

LEGISLATIVE ASSEMBLY DEBATES

TUESDAY, 17th FEBRUARY, 1931

Vol. I—No. 20

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Tuesday, 17th February, 1931.

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

MEMBERS SWORN :

Mr. K. C. Neogy, M.L.A. (Dacca Division: Non-Muhammadan Rural); Sir Cowasji Jehangir, K.C.I.E., O.B.E., M.L.A. (Bombay City: Non-Muhammadan Urban); Nawab Sir Sahibzada Abdul Qaiyum, K.C.I.E., M.L.A. (Nominated Non-Official); and Mr. Albert Melville Hayman, O.B.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

†501*

CLASSIFICATIONS FOR THE CENSUS.

502. *Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether in connection with the present census immediate instructions have already been sent out to all places in British India, so that Jains, Sikhs, Brahmos, Buddhists, and Arya Samajists may, on request, be classified also as *Hindus*;
- (b) what interpretation have they to give to the term "literate" so far as the present census operations go; and
- (c) whether a Pandit or a Maulvi, versed either in Sanskrit or Arabic will be described as *literate*, even when he cannot read and write English?

The Honourable Sir James Crerar: (a) The Honourable Member is referred to the reply which I gave to Mr. Gaya Prasad Singh's question No. 86 on the 27th January, 1931.

- (b) The term "literate" as used for census purposes means able to read and write a letter in any language.
- (c) The answer is in the affirmative.

RECRUITMENT OF INDIAN EXAMINERS OF RAILWAY CARRIAGES.

503. *Mr. Bhuput Sing: Will Government be pleased to state:

- (a) whether considerable attempts were made by the Government of India last year to recruit a couple of Indians studying in the United Kingdom as examiners of trucks, coaches, and carriages for some of the State Railways;
- (b) if the answer to part (a) be in the affirmative, whether their efforts met with any success;
- (c) the sort of efforts that were made by the High Commissioner for India to find out two such men from among the lot of Indians who were then taking special training in the railways in the United Kingdom; and

† This question was withdrawn by the questioner.

- (d) what attempts have since then been made by Government to train Indians as examiners of railway vehicles, either in this country or abroad?

Mr. J. A. Shillidy: (a) The Honourable Member is presumably referring to Assistant Engineers (Inspection, Wagons) such as are employed in the Indian Stores Department. As the efforts of the Public Service Commission to find suitable candidates in India for these posts had proved unsuccessful, the High Commissioner for India was asked to recruit two new officers from the United Kingdom, one in 1929 and another in 1930, and to give preference to suitably qualified Indians, if available.

(b) The High Commissioner was able to recruit only one officer, who is a European.

(c) The vacancies were extensively advertised by the High Commissioner in the general and technical Press and also notified to the various University Appointments Boards, to the General Managers of the Railway Groups and to a large number of leading firms concerned with the manufacture of rolling stock.

(d) On the recommendation of the Public Service Commission, an Indian has been appointed as a Probationary Assistant Engineer (Inspection) in the Indian Stores Department for a period of one year, and is now under training in wagon inspection. Indian subordinates are also being trained in wagon inspection work, and one such subordinate has been recently promoted to gazetted rank as an experimental measure.

NUMBERS AND COST OF BRITISH AND INDIAN SOLDIERS AND OFFICERS.

504. ***Mr. Bhuput Sing:** Will Government be pleased to state:

- (a) the annual cost of a British soldier before the War and at present;
- (b) the cost of an Indian soldier before the War and at present;
- (c) the annual cost of a British officer before the War and at present;
- (d) the number of British officers kept in excess of requirements in 1929-30;
- (e) the heads or items of military expenditure that have been transferred to the civil; and
- (f) the numbers of British and Indian Commissioned officers in the Indian Army in 1929-30?

Mr. G. M. Young: (a) Rs. 805 and 1,237, respectively.

(b) Rs. 229 and 433, respectively.

(c) The average annual cost of a British regimental officer of the Indian Army, taking all ranks upto and including a Lieutenant-Colonel of 30 years' service, was Rs. 9,128 before the war and is 14,444 now.

(d) None, Sir. _

(e) Since 1922-23, the following items of expenditure have been transferred from the military to the civil estimates :

	Rs.
(1) Establishments of the Deputy Financial Adviser, Royal Air Force, and the Budget Section of the Military Finance Branch	85,000
(2) Charges for the Nepal Escort	49,000
(3) Charges for the Perim Light House and coal depots at Basidu and Bushire	24,000
Total	1,58,000

(f) On the 31st December, 1930, there were 3,062 British officers, 102 Indian officers holding the King's Commission, and 4,027 Indian officers holding the Viceroy's Commission.

NUMBER OF PASSENGERS ENTRAINING AND DETRAINING AT AZIMGANJ.

505. ***Mr. Bhuput Sing:** Will Government be pleased to state :

- (a) the number of first and second class passengers that entrained and detrained at Azimganj City and Azimganj Junction, respectively in 1929-30; and
- (b) the number of intermediate and third class passengers that entrained and detrained at Azimganj City and Azimganj Junction, respectively in 1929-30?

Mr. A. A. L. Parsons: A statement is being sent to the Honourable Member.

THE CO-OPERATIVE SOCIETY OF THE TELEGRAPH DEPARTMENT, PUNJAB CIRCLE.

506. ***Mr. Muhammad Azhar Ali:** (a) Will Government please state whether the Co-operative Society, Telegraph Department, Punjab Circle, Limited at Lahore, has any mofussil branches incorporated in it; if so, in what places?

(b) Have any officer-bearers of the above Society at Lahore—paid or otherwise compensated—held office for more than three years consecutively; if so, (1) who and (2) for how long?

(c) How long has the present Treasurer of the above Society held office continuously; (1) how long has he been attached, in his official capacity continuously, to the Central Telegraph Office, Lahore; (2) is there an official bar of limitation in either case aforementioned?

(d) Are applications for loans to the Society, afore-named, always submitted by members through the heads of their respective offices or administrations? If so, is payment by the Society made in the same inverse order through heads of offices and administrations concerned? If not, why not?

(e) Is it, or is it not a fact that the Treasurer of the above Society has not been remitting the actual amounts, due on loans, directly, to several members, as mentioned or sanctioned in their loan applications?

(f) Is it not a fact that loan applications by prospective member-debtors to the Society are discharged and also *post-receipted* prior to submission for acceptance by the said Society, even before considerations of sanction or rejection are taken up by the Society's officials? If so, has this important consideration been taken into account by the Society's auditors for the last three years under audit, and payments or Society's actual disbursements therefore verified in each case with remittances actually made against forwarding drafts? If not, why not?

(g) If payments to members for three calendar years, ending the 31st December, 1930, are not actually in accordance with loans asked for or sanctioned, are Government prepared to institute, immediately, a regular inquiry into the matter; and will Government state, specifically, the evident gross shortage detected in payments made by the Society during the parallel period indicated above at least?

(h) Are Pass Books issued to every member of the Society? If not, why not?

Mr. H. A. Sams: (a) to (h). The Honourable Member appears to have been misled by the name of the Society as to the actual position of the Posts and Telegraphs Department in regard to it. While it is true that the Society is composed of members of the telegraph service, with the Postmaster-General, Punjab, as *ex-officio* President, its members elect their own office-bearers and its business is conducted without reference to the Posts and Telegraphs Department by a Managing Committee also elected. The Registrar, Co-operative Credit Societies, Punjab, acts as a general adviser to the Society and arranges for the audit of its accounts, and I would suggest that if the Honourable Member desires to pursue his interrogations, he should do so in direct communication with that officer, since Government are not in a position to reply to them.

ESTABLISHMENT OF DISTRICT AND MUNICIPAL BOARDS IN PESHAWAR.

507. ***Khan Bahadur H. M. Walayatullah:** (a) Is it a fact that in July, 1930, the Government were pleased to promise the immediate establishment of District and Municipal Boards in Peshawar and elsewhere in the North West Frontier Province?

(b) If so, will Government be pleased to state what action has been taken in this direction during the last seven months?

(c) When will the election of members for the District and Municipal Boards take place?

(d) Have the Government formed wards for election purposes?

(e) How many wards have been formed for the Peshawar Municipality and how many District Boards have been formed in the North West Frontier Province?

(f) Will the non-officials be in a majority in these bodies?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) It was announced in July last that the District and Municipal Boards in the North West Frontier Province would be reconstituted as early as possible.

(b) The time which has elapsed since last July has been occupied in essential preliminaries, viz., the prescription of franchise and membership qualifications, the formation of wards and the preparation of electoral rolls.

(c) and (f). The Honourable Member is referred to the reply given to starred question No. 333 asked by Dr. Ziauddin Ahmad in this House on the 3rd of this month.

(d) and (e). The Honourable Member is referred to the Press communiqué issued by the Chief Commissioner, North West Frontier Province, a copy of which has been placed in the Library of the House.

SCHEME FOR THE INDIANISATION OF THE ARMY.

508. ***Mr. S. C. Mitra:** (a) Was there any scheme prepared by the late Lord Rawlinson about the Indianisation of the Army?

(b) Was it ever placed before the Executive Council of the Governor General?

(c) Was it discussed by the Executive Council and sent up to the Secretary of State for consideration?

(d) Was it considered by the War Office?

(e) Is it not a fact that it was turned down by the War Office?

(f) Is it not a fact that the said scheme was not placed before the Sandhurst Committee? If not, why not?

(g) Is it not a fact that the scheme prepared by the late Lord Rawlinson was laid before the Army Sub-Committee of the Round Table Conference, along with the Sandhurst Committee's Report?

(h) Is it not a fact that it transpired that the scheme of the late Lord Rawlinson was never placed before the Sandhurst Committee?

(i) Will Government please inform the House who was responsible for this?

(j) Is it not a fact that the opinion of the Secretary for the Army was taken as to the desirability of placing the Rawlinson Scheme before the Sandhurst Committee; if so, will Government be pleased to inform the House, what that opinion was?

(k) Will Government be pleased to lay on the table now the scheme of Lord Rawlinson or the scheme known as the "Lawrence Scheme"?

Mr. G. M. Young: (a) I would refer the Honourable Member to the answer which I gave on the 29th January, 1931, to Mr. Gaya Prasad Singh's starred question No. 208. A Committee of military officers was appointed in 1921, by the then Commander-in-Chief, Lord Rawlinson, to prepare a detailed scheme for the Indianization of the Indian Army. The Committee reported on the 11th January, 1922.

(b) and (c). Yes.

(d) The scheme was no doubt examined departmentally in the War Office, as well as the India Office, in the course of its consideration by His Majesty's Government.

(e) The decision to reject the scheme was taken by His Majesty's Government as a whole.

(f) The scheme was not placed before the Indian Sandhurst Committee. There is nothing on record to show whether the question of placing it before that Committee was considered; and I am therefore unable to say exactly what the reasons were.

(g) A summary of the scheme was circulated, as a confidential paper, to the Members of the Defence Sub-Committee of the Indian Round Table Conference last month, and has since been communicated to the Government of India. A summary of the Indian Sandhurst Committee's Report was also circulated to the Defence Sub-Committee.

(h) Yes.

(i) The Government of India of the time.

(j) The answer is in the negative. The last part of this question does not arise.

(k) I lay on the table the summary which was circulated to the Defence Sub-Committee. Government have no knowledge of any scheme called the "Lawrence Scheme".

Summary of a scheme of Indianization prepared in 1921-22, by a Committee of military officers appointed by the Commander-in-Chief (Lord Rawlinson). Circulated to Members of the Defence Sub-Committee of the Indian Round Table Conference.

The Committee have regarded it as axiomatic :

- (a) That the efficiency of the Army as an instrument of war must be maintained.
- (b) That a definite standard of efficiency must be laid down.
- (c) That the authority to determine this standard of efficiency must be the Commander-in-Chief acting in accordance with the policy of Government.
- (d) That the military authorities must be the sole judges of the fitness of candidates for commissioned rank.
- (e) That the military authorities must be the sole judges of the progress in efficiency of Indianized units.
- (f) That the scheme of Indianization must be so framed as to ensure that its development shall provide a real and fair test of the fitness of Indians for command in the several ranks and of the fitness of Indianized units for war.

The Committee recommend therefore, that the complete Indianization of all arms and services (excluding Gurkhas for whom special arrangements will be necessary) of the Indian Army be carried out in three definite stages, each of 14 years, commencing from 1925 :

- (a) First period : 1st to 14th year.
- (b) Second period : 15th to 28th year.
- (c) Third period : 29th to 42nd year.

This was reconsidered and modified to :

- (a) First period : 1st to 14th year.
- (b) Second period : 15th to 23rd year.
- (c) Third period : 24th to 30th year.

i.e., a total of 30 years.

But the Committee felt strongly that they would fail in their duty if they did not record their opinion that it is quite impossible at present to guarantee that it will be possible to provide this very large number of educated, trained and experienced officers in a shorter time than that originally recommended by them, i.e., three periods of 14 years each or 42 years in all.

They recommend that during the first period of fourteen years :

- (a) One regiment per group of cavalry, one battalion, per group of infantry, and a corresponding proportion of other services be selected for Indianization.
- (b) The average number of commissions in fighting formations in the Indian Army to be given to Indians in each year should amount to approximately 81—vide Appendix I.
- (c) The establishment of a Cavalry Regiment and Infantry battalion and a Pioneer battalion selected for Indianization be fixed at 28 officers.
- (d) The establishment of a pack battery selected for Indianization be fixed at 6 officers.
- (e) The establishment of Engineer units selected for Indianization be fixed as under :

Headquarters companies	3 per company.
Field companies	6 per company.
Field troops	4 per troop.
Railway companies	7 per company.
Army Troops companies	7 per company.

- (f) The number of officers to be posted to the Quartermaster-General's services be approximately 148.
- (g) The number of officers to be posted to the Indian Army Educational Corps be approximately 54.

The officers will be posted to units as follows :

- (a) Cavalry, infantry and pioneers : Two Indian officers would enter each such unit yearly displacing one British officer and Indian officer as at present commissioned.
- (b) Artillery : One Indian officer would enter each battery biennially (every second year) displacing either one British officer or one Indian officer as at present commissioned.
- (c) Engineer Units : Indian officers would enter engineer units as follows :
 - (i) Headquarters companies : One officer every fourth year.
 - (ii) Field companies : One officer every second year.
 - (iii) Field troops : One officer every third year.
 - (iv) Railway and Army Troops companies : One officer every second year.

This officer would displace either one British or one Indian officer commissioned as at present.

In this way, after twelve years, all British officers in 7 cavalry regiments, 20 Infantry battalions, 3 Pioneer battalions, 6 Pack batteries, 1 Headquarters Company, Engineers, 6 Field Companies, Engineers, 2 Field Troops, Engineers, 1 Railway Company, and 1 Army Troops Company undergoing Indianization would have disappeared and such units would be completely officered by Indians.

The Committee further recommend that, with a view to ensuring the necessary supply of military qualified officers for the Quartermaster-General's and Educational Services, a number—approximately 16—Indian officers should be appointed annually and posted as supernumeraries one to each of certain selected units undergoing Indianization.

The Committee think that it will be necessary ultimately to post Indian officers to units irrespective of class, but they are of opinion that the point is not one upon which a definite decision can now be given and that experience gained during the progress of Indianization will alone indicate the course to be followed with a view to reconciling the requirements of military efficiency and possible class feeling.

It is recommended that during the second period the numbers of commissions to be given annually should be increased to approximately 182, and this should provide for the Indianization of the following units :

Cavalry regiments	7
Infantry battalions	40
Pioneer battalions	3
Pack batteries	6
Engineer units—	
(i) Headquarters companies	2
(ii) Field companies	6
(iii) Field troops	1
(iv) Army troops companies	2

Together with a proportion for the Quartermaster-General's and Educational services, and an allowance for wastage among first period officers.

The remaining units of the Indian Army would be Indianized during the third period—which if justified by experience might be shortened.

The Committee recommend that all ancillary services be Indianized on the same lines as the fighting troops.

APPENDIX I.

(i) Number of King's Commissions to be granted, by periods with average number to be granted annually.

(ii) Grand total King's Commissions.

(i) Number of King's Commissions granted during each period :

	Officers.
(a) First period—	
(i) Fighting Troops	937
(ii) Q. M. G. Services	148
(iii) I. A. Educational Corps	54
	<u>Total . 1,139</u>
Average annually	81.4
(b) Second period—	
(i) Fighting Troops	1,966
(ii) Q. M. G. Services	444
(iii) I. A. Educational Corps	137
	<u>Total . 2,547</u>
Average annually	182
(c) Third period—	
(i) Fighting Troops	2,561
(ii) Q. M. G. Services	481
(iii) I. A. Educational Corps	136
	<u>Total . 3,178</u>
Average annually	227

(ii) Grand Total : King's Commissions—

	Officers.
(a) First Period	1,139
(b) Second Period	2,547
(c) Third Period	3,178
Grand Total	6,864

- N.B.—1. Corps of Signals whose numbers are relatively small have not been taken into consideration.
 2. The Tank Corps, whose numbers also will probably be small and which are yet undetermined has not been taken into consideration.

Dr. Ziauddin Ahmad: Will Government be pleased to circulate that summary report among the Members of the Assembly?

Mr. Gaya Prasad Singh: It is laid on the table.

Dr. Ziauddin Ahmad: Is it laid on the table?

Mr. Gaya Prasad Singh: Yes.

MEETINGS OF ADVISORY COMMITTEES.

509. ***Mr. S. C. Mitra:** (a) Will Government please state, year by year, on how many occasions the Advisory Committees in the Home, Commerce, Industries and Labour, and Education, Health and Lands Departments met since their creation in 1922?

(b) On how many occasions the Advisory Council for Railways met since 1924?

(c) On how many occasions the Advisory Publicity Committee met?

The Honourable Sir James Crerar: The information asked for is being obtained and will be supplied to the Honourable Member in due course.

Mr. S. C. Mitra: Will it be placed on the table of the House for the information of the whole House?

