible to that international gold standard which has recently been returned to by the United Kingdom and by most of the British Dominions. It is a very big task requiring very expert and very wide knowledge, and it does not require the representation of this industry, that industry, labour, capital, debtor, creditor, or tax-payer or Government. It requires a set of gentlemen who are likely to be impartial, broadminded and expert in their subject, at any rate to become expert in it after they have studied it for some time, and who will bring to their task the capacity of listening to and weighing evidence from all the interests which have been mentioned. We do not want all the interests, so far as possible, represented on the Commission. What you want is that the Commission should receive evidence from all quarters, for example from the agriculturists who are undoubtedly very deeply interested but who are much more likely to be able to present their case to a Commission which will be able to translate their agricultural language into currency terms than they are themselves to provide a suitable member for a Commission of this sort. Similarly, you want the Commission to hear the views of the exporter and the importer in Bombay, in Madras, in Rangoon and in Calcutta and in Karachi, and to weigh all the considerations, and not to start with a preconceived judgment. We do not want people on the Commission, as Mr. Jinnah says, who will write the Report in advance, and the complaint that has been made by most of those who have spoken to-day is exactly that, that the Commission has not been

composed of people with preconceived views who will write their particular report in advance.

I am sorry, as I said at the beginning, I am afraid my time is up, Mr. Chairman,—I am sorry, as I said at the beginning of my speech, that this matter has come up, because it has, I think, led to reflections on individuals which this House ought not, and I am sure does not, really desire to make. But I am not sorry that the subject has come up as a general subject. It is a matter of very supreme importance. This Royal Commission has a great opportunity under conditions which, we hope, are now returning to nearly normal after the disturbances of the world war, with the sort of experiments that have been made in currency, on a scale previously incredible. Those experiments cannot fail to be of immense value to those who now study this question. They have made an immense addition to our knowledge as to how currency questions ought to be dealt with and how they should be worked, and I am quite sure that if the Babington-Smith Committee in 1919 had had the experience that we have had since, some of its proposals would have been otherwise than what they were. Indeed, I do not think any of the members of that Committee could in the circumstances have been expected to produce recommendations at that time which could have been effective or really valuable. The only gentleman concerned with that Committee who was anywhere near right,—I think that the minority was as far out as the majority—was the late Sir Lionel Abraham, who said that the only thing was to wait in order to have a little more experience of conditions after the war. I do think that this Commission has a great opportunity, and I do hope that this House will think twice before passing what might even seem like a derogatory motion in regard to this Commission before it comes out. The House has expressed certain views. I honestly think that if you were to put the personnel of any Royal Commission up for discussion in any conceivable parliamentary body, you would get a majority who thought that the Commission ought to have been otherwise formed.

It does not matter whether it is currency or any other question. If you put up to an Assembly of this sort or to the British Parliament for a free vote the question as to whether they would like changes in any particular committee of inquiry, they would in almost all cases say that they would like this change or that change. They would not really agree as to what those changes are. As we saw to-day, those who have supported this motion have supported it for diametrically opposite reasons in many cases and therefore I think this is not a case in which it is desirable for this House to walk into the lobby to express a view which cannot be fully considered and which I deprecate this House expressing.

Pandit Madan Mohan Malaviya* (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I entirely join with the Honourable the Finance Member in regretting the fact that criticisms have been passed upon some of the Members who have been appointed to this Royal Commission. I really feel, Sir, that such criticism hampers the very cause which we have at heart. I hope my Honourable friend will take it as an expression not of my own individual opinion, but that of many other Members in the House, that no personal criticisms were meant. I hope he will also recognise that, when appointments are made to a Commission of the great importance of the Royal Commission on Currency and Exchange, a reference to the members becomes unfortunately to some extent

* Speech not corrected by the Honourable Member.

[Pandit Madan Mohan Malaviya.]

unavoidable. I do not wish to labour that aspect but I wish to point out that the object of the discussion to-day was not, as the Honourable the Mover himself pointed out, to discuss the personal merits of the gentlemen who have been appointed but rather to express our dissatisfaction that the composition was not more favourable to the view of the majority of the Members of this House or of the country. I submit, Sir, that the object of the motion is quite clear and I wish the Honourable the Finance Member looked at the matter more from the point of view of meeting the Indian point of view which has been expressed in the newspaper press and in this Assembly, if he could possibly do so. The main suggestion in this discussion is not that the members who have been appointed should be cashiered but, that a few additions should be made ; and in view of the immense importance of the Commission which the Honourable the Finance Member himself recognises, I ask him to consider whether it is not possible for the Government even now to recommend that three more members, who would command the confidence of the Indian public, should be added to the Commission. In the year 1915, Lord Hardinge's Government was pleased to appoint an Industrial Commission. On a suggestion made in this House, Lord Hardinge's Government did a courtesy to this House, or rather to the Imperial Legislative Council of adding one more member to the Commission. To-day the same question is before the Government. Cannot the Government see their way to add a few more members ? (*Mr. K. Ahmed* : " That would cost money. ") The Honourable the Finance Member knows that it is after a very very long time that such a Commission has been appointed. It is not only the interest of one class of people but the interest of every class in India that is involved in this matter and I ask him to consider whether it is not possible to add a few more members to this Commission. I entirely agree with him as to the test which he himself suggested. Thorough impartiality should be one of the qualifications. And the second thing was that the men should not have committed themselves to any particular views. The third was that they should be capable of arriving at an unbiassed and unprejudiced judgment on the questions which will be laid before them ; that they should weigh all the evidence that would be laid before them and then arrive at conclusions. I ask my Honourable friend if it is not possible to find among the public men in India, among the merchants, lawyers and other public men, two or three such men who will answer the description that he has given of the men who have been selected ? I submit, Sir, that it is possible to do so.

The object of the Government in appointing the Commission is in the first instance to have a proper survey made of the situation so far as currency and exchange are concerned. No country has suffered more from the want of a correct policy of currency and exchange than India has suffered. For the last fifty years we Indians have been anxious that there should be a proper investigation of this subject. When the Government have decided upon such a Commission, I am sure that the Government have not had merely the inherent importance of the question alone before their mind, but also the fact that public opinion strongly demanded a consideration of this subject. The discussion in January last, to which reference has been made, put the Government in full possession of the anxiety of this House that there should be a Commission, and as the Honourable the Finance Member has said himself, he was in sym-

pathy with the proposal, with the main object of the inquiry. Now, when the Government have so far acceded to public opinion, is it too much to ask that they should go a little further and find from among Indians three other men who would generally create confidence among the public that matters will be investigated from every point of view. I submit, Sir, that it should not be impossible for the Government to accede to this request and I hope that the Honourable the Finance Member will not only consider the question whether these ten men represent Indian interests. Any man might be described as representing the interests of every other fellowman. We are all human beings and as human beings there ought to be a certain amount of sympathy in us with every human being, but it is too much to say that these gentlemen represent all the interests that we desire to be represented. As the Honourable the Finance Member and the Government will find from newspaper comments and from the debate in this House there is a very strong feeling that the representation should be added to, should be made more adequate and effective from the Indian point of view, and I hope they will set an example of co-operation with public opinion in the country and the opinion of the majority of this House or at least of a substantial number in this House, by acceding to the request which is made to them. If they will show this example by reconsidering the matter which they have decided upon, they will be setting a very good example to this House and they will earn the gratitude not only of the Members of this House but of the country as a whole. If, on the contrary, the decision is adhered to and no heed is paid to the representation made in this Assembly, and to the expression of opinion of the country, I submit the Government will be doing an injustice to themselves and to the members of the Commission. For above all things, a feeling that the Commission will do justice to the subject, that it will investigate all the points of view that will come before it, and that it will give an impartial verdict, is no mean factor in determining the attitude of the public and in enlisting the good-will of the Indian educated public throughout the country and of a substantial majority or a large number in this House. The Government ought to re-consider this matter, and I hope they will still do so.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhamadan Urban) : Sir, I had no intention of intervening in this debate and if I rise it is simply to thank the Honourable the Finance Member for the addition he has made to my vocabulary of bureaucratic terminology. He has said, in describing the Indian gentlemen who are on the Commission, that they are gentlemen who have the courage of their convictions, because they have the courage of differing from other Indians on important questions. Now, Sir, I thought that the courage of conviction does not mean defiance of public opinion and defiance of the opinion of other Indians but it seems that it has come to acquire that meaning in the bureaucratic vocabulary. But my friend was not aware that by saying so he was really letting the cat out of the bag. We now know the reason why these gentlemen, whether they are Europeans or Indians, have been appointed on this Commission. It is because they have the courage of differing from us and differing from the views of the public in India.