The Honourable Sir James Crerar: I will consider after it is obtained whether it is of such a character that it can usefully be placed on the proceedings of the House.

Mr. S. C. Mitra: Mr. President, I think it is a question for the House. It does not lie with the Honourable Member to say whether it would be placed on the table of the House or not. It is a question of the rights of Members of the House.

Mr. President: I should like to state that when a question is asked in the Assembly, every Member of the Assembly is entitled to know the answer. (Hear, hear.)

REPORT ON THE CLASSIFICATION OF STORES ACCOUNTS.

510. ***Mr. S. C. Mitra:** (a) Will Government please state if they received "the detailed interim report to be ready early in February" promised by the Controller of Railway Accounts, to the Public Accounts

Committee about the classification of Store Accounts of the East Indian Railway?

(b) If so, when is it likely to be supplied to the Members?

The Honourable Sir George Schuster: The Report is in the press and copies will be supplied to members of the Public Accounts Committee as soon as possible after the Committee is constituted.

REPORT ON THE GRIEVANCES OF CURRENCY OFFICE STAFF.

511. ***Mr. S. C. Mitra:** Will the Honourable the Finance Member please inform the House of the result of the enquiry of the Jukes' Committee that was appointed on representation by a delegation of some Members of the Assembly, last winter, to report about the grievances of the Currency Office staff and their comparative inferior scale of pay? When was the enquiry made? Will the report be laid on the table?

The Honourable Sir George Schuster: I would refer the Honourable Member to the reply given on the 3rd February, 1931, to Mr. N. R. Gunjal's starred question No. 328. On account of Mr. Jukes having had to act as Finance Secretary and Finance Member, Mr. J. C. Nixon, I.C.S. (formerly Accountant General, Bombay), presided over the Committee, the members of which were Mr. A. G. Gray, Manager of the Bank of India Limited, and Mr. S. N. Pochkhanawala, Managing Director, Central Bank of India Limited. The Committee met in November last. A copy of their Report has been placed in the Library of the House. The Report has already been published in the All-India Currency Union Bulletin.

REDISTRIBUTION OF STATE RAILWAY AREAS.

512. ***Mr. S. C. Mitra:** (a) Do Government contemplate redistributing the State Railway areas which are now worked in spheres, as it existed during the Company-management, into more convenient divisions.

(b) Have Government considered the question of curtailing expenditure by placing the headquarters in Calcutta of the East Indian and Eastern Bengal Railways under one management and taking similar steps wherever possible?

Mr. A. A. L. Parsons: (a) The reply is in the negative.

(b) Government consider that the East Indian Railway, which carries the heaviest traffic of all the Railways in India, is quite large enough a unit to work efficiently without adding to it the Eastern Bengal Railway.

They also consider that the present distribution is probably as economical a one as can be devised in the existing circumstances. When further Companies' Railways come under direct State management, it may be possible and necessary, in the interests of economy, to make certain redistributions between Railways. This question will be considered by Government when the position arises.

Dr. Ziauddin Ahmad: Is the present arrangement more economical than the administration according to provinces?

Mr. A. A. L. Parsons: I am afraid I am quite unable to answer that question except to say that I do not think a distribution according to the provinces would be feasible.

Dr. Ziauddin Ahmad: The word "economical" is a comparative term and I think that the present arrangement is not so economical as the other one.

ROUTE OF THE "BLUE EXPRESS".

513. ***Mr. S. C. Mitra:** (a) Will the Honourable Member in charge of Railways please state why the East Indian Railway Howrah-Delhi Express known as the "Blue Express" does not now pass through the Agra-Muttra line? Is it not a shorter route?

(b) Is it due to any difficulty that the Agra-Muttra portion of the line is under the management of the Great Indian Peninsula Railway Agent? Was there any difference between the two managements on this question?

(c) Was it not convenient that the passengers could get down at the New Delhi Station also?

Mr. A. A. L. Parsons: (a) and (b). The Agent of the East Indian Railway reports that since the 1st September, 1930, this train has been running *via* the main line between Tundla and Delhi instead of *via* the Agra-Delhi Chord line, the former route being some seven miles shorter. The Agent explains that this has been done as the traffic for Agra and Muttra by this train did not warrant the additional cost of running it by the longer route.

(c) The halt at New Delhi station prior to the 1st September, 1930, no doubt afforded a convenience to some passengers.

ISSUE OF WEEK-END RETURN TICKETS ON THE NORTH WESTERN RAILWAY.

514. ***Shaikh Fazal Haq Piracha:** (a) Is it a fact that the issue of week-end return tickets at concession rates has been discontinued on the North Western Railway?

(b) Will Government be pleased to state, under what circumstances the system of issuing week-end return tickets was begun, and for what reasons has that been discontinued now?

(c) Are Government aware that there is a great demand from the public for re-continuance of the issue of week-end return tickets at concession rates on the North Western Railway?

(d) Have Government considered this public demand and do Government propose to re-continue the issuing of week-end return tickets at concession rates as before on the North Western Railway?

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

(b) The issue of week-end return tickets at reduced rates was introduced on the North Western Railway in the hope of stimulating passenger traffic sufficiently to lead to increased earnings. As this hope has not been realized, these tickets have been discontinued.

(c) The demand has unfortunately not been sufficient to justify the continuance of the experiment.

(d) Government do not consider that this is a matter for their interference. Railway Administrations are in the best position to determine to what extent such facilities may be justified.

APPOINTMENT OF A MUHAMMADAN AS OFFICE SUPERINTENDENT OF THE
OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

515. ***Shaikh Fazal Haq Piracha:** (a) Will Government be pleased to state how many times, for how many years and under what circumstances can an extension be granted, after the compulsory age of retirement in the Postal Department under the Fundamental Rules?

(b) Have any extensions been given to the present office Superintendent of the Postmaster General's office, Punjab, after he attained the compulsory age of retirement? If so, how many times and for how many years?

(c) If the reply to part (b) above be in the affirmative, will Government please state the special reasons for justifying the grant of so many extensions to the said officer?

(d) For how long a period has there been a Muhammadan office Superintendent in the Postmaster General's office, Punjab, in the last thirty years?

(e) If never a chance was given to a Muhammadan for the last so many years to work as an office Superintendent in the Postmaster General's office, are there any special reasons for that?

(f) Are Government aware that the holding of the post of the office Superintendent by a non-Muslim officer continuously for more than 30 years has caused great discontent among the Muslims? What action do Government propose to take in the matter and when?

Mr. H. A. Sams: (a) I would refer the Honourable Member to Fundamental Rule 56.

(b) No.

(c) Does not arise.

(d) For about 2½ years.

(e) Does not arise.

(f) From the questions recently put in this House, it would appear that an agitation is on foot in this respect. Government do not propose to take any action as the post of Office Superintendent is ordinarily filled by promotion, not by outside recruitment. I may add for the Honourable Member's information that some of the Muslims who would have been eligible for the post of the Office Superintendent, Postmaster General's office, and would have continued there, left that office on being appointed Superintendents of Post Offices, carrying better pay and prospects than those of the Office Superintendent of the Postmaster General's Office. Had they not left the Circle Office, there would have been a Muslim who would have held the post of Office Superintendent from 1902 to 1930.

MUSLIM REPRESENTATION IN THE POSTS AND TELEGRAPHS DEPARTMENT.

516. ***Shaikh Fazal Haq Piracha:** (a) Has the attention of Government been invited to an article in the *Muslim Outlook*, Lahore, dated the 5th January, 1931, regarding the deplorable condition of Muslim representation in the Posts and Telegraphs services?

(b) Will Government be pleased to place on the table of the House the figures of the clerical recruitment in the Posts and Telegraphs Departments made during the last three years, showing the number and percentage of the recruits from different communities in different Divisions in the Punjab and North West Frontier Province, in the Lahore Head Office, in the Lahore R. M. S. Division and in the Punjab Circle office?

(c) In case the percentage of the Muslims so recruited falls short of what it should be in accordance with the instructions issued by Government, *vide* the answer given to my starred question No. 202 on the 29th January, 1931, do Government propose to consider the advisability of making an inquiry as to why Government instructions have not been brought into effect?

Mr. J. A. Shillidy: With your permission, Sir, I will answer questions Nos. 516 and 518 together. Government have seen the article in the *Muslim Outlook* but not the one in the *Siyasat*. With regard to the complaint of inadequate representation of Muslims, the Honourable Member's attention is drawn to the reply given by the Honourable Sir Bhupendra Nath Mitra to Mr. Anwar-ul-Azim's starred question No. 330 in the Legislative Assembly on the 30th January, 1929.

As regards the clerical recruitment, Government do not possess the information in detail, as asked for by the Honourable Member, but I am sending him separately a statement giving the information in respect of the years 1928 and 1929 which is available, relating to the Punjab and North West Frontier Circle as a whole, from which he will see that more than one-third of the recruits during the two years in question were Muslims, and that the orders of Government have been followed.

Dr. Ziauddin Ahmad: Is the rule of the minorities applied to the Muslims in the North West Frontier Province as well?

Mr. J. A. Shillidy: I should like to have notice of that question. But I understand that we do not necessarily depend simply on questions of population.

Maulvi Muhammad Yakub: Will Government be pleased to say if there has been any change of heart in the Department of Industries and Labour since 1929 when the Honourable Sir Bhupendra Nath Mitra replied to the question?

Mr. J. A. Shillidy: It is a very difficult thing to say whether there has been a change of heart. It would require a major surgical operation to find out.

Dr. A. Suhrawardy: Has it any heart at all?

Mr. K. Ahmed: In view of the fact that the solemn declaration was made in the month of December 1925 by His Excellency the then Viceroy, Lord Reading—and it was a solemn declaration—that the Muslims thenceforward would be given not less than 33 per cent. of the ministerial appointments under the Government of India, have any rules been framed for their benefit and for the truthfulness of that declaration and to satisfy the people of India and why is it that during the régime of the Honourable Sir Bhupendra Nath Mitra and the present Viceroy, Lord Irwin, this sort

of thing is being done? If the answer is not satisfactory, will they kindly explain their conduct in the matter of the solemnity of the promise given by His Excellency Lord Reading?

Mr. S. C. Mitra: Will you kindly repeat the question?

Mr. K. Ahmed: I will not start a school for the benefit of the Honourable Member. Sir, I want an answer and if the Honourable Member in charge or any other Honourable Member will kindly satisfy me, we shall be very much obliged to them.

Mr. J. A. Shillidy: Sir, I think the Honourable Member made a speech and I am not sure whether he asked a question.

Mr. K. Ahmed: If the Honourable Member has been sufficiently long here to study the rules and Standing Orders of this Assembly, I ask him to kindly exercise his ability to answer the question. If he does not, Sir, I take it for granted that the Honourable Member does not follow the rules of this Assembly.

Mr. J. A. Shillidy: Sir, I do follow the rules. I understand that under the rules questions containing inferences and asking for expression of opinion are not in order.

Mr. K. Ahmed: Is it an inference or is it a solemn promise made?

Mr. President: I should like the Honourable Member to put his question specifically.

Mr. K. Ahmed: Is it or is it not a fact that His Excellency the Viceroy, Lord Reading, in the year 1925, in the month of December, from Belvedere, Calcutta, made a solemn promise and declaration that the Muhammadans appointed in the ministerial offices of the Government of India in future would by no means be less than 33 per cent.?

Mr. J. A. Shillidy: I am afraid the Honourable Member has been so busy constructing his speech that he has not worried to listen to my answer. I said that so far as the information was available I would give the Honourable Member that information relating to the Punjab and the North West Frontier Circle as a whole, from which he would see what apparently the Honourable Member did not hear, that more than one-third of the recruits during the two years in question were Mussalmans and that the orders of the Government have been followed.

EMPLOYMENT OF MUSLIMS IN THE APPOINTMENT SECTION OF THE OFFICE OF THE POSTMASTER GENERAL, PUNJAB.

517. ***Shaikh Fazal Haq Piracha:** (a) Is it a fact that the Assistant Postmaster General in charge of the Appointment Section of the Postmaster General's Office, Punjab, and the Head Clerk of the Section dealing with the recruiting staff are non-Muslims?

(b) Are Government aware that in consequence of the Muslims being the largest community in the Punjab and the North West Frontier Province and in consequence of the difficulties experienced by Muslim candidates

for appointment in the said Department in the Punjab and the North West Frontier Province there is a demand from the Muslim community there for Government's appointing Muslims to the recruiting posts referred to in part (a) above?

(c) What steps do Government propose to take in connection with the Muslim demand referred to in part (b) above?

Mr. J. A. Shillidy: (a) Yes.

(b) and (c). Yes, but it is perhaps not understood that the incumbents of the two posts have no powers in respect of recruitment.

EMPLOYMENT OF MUSLIMS IN THE RAILWAY MAIL SERVICE AT LAHORE.

†518. ***Shaikh Fazal Haq Piracha:** (a) Has the attention of Government been drawn to an article published in the *Siyasat*, Lahore, dated the 30th May, 1930, dealing with the inadequate number of the Muslim employees in the Railway Mail Service Division, Lahore?

(b) Were any enquiries made by Government in connection with the grievances stated in the article referred to in part (a) above? If so, with what result?

UNSUITABILITY OF THE RATE CONTRACT SYSTEM FOR TENDERS FOR STORES FOR THE INDIAN STORES DEPARTMENT.

519. ***Mr. Bhuput Sing:** (a) With reference to the reply given to starred question No. 158 on the 28th January, 1931, will Government be pleased to state whether in the schedules to the tender forms in use in 1927-28, 1928-29, 1929-30 and 1930-31 the Indian Stores Department mentioned the quantities of the articles for the purchase of which tenders were called for?

(b) Is it a fact that in 1927-28, 1928-29 and 1929-30 the Indian Stores Department used to combine the approximate requirements of a number of indentors with a clause in the condition of the contracts for an increase or decrease of 25 per cent. of the approximate quantity used to be specified in the schedule to the tender? If so, will they be pleased to state the reasons why the same procedure is not possible in 1931-32?

(c) With reference to the reply to part (b) of starred question No. 158 on the 28th January, 1931, will Government be pleased to state how it was possible for the Indian Stores Department to get a correct forecast of the quantities in the years 1927-28, 1928-29, 1929-30 and 1930-31?

(d) Will Government be pleased to state the reasons why the Indian Stores Department found it difficult only in 1931-32 to get an accurate forecast of the quantities?

(e) With reference to the reply to part (c) of starred question No. 158 on the 28th January, 1931, are Government aware that in the system of rate contract the manufacturers remain unaware of the quantities that may be required of the article during the period of contract?

(f) Are Government aware that the tenderers in the absence of any approximate quantities required cannot in their turn make contracts for the supply of raw materials required for the manufacture of the articles?

† For answer to this question, see answer to question No. 518.

If not, do they propose to enquire into the matter from the Indian manufacturers? If not, why not?

Mr. J. A. Shillidy: (a) I regret that my reply to starred question No. 158 on the 26th January, 1931, did not fully explain the position. The schedules to the tender forms issued by the Indian Stores Department for paints and varnishes during the years 1927-28, 1928-29 and 1929-30 did not specify any definite quantities to be purchased, nor did they specifically provide for the purchase from the successful tenderer of any maximum or minimum quantities.

Tenderers were invited to quote their prices for the supply of any quantities which might be requisitioned within the range of the scales mentioned in the schedules.

As explained in my answer to part (b) of starred question No. 158, for the year 1930-31 a form of running contract was introduced. The schedule to the tender form issued during the year was similar in form to that issued with the invitations to tender during the years 1927-28, 1928-29 and 1929-30, but the general conditions of contract issued in 1930-31 were those adopted for running contracts.

(b) The approximate requirements of indentors in so far as known to the Indian Stores Department are ordinarily combined. No clause providing for an increase or decrease of 25 per cent. of the approximate quantities was included in the Conditions of Contracts issued with invitations to tender for paints and varnishes in the years 1927-28, 1928-29 and 1929-30.

(c) It was not possible for the Indian Stores Department to get a correct forecast of the quantities in any of the years mentioned by the Honourable Member.

(d) The difficulty of obtaining an accurate forecast of quantities existed in 1931-32 as in the previous years.

(e) When contracts are awarded, the successful tenderers are informed of the approximate requirements at that time notified to the Indian Stores Department by indenting officers. They are also informed that any further requirements which may be received subsequent to the date of placing the contract and during the currency thereof will be requisitioned from them.

(f) I have explained, in answer to part (e), that at the time of placing contracts, the successful tenderers are informed of the approximate quantities of materials likely to be requisitioned against their contracts, and they can, therefore, arrange for the supply of raw materials required for the manufacture of the articles. It is considered that this system places at the disposal of Indian manufacturers the most reliable information available on which to base their arrangements for supply of raw materials. Government do not propose to enquire into the matter, but any suggestions or representations received from Indian manufacturers will receive very careful consideration.

ALLEGED VIOLATION OF A CONTRACT FOR THE SUPPLY OF WHITE ZINC PAINT.

520. ***Mr. Bhuput Sing:** Is it a fact that in 1930-31 while the running contract for the supply of ready mixed white zinc was in force with

Messrs. Arnhold and Company, for supply to the Bombay Circle, the Indian Stores Department purchased several hundredweights of that material from a stockist in Karachi? If so, will they be pleased to state the reasons for violating the terms of the running contract in force in 1930-31 with Messrs. Arnhold and Company?

Mr. J. A. Shillidy: During 1930-31 the Indian Stores Department received a demand for ready mixed white zinc paint which owing to the urgency of the demand necessitated a purchase from suppliers who had ready stocks in Karachi. As the contractors, Messrs. Arnhold and Company, had no stocks of the paint in Karachi at that time, and as there was not sufficient time to wait until supply could be made from Bombay, the purchase was made from a supplier who was able to supply from stock.

ALLEGED IRREGULAR PURCHASE OF PAINT, AND ALLEGATIONS RE THE RATE CONTRACT SYSTEM FOR THE SUPPLY OF STORES.

521. ***Mr. Bhuput Sing:** (a) Is it a fact that a running contract was entered into by the Indian Stores Department with Messrs. Shalimar Paint and Varnish Works Ltd., in 1930-31 for the supply of paint oxide of iron dark genuine at Rs. 13-8-0 per cwt. F. O. R. Howrah?

(b) If so, will Government be pleased to state whether the same material was purchased from the same firm at Rs. 17-8-0 per cwt. F. O. R. Bombay while the running contract was in force with the above firm?

(c) If so, will Government be pleased to state the amount of loss incurred to the central exchequer owing to the payment of about Rs. 4 per cwt. extra for the purchase of the paint oxide of iron from a European firm?

(d) Will Government be pleased to state what action did they take against the officer or officers responsible for such a heavy loss to the exchequer? If they did not take any action, do they propose to do it now? If not, why not?

(e) Do Government propose to inquire into the matter? If not, why not?

(f) Is it a fact that the Indian Stores Department have changed the forms of running contract to that of rate contract in 1931-32? Are Government aware that in the system of rate contract the Indian Stores Department will be immune to purchase any quantity from any firm at the standardised rate accepted? What is the reason for introducing the rate contract system?

Mr. J. A. Shillidy: (a) to (e). The information is being collected and will be furnished to the Honourable Member in due course.

(f) I would refer the Honourable Member to the reply I gave on the 28th January, 1931, to part (b) of Mr. Nabakumar Sing Dudhoria's starred question No. 158.

STATEMENT OF QUANTITIES REQUIRED IN CALLING FOR TENDERS FOR STORES.

522. ***Mr. Bhuput Sing:** With reference to the reply to part (c) of starred question No. 159 on the 26th January, 1931, will Government be pleased to state the reasons why the rough estimates of quantities (without

guarantee) based on the most accurate information available cannot be mentioned in the tender forms?

Mr. J. A. Shillidy: Rough estimates of quantities (without guarantee) can be given in the tender forms, but owing to the difficulty in obtaining even close approximations of quantities of paints and varnish likely to be demanded during the period of the contract, there is a great danger that such estimates would prove to be misleading to the tenderers. Furthermore, it is not known until tenders have been received and examined, whether contracts for any item will be apportioned between two or more contractors, thus affecting the quantity allotted to each.

APPOINTMENTS OF POSTAL SUPERINTENDENTS, ETC., IN THE POSTS AND TELEGRAPHS DEPARTMENT.

523. ***Pandit S. N. Sen:** (a) Is it not a fact that, based on the principles of examination, all appointments of Postal Superintendents and Inspectors are confined to passed men only and so are the appointments of Accountants and Assistant Accountants in the Lower Selection Grade of Rs. 160—250?

(b) Are Government aware that the Director-General, Posts and Telegraphs, in accordance with the above principles laid down as far back as 1927 that senior passed Accountants should get the appointments of Accountants or Assistant Accountants in the Selection Grade in offices where such appointments have been specially sanctioned and added that this arrangement would constitute a reward for their initiative in entering for the examination and would be an additional incentive to others to obtain the Accountant's certificate?

(c) Is it not a fact that the orders of the Director-General were perfectly clear that posts of Accountants in the grade of Rs. 250—350 should also be exclusively confined to passed Accountants and there was no indication in the Director-General's orders issued from time to time, and in the Honourable Member's reply to Mr. Kelkar's interpellation in the Winter Session of the Assembly in 1927, that an unpassed official happening to work in the Accounts Branch in the Lower Selection Grade would be promoted as Accountant on Rs. 250—350 before a Selection Grade official who had passed the Accountant's examination?

(d) Is it a fact that a condition was subsequently imposed that an unpassed official happening to work in Accounts Branch in the Lower Selection Grade on the 24th January, 1930, should be promoted to the Higher Selection Grade as Accountant before a passed official?

(e) If answers to parts (a), (b), (c) and (d) be the affirmative, will Government be pleased to state the grounds for promoting an unpassed official to the higher appointments? Is it a fact that an unpassed official is considered unsuitable for the Lower Grade appointments of Accountants? Do these higher appointments require higher technical qualifications?

(f) If there are no grounds as asked for in part (e), are Government prepared to remove the anomaly mentioned in that part?

(g) Are Government aware that the subsequent condition referred to in part (d) has created a serious discontent among the staff?

(h) If so, do Government propose to consider the question of deleting the said condition mentioned above?

Mr. J. A. Shillidy : (a) to (h). Government reached their decision in regard to these appointments after careful examination and are not prepared to re-open the question.

APPOINTMENT OF ACCOUNTANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

524. * **Pandit S. N. Sen:** (a) Are Government aware of the Director-General's orders that the senior passed Accountants should get the appointment of Accountant on Rs. 250—350 in the Post Office but this arrangement should not interfere with the promotion of men now holding on the 24th January, 1930, posts in the lower Selection Grade and employed on work connected with accounts if they are considered fit for promotion to the higher grade?

(b) If so, do Government propose to have the claims of passed accountants to *permanent promotion* as Accountant on Rs. 250—350 reviewed in the light of the above orders?

Mr. J. A. Shillidy : (a) The orders referred to by the Honourable Member were passed by the Government of India and not by the Director-General.

(b) Promotions will follow the orders of Government.

RATES OF TRAVELLING ALLOWANCE FOR DUFFRIES IN CERTAIN DEPARTMENTS.

525. * **Pandit S. N. Sen:** (a) Will Government be pleased to state what rates of travelling allowances are given to the duffries of,—

- (i) the Office of the Director-General of Posts and Telegraphs;
- (ii) the Meteorological Department; and
- (iii) the Office of the Imperial Records at the time of shifting from and to Delhi?

(b) Will Government please state if the rates of travelling allowance referred to in (a) are uniform?

(c) If the answer to (b) be in the negative, will Government be pleased to assign the reason for any difference in those rates?

(d) Do Government propose to take early steps to remove the difference, if any, in those rates?

Mr. J. A. Shillidy : (a) (i). Duffries of the office of the Director-General of Posts and Telegraphs are granted double third class railway fare each way at the time of their annual move from Delhi to Simla and from Simla to Delhi.

(ii) and (iii). Duffries of the Meteorological Department and of the office of the Imperial Records do not join in the move from Delhi to Simla and Simla to Delhi.

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

**GUIDE TO THE ARCHÆOLOGICAL GALLERIES OF THE INDIAN MUSEUM,
CALCUTTA.**

526. ***Pandit S. N. Sen:** (a) Will Government please state whether it was proposed to bring out a comprehensive guide to the archæological galleries of the Indian Museum? If so, when?

(b) Is it a fact that Dr. Spooner could not undertake the work of bringing out a guide on the ground that he was only a part-time officer of the Archæological Section of the Indian Museum?

(c) When was a whole-time officer of the Archæological Section of the Indian Museum appointed?

(d) Has the proposed guide to the archæological galleries been published? If not, why not?

(e) Is it a fact that the present whole-time officer of the Archæological Section, Indian Museum, is engaged in works connected with the Muttra, Sarnath and Sanchi Museums?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) Government have no information on this point.

(c) In May, 1921.

(d) An introduction to the Guide appeared in 1927 as a Memoir of the Archæological Survey, and it is hoped to publish Volume I before the close of the current year. The work involved important preliminary re-arrangement of exhibits and comprehensive study that took time.

(e) He has been entrusted with the re-arrangement, on a chronological basis, of exhibits in the Archæological Museum at Sarnath and was deputed for two weeks to assist in the re-arrangement of exhibits at the Curzon Museum of Archæology, Muttra. He has not been engaged in any work connected with the Sanchi Museum.

EXTENSION OF THE BUILDINGS OF THE INDIAN MUSEUM, CALCUTTA.

527. ***Pandit S. N. Sen:** (a) Will Government please state whether a building for the zoological collections in the Indian Museum compound has been sanctioned, if so, at what cost?

(b) Will Government please state whether the question of the desirability of spending so much money for the purpose in the present financial condition was considered?

(c) Is it a fact that free quarters in the proposed building will be provided for the Director and the Superintendent of the Zoological Survey of India?

(d) Will Government please state whether free quarters are provided for the Director and the Superintendent of any other survey in the Museum compound?

(e) Will Government please state whether work in any section of the Indian Museum suffers because the Director and the Superintendent of that section do not live in the Museum compound?

(f) What will be the monthly rent of the free quarters for the Director and the Superintendent of the Zoological Survey of India in the proposed building?

(g) What allowances for house rent are given to officers of the cadre of the Director and the Superintendent of the Zoological Survey of India?

(h) Will Government please state whether the Director and the Superintendent of the Zoological Survey of India are given less pay than officers of their cadre for the provision of free quarters?

(i) Why are they being provided with free quarters in the Museum compound?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes in 1928 at an estimated cost of Rs. 5,12,000.

(b) Yes, and consequently no funds are being provided for the purpose in next year's Budget.

(c) Rent free accommodation in the proposed building will be provided for the Director, Zoological Survey of India, but not for the Superintendent, who will be given a house-rent allowance in lieu of free quarters.

(d) No, but it is considered desirable that some senior officer of the Department should reside on the premises.

(e) No.

(f) It is regretted that the information is not available, but I shall endeavour to secure it for the Honourable Member, if he so desires, and if it can be conveniently obtained.

(g) House-rent allowances given to officers not in enjoyment of rent-free quarters are governed by the Calcutta House Allowance Scheme and may vary from Rs. 45 to Rs. 200 per mensem.

(h) and (i). No, but the salaries of these officers have not been fixed with regard to the high cost of securing suitable residential accommodation in Calcutta. The Honourable Member will observe from the Calcutta House Allowance Scheme mentioned in my answer to part (g) of his question that the grant of some special relief to officers stationed in Calcutta because of the expensiveness of residential accommodation in that city is not confined to the two officers mentioned by him.

PURCHASE OF STORES FOR THE OFFICE OF THE ZOOLOGICAL SURVEY OF INDIA.

528. ***Pandit S. N. Sen:** (a) What was the amount spent on stationery for the Zoological Survey of India in 1916-17 and 1927-28?

(b) Is it a fact that stores were purchased locally for the Zoological Survey of India? If so, what is the average annual amount for such stores?

(c) Will Government please state whether any tenders are called for the purpose?

(d) Which are the firms who supply stores and are they *bona fide* traders?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The amount spent on stationery in 1916-17 was Rs. 452-0-9 and in 1927-28 Rs. 274.

(b) Some stores are purchased locally. If the Honourable Member will give me the years for which he requires the average, I shall endeavour to obtain the information.

(c) Yes.

(d) A statement giving the information required is laid on the table. So far as Government are aware, the firms included in the statement are *bonâ fide* traders.

Names of the firms in Calcutta from whom supply of stores is obtained locally for the Zoological Survey of India.

1. Messrs. Adair Dutt & Co.
2. Messrs. Baird & Tatlock, Ltd.
3. Messrs. H. E. Metzakes, Ltd.
4. Messrs. Smith Stanistreet & Co.
5. Messrs. A. Chandler & Co.
6. Messrs. Butto Kristo Paul & Co.
7. Messrs. Frank Ross, Ltd.
8. Messrs. Choong Sang & Co
9. Messrs. Chatterji Furnishing Co., Ltd.
10. Messrs. Lyon & Lyon, Ltd.
11. Messrs. Lyall Marshall Co., Ltd.
12. Messrs. D. Waldie & Co.
13. Messrs. Hall & Anderson, Ltd.
14. Messrs. The Army & Navy Co-operative Stores.
15. Messrs. Muir Mills Co., Ltd.
16. Messrs. Mitra & Co.
17. Messrs. The Packing Material Co.
18. Messrs. E. Newman & Co., Ltd.
19. Messrs. John Dickinson & Co., Ltd.
20. Messrs. The Calcutta Camera Stores, Ltd.
21. Messrs. Das & Company.
22. Messrs. T. E. Thomson & Co., Ltd.
23. Messrs. J. A. Johnson & Co.
24. Messrs. Kesoram Cotton Mills, Ltd.
25. Messrs. Turnbull Brothers, Ltd.
26. Messrs. James Glendy & Co.
27. Messrs. Lawrence & Mayo.

REPRESENTATION OF MUSSALMANS ON RAILWAYS.

529. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state if in their Report for various Railways in India, they are prepared to state what has been the position of the Mussalmans in various grades—excluding the menials, and those who are paid wages on daily rates, and whose services are not permanent?

Mr. A. A. L. Parsons: As I mentioned in a reply to the Honourable Member on the 11th of February, the question of showing the daily rated men separately in the statistics already given in the appendices of the Railway Board's Report is being considered, and we will also see if it is not

possible to shew temporary employees and employees in inferior service separately.

THE ASSAM BENGAL RAILWAY.

530. ***Mr. Muhammad Anwar-ul-Azim**: Will Government please state when the Assam Bengal Railway is going to be taken over by Government? Will they further state if the losses in income of that Railway are due to the various items of frauds that have been detected during the last two years? Will Government kindly tell the House the loss sustained by the Company in figures? When is their Dohazari line going to be opened? Will they co-ordinate with the District Board of Chittagong in making the Bridge over the Karnafully river?

Mr. A. A. L. Parsons: The Assam Bengal Railway Company were not prepared, without an inducement, to agree to an extension of the recent date on which their interest could be purchased; and under the contract the option to purchase can next be exercised on the 31st December, 1941.

To the extent to which the losses in the last two years prove irrecoverable, they have reduced the income of the Railway. Their total amount is Rs. 57,415.

The probable date of opening the Chittagong-Dohazari line is June this year.

I am not sure that I understand the suggestion in the last sentence of the Honourable Member's question. If he will kindly speak to me about it, I will see that it is considered.

RAILWAY TO PATENGA POINT IN CHITTAGONG.

531. ***Mr. Muhammad Anwar-ul-Azim**: Will Government please state if the railway that has been made by the Assam Bengal Railway up to Patenga Point in Chittagong Town is for the convenience of the public, or for the aeroplane people only? How much has it cost them to make that railway? When was that started and when finished? Is it a fact that the Railways have paid more money for their acquisition of lands than what the Government of India paid for theirs in making the aerodrome in the Patenga Sands?

Mr. A. A. L. Parsons: No railway has been made by the Assam Bengal Railway to Patenga Point. The remaining portions of the Honourable Member's question do not therefore arise.

RETRENCHMENT IN GOVERNMENT DEPARTMENTS.

532. ***Mr. Muhammad Anwar-ul-Azim**: Will Government please state if their project to carry out retrenchments in various Departments under the Government of India is proving successful? What economy are they likely to have by abolishing the posts of orderlies from Howrah, Alipore and Chittagong Post Offices in Bengal?

The Honourable Sir George Schuster: I propose to deal fully with the whole question of retrenchment in my budget speech. There will be an average saving of Rs. 576 per annum in respect of the Chittagong and Howrah Post Offices. No orderly peon is attached to the Alipore Post Office.

RECOMMENDATIONS OF THE PUBLIC ACCOUNTS COMMITTEE.

533. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state if the recommendations of the Public Accounts Committee, which sat in Simla last July will be accepted by Government in all their bearings?

The Honourable Sir George Schuster: I would invite the Honourable Member's attention to paragraph 4 of the Finance Department Resolution of the 13th June, 1930, which appears as Appendix I to the Committee's last Report and describes the procedure for dealing with the Committee's recommendations. The action taken by Government will be intimated to the members of the Committee, through quarterly statements, the first of which is expected to be ready in April next.

RETRENCHMENT IN THE PUBLIC WORKS DEPARTMENT AND THE TELEGRAPH ENGINEERING DEPARTMENT.

534. ***Mr. Muhammad Anwar-ul-Azim:** Will Government please state if they are contemplating increasing their revenues from the Income-tax Department? If so, why? Have they considered the desirability of making retrenchments in the Public Works Department and in the Telegraph Engineering Department, in matters of construction in the case of the former and abolition of posts in the case of the latter? Is it a fact that in the latter Department there are several sinecure posts?

The Honourable Sir George Schuster: I shall deal with the questions of additions to revenue and of retrenchment of expenditure in my budget speech on the 28th February. I am afraid that till then I cannot supply the Honourable Member with any details except that there are no sinecure posts in the Telegraph Engineering Department.

APPOINTMENTS IN THE IMPERIAL BANK OF INDIA.

535. ***Mr. Muhammad Anwar-ul-Azim:** (a) Will Government please state what is the relation of the Government of India with the Imperial Banks in the matter of administration, and also in the matter of appointments of assistants, who ultimately become Sub-Agents at various places?

(b) Will Government kindly state how many men were there in India answering the above descriptions on the 1st January, 1926, and the 1st January, 1931, and how many of them were Muslims?

The Honourable Sir George Schuster: (a) The question of recruitment to posts in the Imperial Bank of India is the domestic concern of the Bank and not under Government's control.

(b) The information is not available.

TRADE COMMISSIONERS.

536. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state how many Trade Commissioners are there who owe their appointments to the Government of India? How many of them are members of the Indian Civil Service? How many of these Civilians have business experience in the proper sense of the term?

The Honourable Sir George Rainy: There is at present one Indian Trade Commissioner in London. An officer has also recently been selected for appointment as Trade Commissioner at Hamburg this year. Both these officers are members of the Indian Civil Service. I am not sure what the Honourable Member means by "business experience in the proper sense of the term". Neither of these officers has personally engaged in trade, but both have wide experience of trade methods and practice.

MUSLIM ASSISTANTS IN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

537. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state if all the Muslim assistants in various Departments of the Government of India are on a temporary list? If so, why? How many years have they served in a temporary capacity?

The Honourable Sir James Crerar: The reply to the first part of the question is in the negative. The other parts do not arise.

REPRESENTATION OF MINORITIES IN THE POSTAL AND TELEGRAPH DEPARTMENT.

538. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state if with reference to Sir Bhupendra Nath Mitra's reply to starred question No. 100, dated the 21st January, 1930, the Director-General's Report will contain a chapter regarding the representation of minorities in his Department?