The Honourable Sir Basil Blackett : May I just point out that I was answering the argument of Mr. Raju whose objection to them was that they differed from you ?

Pandit Motilal Nehru : That is exactly why they were appointed.

The Honourable Sir Basil Blackett : That is your objection to them.

Mr. M. A. Jinnah : Therefore you have ensured the requisite representation.

Pandit Motilal Nehru : It is perfectly permissible to look into the antecedents of a person whom we are appointing to a committee or whom we ask to do any other important thing. The antecedents of these gentlemen, whatever else they may be, make one thing quite certain, namely, that they have the capacity, the unbounded capacity, of defying Indian public opinion.

The next point my friend has made clear is the meaning of the term "true representation of India's interests." It is not Indians who are the true representatives of Indian interests, but those who understand Indians better than they do themselves. Now, that is an old story. It is not a new thing which has been said to-day. But it was never put as high as it has been put to-day. If I, standing before you here, say that I have the courage of my convictions, that I am prepared to stand by them through thick and thin, that I am prepared even to die for them, that has no meaning to the bureaucratic mind. But if I go over to my friends on the other side and say, "I am very sorry; I was wrong, but I now agree with you", I then will be credited with all the courage in the world, including the courage of conviction. So also, Sir, of the true interests of Indians. We are to be saved from ourselves. That is what it comes to. Now, may I ask my friend, "Why is it at all necessary to have all these Indians here in this House? Why not fill this representative Assembly with the true representatives of the interests of India from England who surely understand our interests better than we do? The argument is that we want experts. That argument has been sufficiently answered by previous speakers. Undoubtedly experts have a place on such committees. But what are their functions? Their functions are to advise the Committee and not to form the majority of the Committee. Then it is said that it is to be an impartial Committee, but where does the superior impartiality of these English gentlemen—I say nothing against them—lie as compared with the impartiality of equally competent Indians? They may be greater experts, but I am comparing the impartiality of the one with the impartiality of the other. Surely, my friend does not mean that barring the three Indians that have been put upon the Commission, there are no other Indians who can be said to be as impartial or even sufficiently impartial to enter upon the onerous duties which this Commission involves. That being so, I ask Members of this House to bear in mind the definitions that have been laid before them. They must not attach any importance to anything that may have been said against any of these gentlemen personally. As long as I was in the House I did not hear anything very exceptionable against them—but if anything has been said, pray do not have regard to it. Have regard only to the admissions of the Honourable the Finance Member himself, have regard to the fact that he looks upon the English gentlemen on the Commission as better representatives of the true interests of India than Indians themselves and the Indian gentlemen as having the courage to differ from other Indians. On these two facts, I ask Members of this House to support the motion that has been brought before them by Mr. Jinnah.