Mr. J. A. Shillidy: In reply to the Honourable Member's question on the 21st January, 1930, Sir Bhupendra Nath Mitra stated that Government did not propose to introduce in the Annual Report of the Director-General a chapter regarding minority communities but a statement showing the distribution of new recruits by communities. The Annual Report of the Director-General will contain that statement.

PROVISION OF AN ADDITIONAL RAILWAY STATION TO THE NORTH OF CHITTAGONG TOWN.

539. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state whether the Railway Administration have heard anything from the Agent, Assam Bengal Railway, with regard to the location of another station to the North of Chittagong town? Are not the Assam Bengal Railway people feeling the competition of motor cars and lorries on Dacca-Chittagong Trunk Road and Ramgarh Roads, of the Chittagong District?

Mr. A. A. L. Parsons: I am making enquiries and a reply will be sent to the Honourable Member as soon as the information has been collected.

IMPORTS OF SUGAR INTO INDIA.

540 ***Mr. Bhuput Sing** (on behalf of Lala Hari Raj Swarup): (a) Is it a fact that India possesses about half of the total area of the world's sugar cane cultivation?

(b) Is it also a fact that India imports sugar to the value of about 20 crores a year from other countries?

(c) What steps have Government taken to make India self-sufficient in its production of sugar?

(d) Have Government considered the necessity of co-ordinating the activities of various provinces in this great industry under one central body like the Central Cotton Committee or the proposed Committee for jute as recommended by the Indian Sugar Committee?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Not half. According to the most recent estimates the area under sugar cane in India is about 21 per cent. of the total sugar-cane area of the world.

(b) Not twenty. The average value of imports for the past three years is 15·6 crores.

(c) The lower cost of production in some countries and high subsidies or other artificial stimulants to the industry in others are amongst the complex causes which have militated against the establishment of an extensive sugar manufacturing industry in India. The absence of such an industry is the immediate cause of large imports.

(d) As stated in the reply given on the 26th January, 1931, to question No. 138 by Seth Haji Abdcola Haroon, the Government of India have for many years maintained a sugar-cane breeding station at Coimbatore, the seedling canes from which are now grown on over half a million acres. Since its creation, the Imperial Council of Agricultural Research has devoted special attention to the problems of the sugar industry. It has already taken action in the following directions:

- (i) The provision of a Sugar Technologist, whose services are available to advise Indian sugar factory proprietors and intending factory owners on technical matters;
- (ii) Better provision for the early testing of new varieties of sugar-cane in different parts of the sugar-cane tracts, and better facilities for their multiplication for distribution;
- (iii) Provision for experiments in four provinces of improved sugar-cane mills suited to village conditions; and
- (iv) Provision for more research into the pests and diseases of cane.

Other matters of practical importance to the sugar-cane growers are under examination by the Sugar Committee it has appointed. Of the grant of Rs. ten lakhs which has been made to the Imperial Council of Agricultural Research for work on sugar-cane, the Council has already allocated Rs. 7,38,293 to various sugar research schemes and has under examination schemes the estimated cost of which amounts to Rs. 6,33,188. A statement of the schemes which have been sanctioned by the Council has already been laid on the table.

(e) In the opinion of Government, which is based on the view expressed by the Royal Commission on Agriculture in India in Chapter III of their Report, the establishment of the Imperial Council of Agricultural Research has rendered the establishment of a separate Central Sugar Committee unnecessary. The Imperial Council of Agricultural Research is, through the Sugar Committee it has set up, taking active steps for the improvement of sugar cultivation and manufacture and for the co-ordination of effort.

Maulvi Muhammad Yakub: Are Government prepared to work out a scheme to give sugar-coated replies to the questions of the Honourable Member? (Laughter.)

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Which Honourable Member?

Maulvi Muhammad Yakub: Honourable Members.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: Of the Assembly?

Maulvi Muhammad Yakub: Yes.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: It might become necessary to consider the suggestion. (Laughter.)

IMPORT OF SUGAR INTO INDIA.

541. ***Mr. Bhuput Sing** (on behalf of Lala Hari Raj Swarup): (a) Is it a fact that the exports into India of beet sugar from the United Kingdom increased in the year 1929-30 from 3,400 tons to 45,100 tons in quantity and from Rs. 7 lakhs to Rs. 77½ lakhs in value as compared with the previous year?

(b) What steps do Government propose to take to check the imports of beet sugar into India at low prices?

The Honourable Sir George Rainy: (a) Yes.

(b) As the Honourable Member is doubtless aware, the question of protection to the Indian sugar industry has been referred to the Tariff Board.

FREE TRANSFER OF MONEY BETWEEN BRANCHES OF THE IMPERIAL BANK OF INDIA.

542. ***Mr. Bhuput Sing** (on behalf of Lala Hari Raj Swarup): (a) Are Government aware that the Imperial Bank of India used to allow free transfers of money from one branch to another branch to their customers up to a sum of Rs. 5,000?

(b) Are they in a position to state the reasons why that facility has now been withdrawn?

The Honourable Sir George Schuster: In January, 1930, the Imperial Bank withdrew the concession by which cheques on other branches of the Bank up to Rs. 5,000 were accepted at par, and introduced a sliding scale of commission on such cheques, but Agents have discretion to forego the commission in cases in which it appears desirable to do so. I understand that the concession was withdrawn because it was found that in practice it was being abused.

DEVELOPMENT OF ROADS.

543. ***Mr. Bhuput Sing** (on behalf of Lala Hari Raj Swarup): (a) Will Government be pleased to state in what amounts and over what Provinces the Road Fund Committee has distributed its funds since its inception?

(b) Have any definite schemes been framed in the Provinces for developing road communications?

(c) Will Government be pleased to publish them for the general public?

(d) What are the relations between this Committee and the Provincial Communication Boards or Committees?

Mr. J. A. Shillidy: (a) It is presumed that by the Road Fund Committee the Honourable Member means the Standing Committee for Roads which is elected from time to time by the Central Legislature in accordance with clause (6) of the Resolution adopted by this House on the 4th February, 1930. Distribution as to 90 per cent. of the road development account is fixed under the terms of the Resolution referred to and is not made upon the advice of the Standing Committee. A statement showing the amounts so distributed to the nine provinces is laid on the table.

(b) Yes.

(c) A statement of schemes approved by the Governor General in Council on the advice of the Standing Committee for Roads is laid on the table, but the figures given are in most cases only rough estimates. Certain special schemes for execution by special grants from the reserve with the Government of India have also been received and are under consideration.

(d) None.

Statement showing the amounts distributed to Provinces, from the Road Development Account.

Province.	Amount distributed in lakhs of rupees.
Madras	19.40
Bombay.	25.60
Bengal	19.30
United Provinces	7.00
Punjab	11.80
Burma	17.20
Bihar and Orissa	4.30
Central Provinces	4.50
Assam	2.60
Total	111.70

Statement of Schemes of road development approved by the Governor-General in Council on the advice of the Standing Committee for Roads.

MADRAS.

Serial No.	Road.	Work.	Total estimate.
			Rs.
1	A—1	Nathavalasa Bridge	4,42,000
2	A—1	Yerracalva Bridge	3,11,000
3	A—1	Gundlakamma Bridge	3,60,000
4	A—1	Swarnamukhi Bridge	4,30,000
5	A—2	Ponnaiyar Causeway	2,61,000
6	A—2	Malattar Bridge	38,000
7	A—2	Metalling and Construction 100—150	1,37,000
8	A—2	Gomukhi Bridge	61,000
9	A—2	Manimuktanadi Bridge	65,000
10	A—2	Chittanatham Bridge	89,600
11	A—3	Pennar Bridge	1,74,500
12	A—3	Chitravathi Causeway	68,000
13	A—3	Peddayeru Bridge	63,000
14	A—9	Keesara Bridge	7,30,000
15	A—10	Cheyyar Causeway	50,000
16	A—14	Re-making ghat portions	3,55,800
		Total	36,35,900

BOMBAY.

Serial No.	Name of road.	Nature of work to be done.	Total estimated cost.
			Rs.
1	Bombay-Poona-Aurangabad Road.	Ferry boat and widening a bridge.	84,000
2	Bombay-Ahmedabad-Rajputana Road.	Constructing missing links in road and crossings over rivers, etc.	12,32,000
3	Dhulia-Bhusawal-Edlabad-Nagpur Road.	Constructing missing links, river, etc., crossings.	2,70,000
4	Bombay-Agra Road	Constructing river, etc., crossings, a diversion round a town and widening.	3,82,000
5	Karwar-Bellary Road	Constructing surface	1,92,000
6	Bombay, Goa or Konkan north to south road.	Constructing missing links and river, etc., crossings.	28,89,000

BOMBAY—contd.

Serial No.	Name of road.	Nature of work to be done.	Total estimated cost.
7	Bombay-Poona-Sholapur-Hyderabad Road.	River, etc., crossings . . .	Rs. 7,23,000
8	Bombay-Poona-Bangalore .	Diversion round a town, drainage works, widening, constructing surface.	1,87,000
9	Karachi-Sukkur-Punjab Road on the west side of the river Indus.	} Constructing missing links and river, etc., crossings.	Approximately Rs. 3 crores.
10	Karachi-Sukkur-Punjab Road on the east side of the River Indus.		
11	Hyderabad-Mirpurkhas Rajputana Road.		
12	Sukkur-Shikarpur-Jacobabad-Quetta Road.		
	Total .	..	59,59,000*

BENGAL.

Serial No.	Name of project.	Ultimate Total cost.	Nature of work.
		Rs.	
1	Calcutta-Jessore-Road to Baraset.	8,83,320	Widening, reconstruction of surface and strengthening Bridges.
2	Diamond Harbour Road .	6,70,000	Ditto ditto.
3	Grand Trunk Road . . .	14,50,000	Ditto ditto.
4	Chittagong-Aracan-Trunk Road.	†About 10,00,000	Bridging only.
5	Illambazar-Dubrajpur Road.	3,50,000	Reconstruction and bridging Ajoir River.
6	Tangail-Mymensingh Road .	3,75,000	Reconstruction, widening and strengthening Bridges.
7	Dacca-Narayanganj Road .	6,64,000	Ditto ditto.
8	Pabna-Ishurdi Road . . .	8,10,000	Reconstruction of surface and strengthening of Bridges.
9	Magura-Jhenaidah-Chaudanga Road.	3,00,000	Ditto ditto.
10	Burdwan-Anambagh Road .	5,00,000	Construction of new road and partial reconstruction.
11	Mainmati-Barkanta-Comilla Road.	7,66,000	Reconstruction of surface and strengthening of Bridges.
	Total .	77,68,320	

* Excluding 3 crores for Sind.

† Estimate not completed.

UNITED PROVINCES.

Serial No.	Name of road.	Nature of work.	Approximate cost in lakhs.
1	Roorkee-Hardwar . Class I	Road to an important pilgrim centre.	3·41
2	Grand Trunk Road . Do.	} Inter-Provincial roads to be reconstructed, widened and generally improved.	3·84
3	Delhi-Meerut Dehra Dun. Do.		7·45
4	Lucknow-Cawnpore-Jhansi-Saugor. Do.		1·40
5	Fatehpur-Saharanpur-Ambala. Do.		0·35
6	Jhansi-Gwalior-Agra-Delhi. Do.		0·35
7	G. T. R. Mirzapur-Rewah. Do.		0·71
8	Benares-Lucknow-Bareilly-Meerut. Do.		....	5·32
9	Lucknow-Fyzabad-Gorakhpur. Do.	Inter-Divisional Road to be reconstructed, widened and generally improved.	3·44
10	Muttra-(Agra) Bareilly-Nainital-Almora. Do.	....	9·70
11	Allahabad-Fyzabad Do.	....	1·72
12	Allahabad-Jaunpur-Azamgarh-Gorakhpur. Do.	....	0·70
13	Agra Aligarh-Bulandshahr-Meerut. Do.	The length from Bulandshahr to Meerut to be taken over from District Board.	2·85
14	Benares-Sarnath Class II	Road to an important archæological centre.	0·74
15	Fyzabad-Gonda-Bahraich. Do.	....	0·95
Total .			42·93

PUNJAB.

Serial No.	Name of road.	Nature of work to be done.	Total estimated cost.
<i>Class I Roads.</i>			
1	Grand Trunk Road . . .	Widening and tarring the road surface, widening narrow bridges and replacing old wooden bridges.	Rs. 2,00,000
2	Lahore-Loralai Road . . .	Completing the gap of 15 miles between Bhai Pheri and Pattoki.	4,21,539
3	Delhi-Multan Road . . .	(a) Acquiring land between Sahuwal and Mandi Dabwali. (b) Acquiring land between Mandi Malant and Abchar. (c) Metalling from Sirsa to Mandi Dabwali. (d) Metalling from Mandi Malant to Abchar. (e) Metalling from Suleimanke to Pakpattan. (f) Metalling from Jahanian to Multan.	6,96,000 86,197 7,63,637 3,10,489 7,46,000 4,42,000
4	Saharanpur-Thanesar Road . . .	(a) Making a diversion past Ladwa. (b) Rebuilding bridges in furlongs 21/1 and 25/4.	38,388 23,020
5	Meerut-Sonepat Road . . .	Connecting Baghpat with the Grand Trunk Road near Sonepat.	1,36,546
<i>Class II Roads.</i>			
6	Lahore-Mianwali Road . . .	Making section from Khushal to Mianwali motorable as an earth road.	1,13,418
7	Jhelum-Talagang Road . . .	Improving the section from Chakwal to Talagang to make it motorable.	2,89,220
8	Ferozepur-Fazilka Road . . .	Improving and metalling— (a) Miles 1-31 (b) Miles 32-51	5,80,232 4,45,259
9	Jullundur-Dharmasala Road . . .	Widening the road where it is at present too narrow and cutting back blind corners.	2,00,000
10	Lyallpur-Sargodha Road . . .	(a) Improving and metalling Lyallpur Chiniot Section (b) Improving the Chiniot Sargodha Section.	5,86,245 26,326
11	Amritsar-Sialkot Road . . .	Improving the road as an unmetalled road.	2,38,991

BIHAR AND ORISSA.

Name of road and length in miles.	Nature of work.	Cost.
		Rs.
Patna-Nawadah (72)	Metalling katcha portions, widening and general improvement.	4,70,000
Rajauli-Debour (7)	Converting village tract into bridged and drained metalled road.	2,00,000
Debour-Koderma-Burhi (38)	Metalling gravelled portion, widening, improving cross drainage.	1,55,000
Arrah-Patna (38)	Converting fair weather tract into metalled road, providing waterways for Son River spills.	9,00,000
Gumla-Palkot	N. B.—Son River already bridged. Bridging draining and improving gravelled road.	1,12,600
Palkot-Kolibera	Ditto ditto	1,42,000
Simdega-Sunk River	Ditto ditto	3,50,000
Jarsagada-Sambaspur	Ditto ditto	3,56,000
Bridging Sunk River	Replacing temporary bridge by permanent one.	6,60,000
Bridging Bonum River	Ditto ditto	3,56,000
Bridging Monagum River	Replacing existing causeway	3,00,000
	Total	40,00,000

Subject to modification if there be territorial changes.
Probable expenditure in 1930-31=Rs. 2½ lakhs.

CENTRAL PROVINCES.

No.	Name of road.	Nature of work.	Amount of estimate.
			Rs.
I	Burhanpur-Iechapur-Edlabad road in the Nimar district, up to C. P. border (length 15 miles).	Construction of a class I (metalled road).	3,70,000
II	Great Eastern road. The Mahanadi river bridge at Arang.	Construction of a submerged bridge.	9,00,000
III	Great Southern road (Wunwarora section) Wardha river bridge.	Ditto	4,00,000

ASSAM.

No.	Name of road.	Class of road.	Nature of work.	Approximate cost in lakhs.
I	Gauhati-Shillong-Sylhet Road.	I	Part metalling Shillong to Jaintrapur. Part permanently bridging and widening. Kutchha surface to 20 ft. Jaintrapur to Sylhet section.	2 lakhs.

THE SWEDISH MATCH MANUFACTURING COMPANY.

544. *Mr. Gaya Prasad Singh: (a) Is it a fact that the Swedish Match Manufacturing Company is incorporated in England, and that it is mainly an English concern? Is it a fact that most of the English Forest Officers are shareholders in that concern, and that thus they are interested in that company?

(b) Is it a fact that the said company is trying to purchase all the Indian concerns, and to have a monopoly of match manufacture in this country? Is it not a fact that the said concern has already amalgamated a number of Indian concerns by resorting to rate-cutting, and other such methods?

(c) Is it a fact that the Indian Tariff Board wanted to get certain information from this concern, but that they refused to supply the Indian Tariff Board with any information? If it is so, have Government taken any steps against this concern?

(d) Will Government be pleased to state their definite policy against foreign firms which try to ruin the infant factories of India?

The Honourable Sir George Rainy: (a) The reply to the first part is in the negative. With regard to the second part, Government have no information.

(b) The Government of India have received complaints to this effect and they have instituted an enquiry. That enquiry is not yet complete, but they received a report very recently which is now under examination.

(c) The Honourable Member is referred to the reply given in this Assembly to question No. 18 asked by Sir Purshotamdas Thakurdas on the 18th August, 1927. A copy of the Tariff Board's Press communiqué referred to therein has been placed in the Library.

(d) The attention of the Honourable Member is invited to the reply given in this House on the 12th September, 1928, to Mr. Lalchand Navalrai's starred question No. 503.

REPRESENTATION FROM THE PRISONERS UNDER-TRIAL IN THE MEERUT CONSPIRACY CASE.

545. *Mr. B. Das: (a) Will Government be pleased to state if they received a representation from the Meerut under-trial prisoners after they were punished as mutineers in August last?

(b) What action have Government taken on that representation and will Government please state if their order has been communicated to the prisoners of the Meerut conspiracy case?

The Honourable Sir James Crerar: (a) I am aware that some of the under-trial prisoners in the Meerut conspiracy case submitted a representation to His Excellency the Governor of the United Provinces in regard to the treatment accorded to prisoners and the punishment awarded to some of those who mutinied in the jail on the 29th August.

(b) The Government of India have taken no action in regard to the representation, which was not addressed to them.

ENUMERATION OF ORIYAS FOR THE CENSUS.

546. *Mr. B. Das: (a) Will Government be pleased to state whether the Census Superintendent of Bihar and Orissa has issued special precautionary instructions, for the correct enumeration of Oriya people by race, to the Supervisors and Enumerators in Singhbhum and its neighbouring areas in Bihar and Orissa?

(b) Have similar instructions been issued by the Census Superintendents of Bengal, Central Provinces, and Madras for enumeration of Oriyas by race in the Oriya tracts of those provinces?

(c) If the answers to parts (a) and (b) be in the negative, will Government be pleased to state what immediate steps they are going to take to ensure correct enumeration of the people of the Oriya race in the four different provinces?

(d) Will Government be pleased to state if the Atlee Sub-Committee of the Simon Commission (p. 51, Vol. II, report of Simon Commission) enunciated that a correct census of the population in disputed areas should be made by the Government and, if so, what instructions have been issued to the different Provincial Governments to ensure correct enumerations in areas under dispute, and will Government be pleased to lay on the table all correspondence that passed between them and the various Provincial Governments?

The Honourable Sir James Crerar: (a) Yes.

(b) Yes.

(c) Does not arise.

(d) The Atlee Sub-Committee recommended that special precautions should be taken to ensure the reliability of returns. Special precautions are being taken, and a special officer has been appointed to ensure the correctness of returns in Ganjam. No correspondence has passed on the matter between the Government of India and the Provincial Governments on this subject.

Mr. B. N. Misra: Have Government issued any instructions laying down the definition or criterion of a race, whether it is by language or otherwise?

The Honourable Sir James Crerar: That is a matter largely for the local Census Officers to determine in accordance with local enquiries.

APPOINTMENT OF ASSISTANT COMMISSIONERS AND ASSISTANT POLITICAL AGENTS IN THE NORTH WEST FRONTIER PROVINCE.

547. *Mr. B. Das: (a) Will Government be pleased to state how many Indians are serving as Assistant Commissioners and Assistant Political Agents in the North West Frontier Province and how many years of service each has?

(b) Has any of the above Indian Assistant Commissioners and Assistant Political Agents officiated or been appointed as Deputy Commissioner or Political Agent? If not, why not?

(c) Will Government be pleased to state how many Europeans are serving as Assistant Commissioners and Assistant Political Agents and how many years of service each has?

(d) How many of the above Assistant Commissioners and Assistant Political Agents officiated or were appointed as Deputy Commissioners or Political Agents?

Mr. J. G. Acheson: With your permission, Sir, I will answer questions Nos. 547 and 548 together. The information required has been asked for and will be supplied to the Honourable Member in due course.

SUPERSESION OF AN INDIAN POLITICAL OFFICER.

†548. ***Mr. B. Das:** (a) Are Government aware that recently in Hazara District of the North West Frontier Province, Colonel Rae, Deputy Commissioner, went on long leave, and a European Assistant Commissioner, who is 118th in the list of the Political Department was sent from another district to officiate for three weeks (till the arrival of a permanent Deputy Commissioner from Kathiawar) when an Indian officer of the Political Department, who is 59th on the list and much senior and was serving in the Hazara District was not made to officiate?

(b) Is it a fact that the Indian officer was not made to officiate because he, as City Magistrate of Peshawar, gave evidence before the Suleman Committee, regarding the affair of the 23rd April, 1930?

(c) If the answer to part (b) be in the negative, will Government be pleased to state why he was not given to officiate?

(d) Is it a fact that Mr. Hopkinson who was transferred from Kathiawar to Hazara as permanent Deputy Commissioner is senior to the Indian Officer of the Political Department? If not, why was the latter superseded?

PAY AND PENSIONS OF EUROPEAN AND INDIAN POLICE EMPLOYEES.

549. ***Mr. B. Das:** (a) Will Government be pleased to state if Anglo-Indians are classed as Europeans in every Service or are they treated as statutory Indians?

(b) Will Government be pleased to state what remunerations and pensions, the Anglo-Indian Sergeants and Head Constables and Sub-Inspectors of the Indian police draw, and what remunerations and pensions, Indian Sub-Inspectors, Sergeants and Head Constables draw?

(c) If there are differences in pay and pensions, will Government be pleased to state why these differences exist?

The Honourable Sir James Orerar: (a) Anglo-Indians and domiciled Europeans who fall within the definition of "native of India" contained in Article 37, Civil Service Regulations, are regarded as Indians for purposes of recruitment to the public services and in connection with schemes for Indianisation.

(b) and (c). A statement giving such information as I possess is laid on the table. The remuneration of the subordinate police is fixed by the Local Governments concerned, and therefore varies from province to province. The scales of pay sanctioned for the various ranks in the North West Frontier Province and the Delhi province follow those adopted in the Punjab. Pensions are calculated in accordance with rules in the Civil Service Regulations, and so far as I am aware there are no differences in the pay and pensions drawn by Anglo-Indian and Indian police officials of the same rank.

† For answer to this question, see answer to question No. 547.

STATEMENT.

	District Police.										City Police.		
	Madras.	Bombay.	Bengal.	Punjab.	Burma.	Bihar and Orissa.	Assam.	North-West Frontier Province.	Delhi.	Madras.	Bombay.	Calcutta (Maxima).	Rangoon.
Head Constables	Rs. 26-35	Rs. 26-50	Rs. 26-40	Rs. 30-1-45	Rs. 40-45	Rs. 25-35	Rs. 25-35	Rs. 30-1-45*	Rs. 30-1-45	Rs. 35-43	Rs. 38-50	Rs. 50	Rs. 45-55
Sergents . .	160-200	160-200	175-225	150-5-200	...	150-200 (Sergeant-Majors 225-350).	150-5-200	150-5-200	150-5-200	200-250	200-250	235	210-250
Sub-Inspectors .	60-125	75-160	80-130	80-5-130, 140, 150 and 160.	75-135	90-130	80-130	80-5-130, 140, 150 and 160.	80-5-130, 140, 150 and 160.	85-150	135-200	200	95-155

* Plus Frontier police allowance of Rs. 5 a month.

APPOINTMENT OF INDIANS IN SUPERIOR SERVICES OF STATE RAILWAYS.

550. ***Mr. B. Das:** (a) Will Government be pleased to state what progress has been made in the appointment of Indians in the superior services of the State Railways?

(b) Will Government please lay on the table a statement showing the number of Divisional Superintendents sanctioned in each State Railway separately, stating how many Indians were filling such posts up to the 30th September, 1930?

(c) Will Government please lay on the table a statement showing the number of Deputies in the Traffic, Loco. and Engineering Departments, in each State Railway and say how many were held by Indians on the 30th September, 1930?

(d) Will Government be pleased to state how many Indians of over 15 years' service there are in the Traffic, Loco. and Engineering Departments, separately in each State Railway?

(e) Are Government prepared to fill up further vacancies of the posts of Divisional Superintendents and Deputies by Indians?

Mr. A. A. L. Parsons: (a) I would refer the Honourable Member to paragraphs 84 and 87 of the Railway Board's Report on Indian Railways for 1929-30.

(b), (c) and (d). Three statements giving the information asked for are laid on the table.

(e) The claims of qualified Indians for these and other selection posts are at all times given proper consideration.

I

Statement showing the number of posts of Divisional Superintendents on State-managed Railways and number of Indians filling them on the 30th September, 1930.

Railways.	No. of Divisional Superintendents.	No. of Indians.
East Indian Railway	6	..
Great Indian Peninsula Railway	6	1 Anglo-Indian.
North Western Railway	7	..

II

Statement showing the number of posts of Deputies in the Transportation (Traffic) and Commercial, Transportation (Power) and Mechanical Engineering and Engineering Departments on State-managed Railways and number of Indians filling them on the 30th September, 1930.

Railways.	Engineering Department.		Transportation (Traffic) and Commercial Departments.		Transportation (Power) and Mechanical Departments.	
	Total.	Indians.	Total.	Indians.	Total.	Indians.
East Indian Railway.	4	..	4		5	..
Great Indian Peninsula Railway.	2		4		4	..
North Western Railway.	5	2	2		4	..
Burma Railways	2	..	2		2	..
Eastern Bengal Railway.	2	1	2		2	..

III

Statement showing the number of Indians (excluding Anglo-Indians) of over 15 years' service in the Transportation (Traffic) and Commercial, Transportation (Power) and Mechanical Engineering and Engineering Departments of State-managed Railways.

Railways.	Engineering Department.	Transportation (Traffic) and Commercial Departments.	Transportation (Power) and Mechanical Departments.
East Indian Railway	10	6	..
Great Indian Peninsula Railway.	..	..	..
North Western Railway	12	9	..
Burma Railways	3	..	..
Eastern Bengal Railway	5	6	..

ABOLITION OF THE DUTY ON GOLD THREAD.

551. *Mr. K. P. Thampan: (a) Will Government be pleased to state whether the Madras Government have made any representations to the Government of India suggesting that the duty on gold thread should be abolished; if so, on what grounds?

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

The Honourable Sir George Rainy: (a) The Government of Madras made two such representations last year on the ground that the interests of the handloom weavers were injuriously affected.

(b) A copy of the correspondence has been placed in the Library.

CREATION OF A NEW DIVISION ON THE SOUTH INDIAN RAILWAY.

552. *Mr. K. P. Thampan: Will Government be pleased to state:

(a) whether the South Indian Railway authorities have made Malabar and South Canara into a new Division with Cannanore as the Headquarters for administrative purposes;

(b) whether the same grouping was not tried some years ago and subsequently given up; if so, why was it so done and what new conditions have now arisen to revert to a plan once condemned; and

(c) what is the total extra cost involved in the scheme including the salary of the Divisional Officer, staff, rent, etc.?

Mr. A. A. L. Parsons: (a) There is already an Engineering District with Headquarters at Cannanore. A new traffic District was opened on the 1st January, 1931, with Headquarters at Calicut and with the following jurisdiction:

Podanur to Mangalore.

Shoranur to Ernakulam.

Shoranur to Nilambur.

Olavakot to Palghat.

(b) and (c). I have called for information and will communicate with the Honourable Member on its receipt.

PAYMENT FOR THE KALPATHY BRIDGE BY THE PALGHAT MUNICIPALITY.

553. *Mr. K. P. Thampan: Will Government be pleased to state:

(a) whether it is a fact that the Kalpathy bridge on the Olavakot-Palghat branch of the South Indian Railway was originally built at the cost of the Palghat Municipality and that the Railway was only given the right to use it;

(b) if it is now proposed to build a new bridge over the river for the exclusive use of the railway; and

(c) if it is true that the Palghat Municipality is now asked to pay to the South Indian Railway a certain amount and take up the bridge, in spite of the fact that the bridge was built by them?

Mr. A. A. L. Parsons: (a), (b) and (c). Government have no information. I am making enquiries and I will let the Honourable Member know in due course.

HIGH RAILWAY FARES AND FREIGHT CHARGES ON THE SHORANUR-NILAMBUR BRANCH OF THE SOUTH INDIAN RAILWAY.

554. *Mr. K. P. Thampan: Will Government be pleased to state:

(a) whether they are aware that the ruling rates of fare for passenger and timber traffic are so high in the Shoranur-Nilambur branch of the South Indian Railway that it is cheaper for

persons to travel by bus from Calicut or Palghat to Nilambur and *vice versa* and to float the timber down the river to Kallai; and

(b) if it is proposed to remedy this state of affairs?

Mr. A. A. L. Parsons: (a) The maximum authorised passenger fares on the Shoranur-Nilambur Branch were reduced about a year ago by 33 per cent. and are now on the same basis as the fares by mail trains on the South Indian Railway system. The maximum authorised rate for timber was similarly reduced from 2½ pies per maund per mile to 0.76 pie per maund per mile. Government have no information as to how the passenger fares and rates for timber actually charged compare with the charges payable for traffic carried by road or river at present, but they are aware that the railway line is short-circuited between the points mentioned by the Honourable Member.

(b) I am sending the Agent, South Indian Railway, a copy of the Honourable Member's question and of this reply for such action as he may consider necessary.

MARTIAL LAW IN THE NORTH WEST FRONTIER PROVINCE.

555. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to give reasons for introducing martial law in the North West Frontier Province?

(b) What are the reasons for introducing new safety Regulations in the North West Frontier Province? When will Government withdraw them?

Mr. J. G. Acheson: (a) I would invite the attention of the Honourable Member to the statement issued by His Excellency the Governor General and published in the Gazette, Extraordinary, dated the 15th of August, 1930.

(b) The incursions of bands of armed tribesmen into the Peshawar District in June and again in August last, established clearly the necessity of powers under which the Chief Commissioner could take emergency measures for purposes of defence. Such measures would obviously often involve interference with private property. The North West Frontier Province Safety Regulation confers the requisite powers in this respect, under which immediate action can be taken, where necessary, in regard to property. It especially safeguards the interests of right holders by the provision that compensation shall be awarded in accordance with the provisions of the Land Acquisition Act.

TREATMENT OF PATHANS INTERNED IN THE MULTAN JAIL.

556. ***Dr. Ziauddin Ahmad:** (a) Has the attention of Government been drawn to the statement published in the *Tribune* of the 30th January, 1931, by Lala Dunnichand of Ambala, who has just been released, about the treatment accorded to the North West Frontier Pathans interned in Multan Jail? Have Government made enquiries about it?

(b) What compensations have Government decided to give for the destruction of properties and loss of life under martial law?

(c) Will Government be pleased to give the names of political prisoners released after the 23rd January, 1931?

(d) Why did not Government release Khan Abdul Ghaffar Khan of the North West Frontier Province?

(e) Did he commit any act of violence?

(f) Did he ever advocate civil disobedience? If the answer be in the affirmative, will Government be pleased to give quotations of his speeches?

Mr. J. G. Acheson: (a) Yes, Sir. The statement does not actually reflect upon the treatment of the prisoners in question in jail, and Government have not thought it necessary to make enquiries regarding it.

(b) Over Rs. 7,000 has already been paid as compensation for damage to property, and recommendations amounting to about Rs. 37,000 are under consideration. Of this sum over Rs. 27,000 is for the acquisition of land for the construction of roads. There has been no loss of life or injury to persons under the operation of martial law. Full compensation has been paid to all innocent persons accidentally injured in the course of defence measures previously taken.

(c) and (d). A statement giving the names is laid on the table. Releases were restricted to persons who were members of the Working Committee of the All-India Congress on the date of His Excellency the Viceroy's announcement of the 25th January, or who had acted as such since the 1st of January, 1930. Abdul Ghaffar Khan was not released because he did not come within this category.

(e) No act of violence has been reported.

(f) Yes, Sir. Extracts of reports of some of Abdul Ghaffar Khan's speeches are being forwarded to the Honourable Member.

STATEMENT.

List of persons released from jail in pursuance of the announcement made by His Excellency the Viceroy on the 26th January, 1931.

1. M. K. Gandhi.
2. Jawahir Lal Nehru.
3. Jamnalal Bajaj.
4. Shivaprasad Gupta.
5. Abul Kalam Azad.
6. Jairamdas Daulatram.
7. Sardar Sardul Singh Cavisher.
8. Rajagopalachari.
9. Vallabhbhai J. Patel.
10. J. M. Sen Gupta,
11. Patabhi Sitaramyya.
12. Satyapal.
13. Mangal Singh.
14. Lala Duni Chand.
15. M. A. Ansari.
16. Mathurdas Tricunji.
17. Mufti Kifayatullah.
18. Syed Abdulla Brelvi.
19. Govind Kant Malaviya.

20. Atzal Haq.
21. Mrs. Sarojini Naidu.
22. Raja Rao.
23. Dr. N. S. Hardikar.
24. Mahadeo Desai.
25. Pyarrelal Vandravudas.
26. Babu Sunder Lal.
27. Babu Mohanlal Saxena.
28. Mrs. J. M. Sen Gupta.
29. M. Krishna Rao.

IMPROVEMENT OF THE CONDITIONS OF INDIAN LABOUR ON RAILWAYS.

557. ***Dr. Ziauddin Ahmad:** What action have Government taken to give relief to the Indian, as distinguished from Anglo-Indian, employees in (i) education, (ii) medical aid, (iii) improving the housing conditions, since the appointment of a special Member on the Railway Board?

Mr. A. A. L. Parsons: A Memorandum showing the measures taken by the Government to eliminate racial discrimination on railways is under preparation and will shortly be placed in the Library of the House. It will show the action taken by Government in the matters referred to by the Honourable Member. I may add that it is intended to send a copy of that Memorandum to every Member of the House.

CONSTRUCTION OF A CENTRAL STATION FOR THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY AT BOMBAY.

558. ***Dr. Ziauddin Ahmad:** (a) How much money have Government spent on the central station of the B., B. & C. I. Railway, at Bombay?

(b) Was it not possible to utilise the Central Station of the G. I. P. Railway called Victoria Terminus for the Traffic of B., B. & C. I. Railway?

(c) Did the G. I. P. Railway make an offer to Government?

(d) If so, why was the offer not accepted?

(e) Will Government please lay on the table all the papers connected with the purchase of land for this station?

Mr. A. A. L. Parsons: (a) The completion estimate has not yet been submitted, but the anticipated cost is 141 lakhs.

(b) It would probably have been possible to provide, with a certain amount of expenditure, for the existing long-distance traffic of the Bombay, Baroda and Central India Railway at Victoria Terminus, but the independent officer who was appointed to enquire into the whole question of the terminal facilities in Bombay advised that there was little to be gained financially from a joint terminus.

(c) and (d). No, the Great Indian Peninsula Railway is a State-owned and managed railway and could not make an offer to Government.

(e) I am not sure what papers the Honourable Member wishes to see; there are none in the Railway Board's Office.

Dr. Ziauddin Ahmad: I mean the correspondence about the purchase of land for the building of the station?