The Honourable Sir Alexander Muddiman (Home Member): Sir, I did not intend to intervene in this debate because it is connected with a subject of which I cannot pretend to have much knowledge, nor can I pretend to be in a position to judge of the qualifications of the gentlemen who have been nominated to serve on this Commission in so far as their qualifications are those of experts. But I do wish to say one thing to this House, and that is this. I think the House really ought to bear in mind the fact that men of great reputation, men of great standing, will not take part or agree to serve on any Commission relating to India if they are to be charged with lack of impartiality or with having made up their minds before they take part in these Commissions. It is becoming common—I ask the House to bear this very carefully in mind—it is becoming only too common, the moment any Commission is appointed by the Government, for Indians and Europeans alike, who have agreed to serve on those Commissions, to be attacked. That is really not sound. Whatever your objections to the Committee may be, that is neither wise nor worthy of this House. India will require in my judgment, as any nation must require, the very best talent that the world can afford in dealing with a problem of this kind, and you will really not be advancing your own interests by adopting that attitude. Whatever the other charges, however you may feel that representation has not been given in the way you desire, I do beg of you to refrain on these occasions from attacking the men who have been appointed to serve. As my Honourable colleague reminds me, many of these gentlemen are your own countrymen. I may tell you frankly—I have had some experience of serving on these big Committees and there are other gentlemen who have served on such Committees—who would bear me out in the statement—it is not a pleasant task in itself. It is very often a very onerous and very tiresome task, and if to the labour on Commissions of this kind be added, not the fear, but the certainty, of personal attack, then I do feel and I do fear that the interests of this country will be prejudiced. That is why I listened with such interest to the Honourable Pandit, who took the line that it is not a question of attacking individual representatives. Not merely in this House but also in the Press, the moment a Committee of any kind is appointed, the qualifications of the persons who have undertaken to serve are derided, the suggestion is often made that they will not be impartial and that they have, as some gentleman said to-day, written their report before they take up their duties. That is an attitude that I sincerely deprecate in your own interests.

(Several Honourable Members moved that the question be put.)

Mr. President : The question is that the question be put.

The motion was adopted.

Mr. M. A. Jinnah : I presume you will permit me to reply as I am entitled to a right of reply. (*Mr. K. Ahmed*: "There are certain other Members who want to speak".) I do not want to take up the time of the House but just want to say a few words. Sir, the Home Member said that there should be no personal attacks on the members of this Commission. I agree with him, but I hope that Honourable Members here will not be guided in their votes by anything that has been said on that point. If it was his intention to prejudice the votes, then I do not agree with him but I entirely agree with him that we should not certainly attack the personnel in the sense that they are personal attacks on the individual members of the Commission. Sir, I expected from Government a better reply than what Sir

[Mr. M. A. Jinnah.]

Basil Blackett made. Sir Basil Blackett says, "I gave you an undertaking. I told the House on behalf of Government that I shall see that there is an adequate and effective representation of Indian interests. Having given that undertaking it was not necessary for me to take any further steps as to what were the feelings and the views of the people of this country." I asked him a direct question. "Having given us that undertaking that you would see that Indian interests were adequately and effectively represented what steps did you take to do so? Did you consult anybody?" There was no answer. Sir, it seems that we are arguing in a circle, in a vicious circle. Government say, "we gave you an undertaking that we shall have adequate and effective representation of Indian interests." Who is to be the judge of that? "We are to be the sole judge." "What steps did you take?" "We are not going to tell you." "We are dissatisfied." "Very well, you may be dissatisfied." The House to-day has made it clear that we are dissatisfied. Are you going to meet our wishes or are you not going to meet our wishes? Is your answer in the negative or are you going to carefully consider and say that you will meet the wishes of the House which have been so very strongly expressed here? I hope Honourable Members will not be guided by anything else than one issue. The vote that is going to be recorded is merely a vote to express our dissatisfaction on one question and one question alone, namely, that the Indian interests are not adequately and effectively represented on this Commission and we therefore place our protest on the record of the House.

(The Honourable Sir Basil Blackett rose.)

Mr. Devaki Prasad Sinha : On a point of order, Sir. Is the Honourable Sir Basil Blackett entitled to reply? I understand there is no right of reply on a motion for adjournment. If Mr. Jinnah has been allowed to reply I submit the Honourable the Finance Member has no right of reply.

Mr. President : Mr. Jinnah has been allowed to reply and therefore the Honourable the Finance Member should not now be allowed to reply—is that the Honourable Member's proposition? The Honourable the Finance Member has the last word by way of reply and he is therefore in order.