Mr. A. A. L. Parsons: Perhaps the Honourable Member will speak to me afterwards. I do not know between whom this correspondence took place. There is none in the Railway Board's Office.

GRIEVANCES OF MUSSALMAN RAILWAY EMPLOYEES IN THE PUNJAB.

559. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to publish the report of the inquiries recently made on the representation of the Mussalmans of the Punjab?

(b) If the answer to part (a) be in the negative, will the Honourable Member in charge of Railways read these reports himself? Will he show these reports to such members of the Assembly who desire to read these reports?

(c) Will the Honourable the Commerce Member redress the grievances, if he is satisfied with the correctness of the report?

Mr. A. A. L. Parsons: (a) The Memorandum drawn up by the officer who made certain enquiries on the North Western Railway is not in a form convenient for publication.

(b) The Memorandum has been seen by the Honourable Sir George Rainy, and I shall be pleased to show it at the Railway Board's Office to any Honourable Member who wishes to see it.

(c) Government will certainly take steps to remove any real grievances.

LAND REVENUE, WATER RATES AND LOCAL RATES IN THE NORTH WEST FRONTIER PROVINCE.

560. ***Dr. Ziauddin Ahmad:** (a) Is it not a fact that Government, in reply to my starred question No. 155 at the Simla Session, 1930, said that the land revenue, water rates and local rates in the North West Frontier Province, will not be, on the whole, higher than those obtaining in the Punjab and that the re-assessment proposals of the Peshawar district will be re-examined in the light of the Punjab Land Revenue (Amendment) Act?

(b) Is it a fact that, in the neighbouring districts of the Punjab, remission is allowed from 1921?

(c) Have Government allowed remissions in the whole district of Peshawar or only in certain sub-divisions?

(d) Why are the remissions not allowed in the whole district?

(e) From what date are the remissions allowed? Do Government propose to allow these remissions in Peshawar from the date of remissions in the neighbouring districts of the Punjab?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) Yes.

(b) No. Assessments at reduced rates became payable in each of the seven districts affected as from the harvest following the date when the revision of the sanctioned assessment was completed.

(c) and (d). Remissions were sanctioned only in those Circles of the Peshawar District, seven in number, in which the enhancement of revenue exceeded the maximum permitted under the Punjab Land Revenue (Amendment) Act, or in which they were justified on special grounds. Revision

has taken place on the same principles and in the same way as in the Punjab.

(e) Reduced assessments came into force as from last *Khariif*. Revised assessments did not in the Punjab all necessarily come into force on any one date. The harvest from which reduced assessments became payable varied for each district according to the date on which the revision of the previous assessment was completed and sanction of Government to the revised proposals obtained.

TICKETS ISSUED FOR THE INAUGURAL CEREMONIES OF NEW DELHI.

561. ***Mr. M. Maswood Ahmad**: (1) Will Government please state:

- (a) the total number of tickets issued for the Inauguration Ceremonies, New Delhi;
- (b) the number of tickets issued to persons in the service of the Government of India and their relations and friends;
- (c) the number of tickets issued to Members of the Legislative Assembly and their relations and friends;
- (d) the total number of special parking tickets issued for parking cars;
- (e) the number of special parking tickets issued to Members of the Legislative Assembly; and
- (f) the order of precedence in allotting the seats to the Members of the Central Legislature?

(2) Will Government also state the comparative figures in connection with the functions arranged on the occasion of the visit of H. R. H. the Prince of Wales?

(3) Is it not a fact that on that occasion Members of the Legislative Assembly were given seats in the special enclosures and were admitted to the Fort by the same entrance as that for Princes and special personages?

Mr. J. A. Shillidy: The information is being collected and will be furnished to the Honourable Member in due course.

Khan Bahadur Haji Wajihuddin: Are Government aware that Members of this House were asked to furnish a list of their relatives and friends anxious to join these functions, and is it also a fact that tickets were issued to some and no reply given to many of them, and if so, on what principle was this distinction allowed to be made?

Mr. J. A. Shillidy: I would like to have notice of that question. It is quite correct that Members were asked to give lists of their friends, but I would like to point out that these lists came in in supplementary lists and it was not always possible to comply with the requests which came in in the third and fourth supplementary lists. I will look into the matter as far as I can, and I can only say that as a Member of this House I am as jealous of the privileges of the Members of this House as any other Member.

Mr. K. Ahmed: In view of the fact that about 25 per cent. of the seats were vacant, may I ask the Honourable Member to revise his answer?

Mr. J. A. Shillidy: In view of the fact that the Honourable Member's information is inaccurate, that 25 per cent. of the seats were not vacant, and that some people did not attend, although tickets had been issued to them, I do not know whether any reply is necessary.

Mr. K. Ahmed: I said about 25 per cent.

Mr. Muhammad Yamin Khan: Does not the Honourable Member think it is an insult to a man to ask him to furnish a list of his friends and relatives and when the list is furnished, not to send any tickets or send any reply.

Mr. J. A. Shillidy: I do not think so, Sir. Certainly it was not intended to be an insult and I should be sorry to think that it should be taken in that way. What I understand the position to be is this. Members were asked to send in a list. There were many people applying. We had been getting as many as a hundred applications a day for weeks on end. We kept a certain number of seats available for Members of the Assembly and the Council of State. One of the very first things I did when I heard that seating arrangements were in progress was to issue orders that on no account must the claims of Members of this House and of the Council of State be overlooked, and that in addition the seats which they would be given should be good both to see and hear from. It is possible that in some individual instances we may have slipped up, as there were many tickets to be issued, and if Honourable Members will give me those instances I will do my best in the matter. What I wish to point out is that we took very great care to try and meet the demands both of this House and of the Council of State.

Mr. Muhammad Yamin Khan: Did the Honourable Member ever try to look at the persons who were present inside the Fort as guests of the Governor General in Council? If he had seen the persons who were present, he would have known what distinction was made, to whom these tickets were issued and how they were refused to the friends and relatives of Members of this House.

Mr. J. A. Shillidy: I saw the people who were in the Fort. It was our intention that it should be a public fete.

Maulvi Muhammad Yakub: Question.

Mr. J. A. Shillidy: There is no question at all about it. It was our intention to make it as popular as possible. I gather from the Honourable Member that he thinks it was a little too popular.

Mr. K. Ahmed: Is it not a fact that the Honourable Member himself went from room to room, asking Members of the Assembly and those he knew. Will he say honestly that he attended only to one section and not to the others, if his answer is at all true?

Mr. J. A. Shillidy: I have not the slightest idea as to what the Honourable Member is referring to. Will he repeat his question?

Mr. K. Ahmed: Did not the Honourable Member, Mr. Shillidy, go from place to place within the Delhi Fort, speaking to Members of the Assembly and others whom he knew there and telling them to go from this room to the other, because he had not got a red ticket or a white ticket?

Mr. J. A. Shillidy: There was one building which was reserved for the people to whom tickets in the gold letters were issued. I cannot remember who they were, but there were several people who were
12 Noon. under the impression that anybody might go to this place. I went along and I saw several people, not merely Members of the Assembly, but other people who had come up, and I said that the place was not open to everybody. I pointed out that it was only for people with tickets with gold letters, and I asked them if they would mind moving to other places along the promenade from where they could see everything.

Mr. Muhammad Yamin Khan: In view of the feeling of Members on this question, would the Honourable Member be ready to have a small committee of Members to go through the matter of the tickets which had been issued?

Mr. J. A. Shillidy: Will the Honourable Member move the Finance Department to give me some lakhs for another function of this nature.

Mr. Muhammad Yamin Khan: That is not my intention. I suggest a committee of the House which will only look, along with the Honourable Member, into the tickets which were issued to the people in the Fort in order to find out whether they were all desirable people, or whether there was any kind of favouritism and so forth?

Mr. J. A. Shillidy: Sir, we did our very best, as I said, and I do not think that on the whole we made many mistakes. I dare say we may have made some mistakes and I shall be glad to look into them.

SHORT NOTICE QUESTION AND ANSWER.

PERSONS CONVICTED IN THE LAHORE CONSPIRACY CASE.

Mr. B. R. Puri: Will Government be pleased to state:

- (a) whether their attention has been drawn to Reuter's telegram, dated London, February the 11th, published in the *Hindustan Times* of the 14th February, 1931, relating to the Privy Council's refusing leave to appeal to the twelve accused persons sentenced by the Lahore Conspiracy Case Tribunal on the 7th October, 1930;
- (b) whether they are aware that the convictions have taken place under the Ordinance which set up the Tribunal;
- (c) whether it is not a fact that steps are being taken to create an atmosphere of goodwill;
- (d) whether they will be withdrawing the Ordinances, if the said atmosphere is created;
- (e) whether they are prepared to consider the advisability of commuting the said sentences under the circumstances; and
- (f) if they propose to consider the advisability of taking steps to delay the execution of Shiv Ram, Bhagat Singh, Raj Guru and Sukhdev?

The Honourable Sir James Crerar: (a) and (b). Yes.

(c) and (d). I would refer the Honourable Member to the speech made by the Honourable the Leader of the House on the 5th February in the debate on the Resolution moved by Mr. Sadiq Hasan.

(e) and (f). I can only say that Government will examine on their intrinsic merits any petitions for mercy which the rules permit and which the convicted persons may present.

Mr. K. Ahmed: Are Government aware that certain lawyers—advocates and barristers—wrote a letter or caused letters to have been written to the Home Secretary, Inspector General of Prisons and the Superintendent of the jail concerned whoever were there not to hang those persons, because the Ordinance concerned had not given satisfaction in law so as to establish that these persons in charge had got any justification in proceeding to hang any person; and since this Tribunal is not in existence, are Government aware that there is no one to accord proper sanction to carry out the order of execution?

The Honourable Sir James Crerar: Sir, I have seen the Press reports to which I think the Honourable Member refers, but the statement that the warrants had not been signed by the Court is not, according to my information, correct.

Mr. K. Ahmed: Do Government propose, under the circumstances, to take steps to put a stop to or delay the completion of the executions, or do they propose, in view of the fact which they have admitted implicitly that there is a certain flaw (*An Honourable Member from Official Benches:* "There is nothing.") Inasmuch as the Tribunal has not given that order and moreover it is not in existence, do Government propose now, for their own safety (*Laughter*), also inasmuch as there are people who are not expert either in law or in experience to carry out the Ordinance, and also inasmuch as the jurists and lawyers have taken exception and Government have not yet been able to satisfy them

Mr. R. S. Sarma: The Honourable Member is making a speech on a question?

Mr. K. Ahmed: It is not the Bengalee newspaper of Calcutta which nobody reads. I have got to satisfy myself that I get an accurate answer to this question.

The Honourable Sir James Crerar: As has already been pointed out, Sir, the Honourable Member's hypothesis, or what I understand to be his hypothesis, is incorrect. Therefore, his question does not arise.

Mr. K. Ahmed: Is it not a fact, Sir, since the Honourable the Home Member has admitted that he has seen an article in the newspapers mentioning that certain lawyers have taken exception and have sent a memorial to the Government officers that the executions cannot be carried out, and that they will be held responsible if they do carry out the executions without justification

Mr. President: Order, order. The Honourable Member ought to know that on this occasion supplementary questions arising out of the reply given are put. Will the Honourable Member ask supplementary questions directly? It is no use going into elaborate explanations.

Mr. K. Ahmed: I submit, Sir, that in view of the fact that the Honourable the Home Member has admitted that he has seen in the newspapers that certain lawyers have taken exception and have challenged the Government that there is no justification for the course contemplated and in view of the fact that the Tribunal is not in existence and so no power can be given for the executions, and that the people who will execute the persons concerned will be held responsible, do Government, for their own safety, propose to take steps to see that the carrying out of the order for executions be delayed?

Mr. Gaya Prasad Singh: May I know, Sir, what is the date fixed for the execution of these prisoners?

The Honourable Sir James Crerar: I cannot add anything to the reply which I have already made to the main question.

Mr. K. Ahmed: Will the Honourable the Home Member kindly consult the Law Member, and if he is not present or in a position to give his opinion, will he consult for us either the Attorney General in England or the Solicitor General or any other lawyers who can help the Government, and in the meantime delay the executions, because the justification for executing these people has been challenged and the Home Member has taken notice of it?

Mr. Gaya Prasad Singh: May I know if it is the intention of Government to order the postponement of the executions in view of the numerous petitions which have been sent to the Government on the subject?

The Honourable Sir James Crerar: I regret I cannot add anything to the reply which I have already given.

UNSTARRED QUESTIONS AND ANSWERS.

NUMBER OF PASSENGERS TRAVELLING ON THE PATNA-GAYA BRANCH OF THE EAST INDIAN RAILWAY.

198. **Mr. M. Maswood Ahmad:** (a) What was the total number of passengers travelling on the Patna-Gaya branch of the East Indian Railway in the different classes in 1929-30?

(b) What was the total number of passengers travelling in the different classes who started their journey from the different stations on the Patna-Gaya branch, East Indian Railway, in 1929-30?

(c) What was the total number of passengers, who finished their journey at the different stations on the Patna-Gaya branch, East Indian Railway, in 1929-30, travelling in the different classes?

Mr. A. A. L. Parsons: I am sending the Honourable Member a statement giving this information.

NOMINATIONS TO THE DEOLALI CANTONMENT BOARD.

199. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that among the members recently nominated to the Cantonment Board, Deolali, one is a clergyman and the other is an employee of the Military Estates Officer?

(b) If so, will Government be pleased to state the reasons which led to the nomination of the clergyman? Was the Christian community of the Cantonment already represented on the Board by election?

(c) What interests of the Cantonment did the other nominated member, the employee of the Military Estates Officer, represent?

(d) Is it a fact that the local Association protested against the nomination? If so, what was the result of their protest?

(e) Do Government propose to re-consider the nominations in the light of the objections raised by the people?

Mr. G. M. Young: (a) I am informed that all the four nominated members of the Deolali Cantonment Board are military officers.

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

(d) Government have no information, but they understand that no objections were received over the nominations referred to in (a).

(e) Does not arise.

DISCHARGE OF CANTONMENT FUND EMPLOYEES AT AMBALA.

200. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that during the last three months notices of discharge have been given to three Cantonment Fund employees of Ambala Cantonment, *viz.*, the Stenotypist, the Octroi Superintendent and the Cantonment Engineer?

(b) Are Government aware that in all the three cases the decisions taken are majority decisions in which the official members have figured prominently?

(c) Was it pointed out to the majority that voted for the discharge of the above employees that these decisions run counter to the Government of India, Army Department Circular No. 2512-A. D.-4, dated the 12th September, 1929?

(d) Will Government state specifically the circumstances in which the discharge has been ordered in each of the above cases?

(e) Is it a fact that as a result of the inquiry into certain charges of negligence brought against the Cantonment Engineer, he was acquitted of most of them and in one case the Enquiry Committee recommended the stopping of his increment for one year?

(f) Are Government aware that the present Cantonment Engineer was appointed some three years ago, is a qualified Roorkee Overseer, was selected out of about 300 applicants and his appointment was due to the Cantonment Board reducing the salary of the Cantonment Engineer's post from Rs. 400 to Rs. 200?

(g) Is it a fact that he is being discharged now as the Cantonment Board again desires to increase the salary of the post to Rs. 400 *per mensem*?

(h) Are Government aware that the practice of revising the salaries of posts at times other than the Budget time has created a strong sense of insecurity among the Cantonment Fund employees of Ambala?

(i) Do Government propose to direct that questions about the establishment be not considered except at the Budget time and that Cantonment Fund employees be not discharged except when their post is actually reduced and there is no other post on which the persons so reduced can be appointed?

Mr. G. M. Young: I am making enquiries and will let the Honourable Member know the result.

DISMISSAL OF CANTONMENT FUND EMPLOYEES AT QUETTA.

201. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that the Executive Officer of Quetta is also the Adviser of the Western Command, in matters of cantonment administration?

(b) Are Government aware that in a number of cases the Command is the final appellate authority under the Cantonments Act of 1924, to hear against the decisions of the Cantonment Authority of Quetta?

(c) Is it a fact that the General Officer Commanding-in-Chief takes advice from the Executive Officer of Quetta in the disposal of such appeals?

(d) Are Government aware that the people of Quetta do not consider such an arrangement conducive to the ends of justice?

(e) Will Government be pleased to state how many Cantonment Fund employees have been discharged from Quetta Cantonment since 1924?

(f) Did they appeal to the Western Command against their discharge? What was the result of their appeals? Was the Executive Officer, Quetta, consulted in the disposal of those appeals?

(g) Has the All-India Cantonments Association represented to Government the undesirability of the Executive Officer, Quetta, acting as the Adviser of the Western Command, especially in the matter of appeals against the decisions of the Cantonment Authority of Quetta?

(h) Have Government taken any action on this representation? If so, what? If not, how do Government propose to allay public fears of the miscarriage of justice owing to such an arrangement?

Mr. G. M. Young: (a) and (b). Yes.

(c) Yes. The Executive Officer of the Quetta Cantonment acts also as the adviser to the General Officer Commanding-in-Chief, Western Command, in cantonment matters.

(d) The answer is in the negative.

(e) and (f). Government have no information.

(g) Yes.

(h) The Association, in their complaint on the subject, stated that specific instances had been brought to their notice of the undesirability of this combination of functions. The Association were asked to inform the Government of India of the specific instances referred to: but did not produce any. The system was introduced for administrative convenience, and in order to avoid the expense of a whole-time Inspecting Officer for a relatively small charge. It has worked well for some years, and as no specific instances of the kind referred to by the Association are forthcoming, the Government of India do not propose to take any action in the matter. The Association were informed accordingly.

EMPLOYMENT OF ASSISTANTS AND CLERKS IN THE SECRETARIAT AS CENSUS ENUMERATORS.

202. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that the assistants and clerks in the Secretariat and its attached offices are appointed census enumerators?

(b) Will Government be pleased to state whether these assistants and clerks are relieved from their official duties to do the census work; if so, what arrangements are made for the disposal of their official work?