The Honourable Sir Basil Blackett : I am pleased to note the fear the Honourable Member has of the effect of my reply. Mr. Jinnah asked me one question in the course of his first speech which he was quite right in saying I did not directly answer. It was an omission on my part. He complains that after we had listened fully to the views of this House in regard to Indian representation on this Commission and after I had given an undertaking that there would be adequate and effective Indian representation I did not consult him as to what would constitute such adequate and effective representation. It is quite true that I did not consult him or the Honourable Pandit. The Government of India did their best by consulting a large number of people privately.

Mr. M. A. Jinnah : Any Members of this House?

The Honourable Sir Basil Blackett : Yes, Members of the Legislature, quite a considerable number, certainly Members of this House so that the original answer that I gave to Mr. Jinnah was quite right. I do not think that it is either a desirable or a possible practice that in every case, specially when you are dealing with an expert Committee, the views of the various leaders of parties in this House should be consulted. It is rather difficult because you might have consulted the leader of a party

that did not exist by the time you have appointed the Commission in some cases, and there would be considerable difficulties in adopting any such course. But the Government of India promised that they would give adequate and effective representation on this Commission to Indian interests. As Mr. Raju has pointed out, for the first time I think in 1913 there was one Indian and on the Committee of 1918 there was again one Indian, and on this Commission there are four Indians and an Indian Secretary. That is I think considerable Indianisation, and of course, if the immediate effect of the appointment of any Indian to an office of profit or of trouble under the Crown is that he be attacked by his fellow Indians, then I do think that there are some possible doubts as to the wisdom of the course that is being adopted. Mr. Jinnah has asked you to ignore all the irrelevancies with which he opened this debate and consider only the question of voting against Government because Indian representation is inadequate and ineffective. In other words, he asks you to go into the lobby and vote that the four gentlemen who have been honoured by being asked to be members on this Commission and who are doing a service for the Government and the country by being members of this Commission should be specially censured by this House. (*Cries of "No, no."*) That is, I submit, the direct effect of the vote which he asks you to give. He goes on to ask that we should increase the number of the Commission. That is obviously a very difficult thing to do at this stage. (*A Voice : "Not impossible."*) Nothing is impossible. It is even not impossible that Mr. Jammadas Mehta should vote in the same lobby with me on this matter. But I am not in a position in a debate that has arisen rather suddenly like this to commit myself or the Government of India to any kind of promise. In a matter of this kind I do not want to mislead the House at all. I do not, as things stand at present, feel that I should myself be inclined to advise the Government of India to ask for an increase in the number of this Commission because I believe it is a very good Commission at present—a Commission of ten gentlemen, several of them of international reputation, who are likely to do a great service, if India gives them the opportunity, and I do not think that it would be very easy or very desirable to add to that number. But at the same time naturally any expression of opinion that has been given voice to to-day will be, as always, considered by the Government of India. I tell you in advance that I do not think that I should advise the Government of India to move for an increase in the number, because that is only fair. Otherwise I should be misleading the House if I tried to make any promise that I am not obviously in a position to make, but at the same time it is only due to this Assembly that the speeches which are made here should be considered by the Government of India. I should like once more to make an appeal to this House that, having had this discussion, having had expressions of opinion from a considerable number of Members of this House as to the composition of this Commission, the House should be content with that and withdraw this motion—and should then adjourn just the same.

Mr. President : The question is that the House do now adjourn.

The Assembly divided :

AYES—64.

Abhyankar, Mr. M. V.
 Acharya, Mr. M. K.
 Ahmad Ali Khan, Mr.
 Aiyangar, Mr. C. Duraiswami.
 Aiyangar, Mr. K. Rama.
 Aiyer, Sir P. S. Sivaswamy.
 Alimuzzaman Chowdhry, Khan Bahadur.
 Aney, Mr. M. S.
 Belvi, Mr. D. V.
 Chanda, Mr. Kamini Kumar.
 Chetty, Mr. R. K. Shanmukham.
 Das, Mr. B.
 Datta, Dr. S. K.
 Duni Chand, Lala.
 Dutt, Mr. Amarnath.
 Ghazanfar Ali Khan, Raja.
 Ghulam Bari, Khan Bahadur.
 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.
 Joshi, Mr. N. M.
 Kartar Singh, Sardar.
 Kasturbhai Lalbhai, Mr.
 Kazim Ali, Shaikh-e-Chatgam Maulvi
 Muhammad.
 Kelkar, Mr. N. C.
 Lohokare, Dr. K. G.