(c) If the reply to part (b) be in the negative, will Government be pleased to state at what time these men are supposed to perform the enumerators' duty?

(d) If after or before office hours, will Government please state whether they will be granted any conveyance for their journey, and any remuneration for their additional duty; if so, what amount; if not, why not?

(e) Are these men required to do census duty compulsorily, only because they are in Government service? If not, what are the reasons?

(f) Are Muhammadans (those who are observing fast on account of 'Ramzan Sharif') required to perform the census duty in addition to their own pressing official duty?

The Honourable Sir James Crerar: (a) to (f). In accordance with the principle that all Government servants are bound to assist in the taking of the census, a proportion of the ministerial staff of the Secretariat and attached offices are appointed as unpaid census enumerators. The work is done outside office hours and is so distributed that the necessity for conveyance allowances does not arise. Pressure of official work and personal disabilities such as fasting on account of Ramzan are taken into account before these appointments are made.

MINISTERIAL APPOINTMENTS IN THE NORTH WEST FRONTIER PROVINCE.

203. **Khan Bahadur Haji Wajihuddin:** (a) Are Government aware:

- (i) that recruitment of persons belonging to other provinces has been allowed indiscriminately in the ministerial establishment in the North West Frontier Province for a considerable number of years? Did the Honourable Sir John Maffey, former Chief Commissioner of the province, issue orders enjoining the discontinuance of the system in vogue at the time; and
- (ii) that almost all the higher appointments in all the offices in the Province as Head Clerks, Readers, Clerks of the Courts, Superintendents, Head Assistants, and Registrars are held at present by the Punjabi and local non-Muslims and that these persons have monopolized them, and do not allow senior deserving Muslims to succeed them on various grounds, namely, "undefined and ambiguous charge of inefficiency", "suffering of work caused by charges allowed for short periods", etc., and that there have been numerous such cases lately in the province?

(b) If the replies to the above questions be in the affirmative, do Government propose to confine the future recruitment of members of the ministerial establishment to qualified persons belonging to the province only, and allow the replacement of non-Muslims when vacancies occur in future by deserving senior Muslims already in the service?

Mr. J. G. Acheson: The information is being obtained and will be supplied to the Honourable Member when received.

APPOINTMENT OF MUSLIMS TO GOVERNMENT POSTS IN THE NORTH WEST FRONTIER PROVINCE.

204. **Khan Bahadur Haji Wajihuddin:** (a) With reference to the reply given by Government to questions Nos. 453 and 454, asked on the 12th September, 1929, by Mr. Muhammad Ismail Khan, Member, Legislative Assembly, will Government be pleased to state if it is a fact that:

- (i) Muslims in the North West Frontier Province form 95 per cent. of the population;
- (ii) Sir Norman Bolton, former Chief Commissioner, of the North West Frontier Province, authorized Mr. Burdon, Auditor General in India, to allow 40 per cent. non-Muslims to be transferred from the Office of the Accountant General, Punjab, to the newly established Office of the Civil Pay and Accounts in the North West Frontier Province;
- (iii) A few years ago the Local Government sanctioned 33 per cent. recruitment of non-Muslims in the Police Department of Kohat District;
- (iv) the Honourable the Chief Commissioner authorized 60 per cent. qualified Muslims of the Province to be recruited for the office mentioned in part (ii);
- (v) the Honourable the Chief Commissioner authorized the recruitment of 60 per cent. qualified Muslims in the Irrigation Department of the province;
- (vi) in reply to question No. 453 the Honourable the Chief Commissioner informed the Government as follows:

“(1) No precise proportion has been fixed, but every consideration is being paid to the claims of increasingly large number of educated Muslims now available;

(2) There has been no marked departure”?

(b) If replies to the above questions are in the affirmative, will Government be pleased to state:

- (i) on what consideration was the proportion of communal representation mentioned in items (i) to (v) in part (a) above fixed;
- (ii) why were the proportions quoted above authorized to be acted upon in certain particular Departments when no precise proportion was fixed as stated in item (vi) of part (a); and
- (iii) the special reasons which necessitated the non-determination of the proportion in question?

Mr. J. G. Acheson: The information is being obtained and will be supplied to the Honourable Member when received.

APPOINTMENT OF MUSLIMS AS ASSISTANT PAY AND ACCOUNTS OFFICERS IN THE NORTH WEST FRONTIER PROVINCE.

205. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state the total number of appointments of Assistant Pay and Accounts Officers in India and the number of appointments held by the Muslims?

(b) Will Government be pleased to state if it is a fact that a second appointment of Assistant Pay and Accounts Officer has lately been sanctioned for the North West Frontier Province? If so, do Government propose to consider the desirability of appointing a Muslim for that province?

The Honourable Sir George Schuster: (a) The total number of appointments of Assistant Pay and Accounts Officers in India is seven, of which one is held by a Muslim.

(b) The reply to the first part is in the affirmative. The post is included in the number mentioned above.

One of the posts of Assistant Pay and Accounts Officers in Peshawar is held by a Muslim. Appointments to these posts are made by promotion of selected accountants based on seniority and merit. Communal considerations do not govern such departmental promotions.

PUSHTO TEXT BOOKS FOR MILITARY OFFICERS.

206. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state if it is a fact that certain Pushto books lately published have been admitted by the Army Headquarters as text books for the Preliminary and Interpreters' examinations for British military officers in the North West Frontier Province?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state if the usual procedure of first referring the books to and obtaining the opinion of the members of the Pushto Text Book Committee, if any, was observed, as is being done in the Education Department in India before they are admitted as text books?

(c) If there is no such Committee, do Government propose to appoint a Committee of recognised Pushto scholars, examiners and authors to submit to Government a report as regards the literature being worthy of admission as text books?

Mr. G. M. Young: (a) Yes.

(b) The usual procedure was adopted. The books were referred to a number of the best Pushto scholars, who unanimously approved them. There is no formally constituted Pushto Text Book Committee.

(c) The answer is in the negative.

APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

207. **Khan Bahadur Haji Wajihuddin:** With reference to the reply given by Sir George Schuster on behalf of Government to question No. 850 asked by Sayed Maulvi Murtuza Sahib Bahadur in the Legislative Assembly on the 28th March, 1930 (regarding the number of appointments held by Muslims in the Military Accounts Department), will Government be pleased to state the action taken by the Department to improve the position of Muslims in the Department throughout India?

The Honourable Sir George Schuster: The Honourable Member is referred to the answer given in this House on the 22nd March, 1929, to part (b) of starred question No. 1182, asked by Mr. Muhammad Ismail Khan, which states the system followed in the matter of recruitment to the Military

Accounts Department. No special measures other than those outlined in that answer have been adopted to increase the number of Muslims in that Department.

APPOINTMENT OF MUSLIMS TO THE MILITARY ACCOUNTS DEPARTMENT.

208. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state whether it is a fact that:

- (i) few years back temporary clerks used to be entertained by direct recruitment by the Controllers of Military Accounts;
- (ii) the clerks in charge of (General) Establishment Section were all non-Muslims and that equal opportunities were not afforded to qualified and well educated Muslims while making direct appointments of clerks and Accountants without any competitive examination (a system which prevailed up to 1924 or so);
- (iii) out of 234 vacancies of temporary clerks in the Department during a period from 1st January, 1928, to 31st March, 1930, only 39 posts, i.e., a percentage of 16 was allowed to be filled by Muslims;
- (iv) in 1922 about 40 direct probationers were recruited without any competitive examination for appointment as Accountants and that almost all of them were non-Muslims;
- (v) a number of qualified temporary Muslim clerks serving in the Department are still awaiting confirmation and that other Muslim clerks who have already passed the Subordinate Accounts Service examination have not yet been appointed as accountants;
- (vi) the orders of Government to allow every third vacancy to be reserved for members of minority community have not so far been effectively applied to filling up appointments of permanent clerks, Accountants and D. A. C. M. As.;
- (vii) in 1930 the Muslims of higher educational qualification were specially appointed probationary Accountants in the office of the Pay and Accounts Officer, North West Frontier Province, Peshawar, under the orders of the Secretary to the Government of India, Finance Department, with the view to redressing the communal inequalities in that office; and
- (viii) the Muslim recruitment has been stopped in the office of the Commissioner, Northern India Salt Revenue, till other communities have gained their own share?

(b) If replies to items (i) to (viii) of part (a) are in the affirmative, will Government be pleased to state:

- (i) why the declared policy of Government has not so far been applied to grades referred to in item (vi) of part (a);
- (ii) if there are any reasons why the recruitment in the Department should not in future be regulated to avoid a monopoly of services by one community; and
- (iii) what action they propose to take to ensure the adequate representation of the Muslims in the Department for appointments in all grades in future?

The Honourable Sir George Schuster: (a) (i). The answer is in the affirmative.

(ii) If the Honourable Member requires information in regard to the number of Muslims in charge of General (Establishment) Sections of Controllers' offices during a particular period and will indicate the period, the statistics will be collected and furnished to him.

(iii) The total number of vacancies filled during the period 1st January, 1928, to 31st March, 1930, was 243. 48 vacancies were offered to Muslims, 39 of whom were actually appointed. The remainder failed to accept the offers.

(iv) If the Honourable Member refers to the direct appointment of non-Government servants as probationary Accountants, the answer is in the negative. If, however, he refers to the appointment as Accountants on probation of 10 clerks of the office of the late Controller of War Accounts, of 12 Divisional Accountants employed on Military Works Accounts, of 21 sub. *pro tem.* Accountants of the Military Accounts Department, and one Special Deputy Examiner of the Military Accounts Department, the answer is in the affirmative. Three out of the above were Muslims.

(v) The answer is in the affirmative.

(vi) The orders of Government apply only to first recruitment and not to departmental promotions. In the Military Accounts Department direct recruitment is at present made only to the grade of clerks. Some time must, under this system, necessarily elapse before the orders can become fully effective in respect of the proportion of appointments in the higher grades held by members of minority communities.

(vii) As there were no natives of the Frontier Province on the non-gazetted supervising staff of the Pay and Accounts Office, Peshawar, which was started in 1929, two young Muslims possessing high educational qualifications have recently been selected as probationers and posted for training in the office of the Accountant General, Punjab, with a view to their being ultimately appointed, in accordance with standing orders, as Assistant Superintendents and Superintendents in the Pay and Accounts Office and the Audit Office attached thereto.

(viii) No.

(b) (i), (ii) and (iii). The explanation which I have given in answer to (a) (vi) disposes of the points raised in this part of the question.

SUPERVISION OF PUBLIC SERVICE COMMISSION EXAMINATIONS.

209. **Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state how the different examinations are conducted by the Public Service Commission?

(b) Who are as a rule appointed as supervisors and invigilators?

(c) Is it not a fact that Principals or Headmasters of local institutions were appointed supervisors when Mr. Wise, I.C.S., was the Secretary of the Public Service Commission?

(d) Will Government be pleased to give the names and official designation, etc., of the Supervisors appointed since Mr. Dix took over the Secretaryship of the Public Service Commission?

(e) Is it not a fact that senior assistants from the Government of India offices were appointed invigilators up till the time Mr. Wise was Secretary?

(f) Is it not a fact that temporary clerks, junior clerks, shopkeepers, pensioners and outsiders have been appointed as invigilators from some time past?

(g) Will Government be pleased to give the names with full particulars of the invigilators who conducted the different examinations of the Public Service Commission for the past two years?

(h) Is it a fact that there is not a single Bengali on the list of the invigilators?

(i) Is it also a fact that the Secretary of the Public Service Commission has entirely left the appointment and selection of supervisors and invigilators in the hands of the Superintendent of the Office?

The Honourable Sir James Crerar: (a) The examinations are conducted in accordance with a scheme of organisation drawn up by the Public Service Commission.

(b) Suitable persons are appointed as supervisors and invigilators from lists maintained by the Commission for the purpose.

(c), (e) and (f). I understand that no change has been made in the field of selection and the lists have remained substantially the same.

(d) and (g). No public interest would be served by the publication of these lists.

(h) No. I understand several Bengalees have been employed.

(i) No.

COMPLAINTS AGAINST THE SUPERINTENDENT OF THE OFFICE OF THE PUBLIC SERVICE COMMISSION.

210. **Khan Bahadur Haji Wajihuddin:** (a) Have Government received any complaints that the Superintendent of the Office of the Public Service Commission is in the habit of abusing his assistants and clerks and has on occasions abused the invigilators and candidates?

(b) What is the status and grade of the Superintendent of the office of the Public Service Commission?

(c) What is the total permanent strength of the office of the Public Service Commission and how many of them are Hindus, Muslims, Sikhs and others?

(d) How many temporary clerks have been employed in the Public Service Commission office for the past two years from time to time? Please state their names and qualification?

(e) What is the number of the temporary men employed at present and what are their names and qualifications?

The Honourable Sir James Crerar: (a) No.

(b) The post is a non-gazetted ministerial post carrying a pay of Rs. 500—40—700.

(c) 23, 12 are Hindus, 4 Muslims and 3 Europeans and Anglo-Indians, one is a Sikh. Three posts are vacant at present.

(d) and (e). I understand that 28 temporary men have been employed during the past two years and that 15 are in temporary employment at present. I will see that the names and qualifications of these men are supplied to the Honourable Member.

COMMUNAL COMPOSITION OF POSTS IN CERTAIN RAILWAY SERVICES.

211. Khan Bahadur Haji Wajihuddin: (a) Will Government be pleased to lay on the table a statement showing the number of Muhammadans, Hindus and Christians employed in the railway service in telegraph, booking, parcel, goods offices and as ticket collectors at Aligarh, Muttra, Benares, Hardwar with the number of years each employee has worked at Aligarh?

(b) Is it a fact that Mr. Bhagwati Pershad, Assistant Station Master, Aligarh Junction, is a permanent resident of Aligarh?

(c) Is it a fact that he has served the Railway Department for about 20 years?

(d) How long has he been at Aligarh Junction and in what capacities has he worked there?

(e) Is it a fact that various complaints were made against Mr. Bhagwati Pershad and he was transferred from Aligarh but the transfer was cancelled?

(f) Will Government be pleased to give the reasons for the cancellation of the transfer?

Mr. A. A. L. Parsons: (a) Government regret that they are not prepared to collect this information.

(b) to (f). Government have no information, but a copy of these parts of the Honourable Member's question has been sent to the Agent of the East Indian Railway for any action he may find necessary.

MESSAGE FROM HIS EXCELLENCY THE VICEROY AND GOVERNOR GENERAL.

Mr. President: Order, order. I have received a Communication from His Excellency the Viceroy which I should like to read out to the House.

(The Message was received by the Assembly standing.)

"With reference to my Order, dated the 27th January, 1931, appointing Thursday, the 19th February, for the general discussion in the Legislative Assembly of the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of railways, I, Edward Frederick Lindley, Baron Irwin, hereby direct that the said general discussion shall take place either on Thursday, the 19th February, or on Friday, the 20th February, according as to which of these days is not a public holiday.

(Sd.) IRWIN,

Viceroy and Governor-General."

NEW DELHI;

The 16th February, 1931.

RAILWAY BUDGET FOR 1931-32.

The Honourable Sir George Rainy (Member for Commerce and Railways): I rise to present to the House the Railway Budget for 1931-32. No important changes have been made in the papers which Honourable Members will shortly have in their hands, but with the approval of the Standing Finance Committee for Railways, we have made some small alterations, more particularly in the arrangement of the capital programmes of the railways, which will, I hope, be found to be improvements. Their sole object is to present the Budget in a more understandable form without unduly enlarging the mass of papers which Honourable Members are called upon to read. These changes are described in the proceedings of the Standing Finance Committee for Railways of the 21st January last (Vol. VIII, No. 1). Perhaps the most important is the addition to the Pink Books containing the programmes of individual railways of a column showing commitments for future years if the programmes are accepted by the Assembly. We have also adopted in the presentation of this Budget two alterations arising out of suggestions made this year in the Public Accounts Committee. We have now brought together under Demand No. 14 all the expenditure from revenue relating to strategic lines, and we have also provided under the "Capital" and "Depreciation Fund" heads small allotments for emergent expenditure, such as that incurred on the repair of flood damages, which unfortunately we have to incur in most years but the exact nature of which, or the line on which it will be incurred cannot of course be foreseen. Further, we have accepted a suggestion which was made by my Honourable friend, Sir Hugh Cocke, last year that we should add to the Budget papers a statement showing the details of the gain or loss in working the State Railways for a period of five years. This will now be found as an appendix to the Railway Board's Memorandum.

I should like to acknowledge here the great assistance I have received in the preparation of the Budget from the Members of the Railway Board, first and foremost, of course, from Mr. Parsons, the Financial Commissioner, on whom the main burden lies, and after him the Chief Commissioner, Mr. Russell and the Staff Member of the Board, Mr. Hayman. As always, their help has been cordially and ungrudgingly given, and to me its value has been very great.

2. As there are many new Members in the House, I should like once again to make the request that, when notices of motions for reductions in the Demands are given, they should be accompanied by a brief indication of the questions which it is intended to raise. This has now become the usual practice, and I think that besides helping Government Members to supply the information needed for our discussions, it is generally recognised that it conduces to an orderly debate.

3. *Financial results of 1929-30.*—When the Budget, which I presented to the House last year, was prepared, our weekly earnings had shown an upward tendency and we expected to close the year 1929-30 with a gain from commercial lines of just over 7 crores. Though this sum would not have been sufficient to cover the whole of the loss on the strategic lines plus the contribution to general revenues, we hoped that it would be possible to pay the full contribution without drawing more than Rs. 86 lakhs from the Reserve. But the improvement was short-lived.

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and in February and March last the effect of the world wide trade depression began to be reflected in our traffic earnings, while earning power was further impaired by the serious strike which broke out on the Great Indian Peninsula Railway. As a result we failed to reach our revised estimate of 106½ crores by 1½ crores, and though our charges dropped by nearly half a crore, we had to withdraw over 2 crores from the Reserve.