Mahmood Schamnad Sahib Bahadur, Mr.
 Majid Buksh, Syed.
 Malaviya, Pandit Madan Mohan.
 Mehta, Mr. Jamnadas M.
 Misra, Pandit Harkadas Nath.
 Murtuza Sahib Bahadur, Maulvi Sayad.
 Mutalik, Sardar V. N.
 Nehru, Dr. Kishenlal.
 Nehru, Pandit Motilal.
 Nehru, Pandit Shamlal.
 Neogy, Mr. K. C.
 Phookun, Mr. Tarun Ram.
 Ramachandra Rao, Diwan Bahadur M.
 Rangachariar, Diwan Bahadur T.
 Ranga Iyer, Mr. C. S.
 Ray, Mr. Kumar Sankar.
 Reddi, Mr. K. Venkataramana.
 Sadiq Hasan, Mr. S.
 Samiullah Khan, Mr. M.
 Sarda, Rai Sahib M. Harbilas.
 Sarfaraz Hussain Khan, Khan Bahadur.
 Setalvad, Sir Chimanlal.
 Shafee, Maulvi Mohammad.
 Singh, Mr. Gaya Prasad.
 Sinha, Mr. Devaki Prasad.
 Sinha, Kumar Ganganand.
 Syamacharan, Mr.
 Tok Kyi, Maung.
 Venkatapatiraju, Mr. B.
 Vishindas, Mr. Harchandrai.
 Yakub, Maulvi Muhammad.
 Yusuf Imam, Mr. M.

NOES—45.

Abdul Mumin, Khan Bahadur Muhammad.
 Abdul Qaiyum, Nawab Sir Sahibzada.
 Abul Kasem, Maulvi.
 Ajab Khan, Captain.
 Akram Hussain, Prince A. M. M.
 Ashworth, Mr. E. H.
 Ayyar, Mr. C. V. Krishnaswami.
 Bajpai, Mr. R. S.
 Bhole, Mr. J. W.
 Blackett, The Honourable Sir Basil.
 Bray, Sir Denys.
 Burdon, Mr. E.
 Carey, Sir Willoughby.
 Chalmers, Mr. T. A.
 Chartres, Mr. C. B.
 Clow, Mr. A. G.
 Cocke, Mr. H. G.
 Cosgrave, Mr. W. A.
 Crawford, Colonel J. D.
 Dalal, Sardar B. A.
 Fleming, Mr. E. G.
 Gordon, Mr. E.
 Gordon, Mr. R. G.
 Graham, Mr. L.

Gurner, Mr. C. W.
 Hira Singh Brar, Sardar Bahadur
 Captain.
 Innes, The Honourable Sir Charles.
 Langley, Mr. A.
 Lindsay, Sir Darcy.
 Lloyd, Mr. A. H.
 Macphail, Rev. Dr. E. M.
 Maguire, Mr. L. T.
 Mitra, The Honourable Sir Bhupendra
 Nath.
 Muddiman, The Honourable Sir Alexander.
 Muhammad Ismail, Khan Bahadur Saiyid.
 Panduranga Rao, Mr. V.
 Raj Narain, Rai Bahadur.
 Roy, Mr. G. P.
 Sim, Mr. G. G.
 Singh, Rai Bahadur S. N.
 Stanyon, Colonel Sir Henry.
 Sykes, Mr. E. F.
 Tonkinson, Mr. H.
 Vijayaraghavacharyar, Diwan Bahadur T.
 Webb, Mr. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 26th August, 1925.