4. *Revised estimate.*—Though the strike on the Great Indian Peninsula Railway ended in April, the trade depression has become more acute with the passage of the months, and the reflex effects of the civil disobedience movement have accentuated the decline in trade. We budgeted for total receipts from all sources of 109½ crores and total expenses, including interest and all other charges, of 103½ crores. We now expect that the total receipts will not exceed 96½ crores, a reduction of 12½ crores, while our total charges, though 1½ crores below the original estimate, are likely to amount to nearly 102 crores. As a result, we are faced with a loss of 5 crores 12 lakhs, in addition to which we have to find 5 crores 74 lakhs as a contribution to general revenues. It is, therefore, necessary for us to withdraw 10 crores 86 lakhs from the Reserve, instead of, as we hoped, adding 34 lakhs to it.

5. These figures can be presented in a slightly different form, which will perhaps make the position somewhat clearer. The surplus on the commercial lines, after providing for all charges except interest, is about 28 crores, whereas the interest debitable to the railways is a little over 31 crores. The deficit of nearly 11 crores therefore means this, that the earnings of the railways fell short of the amount necessary to provide for full interest charges by 3 crores, the loss on the strategic railways was 2½ crores and the contribution to general revenues 5½ crores. It has always been recognised that the loss on the strategic railways is a fair charge against general revenues rather than against the earnings of the commercial lines, and it is for this reason that, under the separation convention, the loss is deducted from the surplus on the commercial lines before arriving at the figure of the contribution payable. It was also recognised that we could not expect in bad years to be able to earn our full contribution to general revenues, and on this account the Reserve Fund was created out of the profits of the years of prosperity. In effect, therefore, the position is this, that looking at our commercial lines purely as a business proposition and ignoring for the moment the loss on strategic railways and the contribution, the loss on the commercial lines is only 3 crores. When the adverse circumstances of the current year are taken into account with the extreme depression in trade due to the fall in world prices and aggravated by all the circumstances connected with the civil disobedience movement, with which Members are well acquainted, unsatisfactory though the results are, I do not think they give ground for unmixed pessimism.

6. Before passing on to the Budget for the current year, I should like to explain that, if a comparison is made with the results of previous years, allowance must be made for a change in accounting procedure which increases the expenditure under the head "Interest" to the extent of about one crore. Hitherto the interest on the loans raised since 1917 has been calculated at the nominal rate of interest at which Government borrowed during the period. This year account has also been taken of the discount at which some of the loans have been floated, and the expenses

incurred in floating these loans. Unwelcome though the additional burden on the railways was, I felt that I could not contest the accuracy of the new method, since the cost at which Government borrows necessarily depends on the price at which the loans are issued.

7. Turning now to the details of our earnings and expenses, the total falling off, as compared with the actuals of 1929-30, is $8\frac{1}{2}$ crores, of which about 3 crores comes under passenger and other coaching traffic earnings and $5\frac{1}{2}$ crores under goods and other earnings. Given the conditions we have had to face, a falling off of this kind was inevitable. On the expenditure side, we expect a saving, as compared with 1929-30, of about a crore. This figure, however, does not do full justice to the efforts at economy which have been made, for the allocation to the Depreciation Fund has automatically risen by nearly half a crore while the amount deducted on account of worked lines accounts for a similar sum. On the expenditure side under the two main heads "Repairs and Maintenance" and "Operation", the reduction in gross working expenses amounts to about 235 lakhs. Of this sum, 84 lakhs is due to certain arrear adjustments with the Depreciation Fund, and the actual reduction of expenditure under these two heads is approximately $1\frac{1}{2}$ crores. As usually happens, in a bad year the revenue fell off much faster than the expenditure could be reduced, and it will be necessary to carry on a vigorous economy campaign during coming months. I have preferred to make the comparison of the revised figures with the actuals of 1929-30, as our Budget for the current year has proved to be somewhat wide of the mark.

Budget Estimate for 1931-32.

8. Our Budget for next year assumes total receipts from all sources of $102\frac{1}{2}$ crores and total charges of $101\frac{1}{4}$ crores, leaving us with a net gain from all lines of $1\frac{1}{4}$ crores. Our contribution to general revenues is 5 crores 36 lakhs, and to meet it we shall have to draw 4 crores 15 lakhs from the Reserve. Compared with the revised estimate, which shows a net loss of 512 lakhs, we expect an improvement of 6 crores 33 lakhs. Of this figure, 23 lakhs is expected to come from a reduction in the loss on strategic lines where we hope to get 12 lakhs more in receipts and reduce our expenditure by 13 lakhs, while the interest charges should not go up by more than 2 lakhs. Owing to the poor results of the current year, we shall have to pay away 40 lakhs less in surplus profits, and we hope by economical working to reduce our miscellaneous charges by 8 lakhs. The total of these three items—strategic lines, surplus profits and miscellaneous charges—is a betterment of 71 lakhs. Against this we shall have to pay 80 lakhs more in interest on commercial lines owing to the increase in the capital at charge, while owing to the depletion of our Reserve Fund balance we must expect to receive 16 lakhs less in interest on our balances. Our share next year of profits from subsidized companies and from branch lines in which we have invested, depends chiefly on the results of this year, and is likely to be down by 5 lakhs. Against the betterment of 71 lakhs, we have therefore to set a deterioration of 101 lakhs in the other items I have mentioned, which means that we have to cover a net deterioration of 30 lakhs, and in addition to obtain the additional 633 lakhs improvement mentioned, from the working results of commercial lines.

9. On the commercial lines we estimate the gross traffic receipts at $99\frac{1}{2}$ crores against $93\frac{1}{2}$ crores in our revised estimate, an improvement of about 6 crores. We anticipate an increase of about 2 crores from minor

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alterations in rates and fares, and for the rest, the estimate assumes that the latter part of next year will show some improvement in traffic. To make up the balance of 73 lakhs required if we are to obtain an improvement of 663 lakhs in the working results of the commercial lines, we have to look to a further reduction in working expenses. Actually, however, the reduction needed amounts to 194 lakhs, for the allocation to the Depreciation Fund goes up automatically by 37 lakhs, and the fortuitous credit of 84 lakhs to revenue from that fund in the current year will not be repeated. This reduction of Rs. 194 lakhs will have to be achieved notwithstanding the fact that we hope to handle more traffic in the cold weather of 1931-32 than we did this year, and notwithstanding the additional expenditure involved by the bringing into force of the hours of work conventions, the additional mileage to be opened and the recent increases in the wages of the lower-paid employees. The savings we anticipate fall under three heads:

- (i) Rs. 30 lakhs by reduction of establishments and contingent charges coming under the head of Administration;
- (ii) Rs. 157 lakhs by measures to reduce the cost of repairing and maintaining track and buildings and their equipment; and
- (iii) Rs. 2 lakhs only under Operation, where we have to provide 25 lakhs more for fuel. We are also expecting a larger payment by Rs. 5 lakhs from Companies and Indian States whose lines we work for them.

10. The figures I have given can again be presented in another form. We expect a surplus on the commercial lines of about $3\frac{1}{2}$ crores, which exceeds by $3\frac{1}{4}$ crores the interest debitable to the railways. Of the latter sum about 2 crores are required to meet the loss on the strategic railways, and there is a balance of $1\frac{1}{2}$ crores left towards the contribution. We have therefore to draw upon the reserves to the extent of 4 crores in order to pay the contribution. If this estimate proves to be correct, the railways will be perfectly solvent, but will be unable to earn more than a small part of what they are expected to contribute in relief of the general tax-payer.

11. At this point it may be natural to enquire whether there is a reasonable prospect of attaining these results. So far as the reduction in expenditure is concerned, I am confident that, with the good will of all concerned and the strenuous efforts to effect economy which I know are being made on all railways, we should be able to reduce our expenditure to the extent contemplated. On the revenue side, the issue is of course much more uncertain. At the best of times the forecast of the earnings of the coming year is largely guess work, and under the abnormal conditions existing today the difficulty of making an estimate is very greatly increased. Almost everything of course depends upon whether the latter part of the coming year may see some lightening of the trade depression. Railway traffic figures are always a most sensitive barometer of the fluctuations in trade and the effect on railway revenues of any increased movement of goods and passengers would be immediate. It was only after a most careful consideration that I accepted the budget estimate of next year's earnings, but I think that, without being unduly optimistic, we may reasonably hope that next year's figures will show some improvement on the results of the current year. There is, however, one essential condition to be satisfied if our hopes are to be fulfilled. The restoration

of peace in the country and the abandonment of methods of agitation which directly hamper and reduce trade are indispensable, if any real improvement is to take place. Granted these conditions, I have no doubt that some improvement may be looked for, since the effect of the civil disobedience movement has been to restrict temporarily the demand for a number of commodities and at the same time to create an accumulated demand which will claim satisfaction as soon as the barriers in the trade channels are removed.

12. The financial situation of the railways being such as I have attempted to describe, it is of course obvious that the most urgent duty of all concerned in their administration is to promote economy and bring about a reduction in working costs. To a limited extent savings occur automatically, because if fewer trains are run, less coal is burnt and a reduction in the operating staff becomes possible. Much more than this, however, is needed, and for some time past the Railway Board have been actively engaged in impressing on the Agents the necessity of reducing expenditure to the utmost extent possible. On page 9 of the Railway Board's Memorandum Honourable Members will find an indication of the directions in which it is hoped that costs can be brought down, as for example, the reduction of redundant establishments, the restriction of contingent charges to what is absolutely necessary and the cutting down of the standard of repairs and maintenance to the utmost extent possible, subject always to the proviso that, where safety is in question, no risks can be taken and the track and rolling stock must be maintained to the extent necessary to protect the public. We feel that at this juncture our primary duty is to stop up the hundreds of loopholes through which money is apt to leak away in times of prosperity, and we hope that the reduction in expenditure will come not from half a dozen large items, but from an immense accumulation of small items, the aggregate of which may be very substantial. This is an aspect of the case to which I specially desire to invite the attention of the House. I do not know whether Honourable Members share the difficulty I sometimes feel, when I read official reports and announcements, in translating into concrete terms the somewhat abstract phrases in which we are apt to deliver ourselves. Perhaps I can best explain what we are aiming at by giving two illustrations, not from the Railway Department at all, but from what came under my personal observation nearly a quarter of a century ago, when I had a good deal to do with the Telegraph Department. I hope my Honourable colleague Sir Joseph Bore will pardon me for trespassing upon his province, but as the incidents took place so long ago I do not think I shall be in danger of hurting anyone's feelings.

13. About the year 1907, in order to improve the efficiency of the Telegraph Department, Mr. Newlands, a traffic expert from the British Post Office was invited to come to India, where he remained for more than a year, and as I can testify, did an extraordinary amount of valuable work in quickening up the whole telegraphic system. I was then Under Secretary in the Commerce and Industries Department, and was constantly in touch with what was going on. One of the matters which occupied Mr. Newlands' mind was the possibility of reducing the number of letters which had to be signalled with every message as an official preamble. He spoke to me on the matter several times, and I gathered that what he hoped to do was to reduce the number of letters so signalled from 7 to 5. I ventured to suggest to him that this seemed a very small detail, but his

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immediate reply was that, though the operation might be very small, if it had to be repeated twenty million times a year, the total was not small either in time or in money. I have not the least doubt that there is a great field for economy of this kind in the railways. If a steady and constant effort is maintained to reduce to a minimum the operations which have to be done by hundreds or thousands of people every day throughout the year, much money can be saved.

14. The second incident was this. In those days in the Central Telegraph Office in Calcutta the booking counters were on the ground floor and the operating room on an upper floor, and the messages after they had been booked were sent upstairs by means of a pneumatic tube. At the foot of the tube there was a clerk with a register in which he entered the serial number of the telegram, the number given to it by the booking clerk, the date and hour of despatch, the name of the sender, the name of the addressee, the number of words in the telegram, the amount charged and some five or six other particulars. At the top of the tube in the operating room was a second clerk with an identical register in which he entered the same particulars over again. Mr. Newlands was inspecting the Calcutta Office and noticed what was going on. After reflecting for a moment or two he said, "I should like to ask a question. Why do you not cut the tube half-way up and have a third clerk with a register there? Then you will have three registers instead of two". Here the point was that the duplication of the registers was totally unnecessary, and in the Madras Office at that time exactly the same thing was going on, only there it was still more absurd, because the telegrams were passed from the booking counter to the operating room through a hutch in the wall, and the two clerks with their registers were within three feet of each other.

15. This duplication of registers and other parts of the official procedure is a danger against which it is constantly necessary to guard and I shall be very much surprised if the enquiries which are now proceeding do not disclose many opportunities for reducing work. In order to let the House see that the Railway Board are fully conscious of this danger and are determined to do all in their power to avert it, I think the House will be interested to know that Mr. Parsons and Mr. Hayman recently personally examined the system in force in the Office of the Divisional Superintendent at Delhi, and found it possible to effect a reduction in the establishment by eliminating exactly this sort of duplication. The results of their enquiries will be communicated to the Offices of all Divisional Superintendents, and the improvement effected will therefore not be for one office only but for a large number. Instructions have also been issued to Agents that, as soon as in any branch it has been found possible to effect an economy by reducing work, the result is to be communicated to all other Railway Administrations throughout the country. In this way it should be possible to multiply the effect of any saving.

16. I have laid stress on these examples, trivial though they may seem, because I believe that this method of securing economy is of first class importance and that our first and most urgent duty is to stop the leaks in the ship which endanger her safety, and for the next few months I should like to see the energies of the whole staff of the railways from the Agents downwards concentrated on this vitally important task. It is indeed one of the advantages of a period of depression that the necessity for economy is imperiously enforced upon all concerned, and they have to

set their wits to work to cut their coat according to their cloth. The method we are adopting to bring home to railway officers the position which has to be faced is that of rationing. The Railway Board do not propose to distribute to Agents the full sums provided in the Budget, but something less, and no further allotment will be made until conclusive reasons have been given. Agents will treat their heads of departments and the heads of departments their subordinates in exactly the same way. It should be possible, I believe, to effect in the course of a few months very substantial savings indeed.

17. At this point, Honourable Members may ask "Will these efforts at economy bring about the desired result in restoring solvency to the railways, and in any case, assuming that they did not or assuming that there was a further decline in earnings, would you leave the matter there? By March 1932 the Reserve Fund will have been reduced to negligible proportions and the railways will be operating on a very narrow margin. In these circumstances are not more drastic remedies called for?" These are most pertinent questions, and I will endeavour to reply to them as far as I can. My first answer is that in the contingency contemplated, it might well be necessary to carry the economy campaign a step further. It might be advisable, for example, to examine the possibility of more drastic and far-reaching economies than any we have yet contemplated, but any Committee appointed for this purpose would have to consist mainly, not necessarily entirely of experts, because when we are dealing with a Department which is largely technical, it is only those who understand the whole position and appreciate exactly what has to be done and why it has to be done, who can deal with the question efficiently and expeditiously.

18. What has been said in the last paragraph brings me to a crucial point. When in the case of a commercial Department like the railways there is a wide gulf between earnings and expenditure, three questions naturally suggest themselves. Is it possible in the altered circumstances to restore solvency by a reduction in the scale of wages and salaries or by an increase in rates and fares or by a reduction in the taxation imposed on the undertaking? The last point may be briefly dismissed for the moment. Undoubtedly, if the fall in the general level of world prices proves to be permanent, the question whether the railways can continue to contribute towards general revenues on the scale on which they have been contributing for the last seven or eight years will have to be reviewed as well as a great many other questions, but it does not immediately arise in connection with this Budget. The other two points are of greater importance and require somewhat fuller examination.

19. The question of the possibility of a reduction in the scale of wages and salaries on the railways has already been mooted in more than one quarter, and it is necessary to state clearly the view which Government take. Hitherto the complaint has been that the scale of wages, so far as any rate as the lowest class of railway employes are concerned, was inadequate and that measures were necessary to bring about an improvement. Two years ago in introducing the Railway Budget, I stated that Government would approach the question with a desire to ascertain what was the most that could be done for the lower paid employes without injustice to other interests which Government were equally bound to safeguard. In pursuance of that statement, an immense amount of work has been devoted during the last two years to reviewing the scales of wages in force

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on almost all the State-owned railways in India, and in preparing schemes in order to ameliorate conditions. The ultimate cost of the schemes for the revision of wages already sanctioned is about Rs. 32 lakhs per annum, and the bulk of the railway servants covered by these schemes draw pay not exceeding Rs. 30 per mensem. The first point I want to make here is this. In so far as we are dealing with this class of establishment, that is, the people who draw not more than Rs. 30 a month, and having regard to all that has passed in the last two or three years, I think that this House should be slow in arriving at the conclusion that any reduction in wages and salaries is feasible. Unquestionably these low paid servants of the railways must have gained substantially by the fall in prices, but before any question can arise as to a reduction in the scales of pay recently fixed, it should be shown that the new level of prices is likely to be permanent, and that having regard to all the considerations involved, the existing scales are excessive.

20. The second point I wish to make is this. I have endeavoured to ascertain the cost of the various classes of railway establishment, and while I must warn the House that the figures are only approximate so far as the subordinate establishments are concerned, certain facts emerge clearly. If we exclude the large class of railway servants who draw less than Rs. 30 a month, the cost of the remaining establishments is about 25 crores a year so that a ten per cent. cut in wages and salaries would mean a saving of $2\frac{1}{2}$ crores. Out of the total, the salaries of gazetted officers amount to only 2 crores a year and a ten per cent. cut would give us only Rs. 20 lakhs. I have not been able to ascertain with accuracy the cost of the upper subordinate establishment, that is, of subordinates drawing Rs. 250 a month and over or on scales of pay rising to Rs. 250 a month and over, but probably Rs. 7 crores a year is an outside figure and the amount may actually be a good deal less. A ten per cent. cut in salaries applicable only to the gazetted and upper subordinate establishments would yield therefore a sum substantially less than Rs. 1 crore a year. It will be obvious from these figures that if a really substantial saving in expenditure is to be effected, the reduction will have to go right down the scale excluding only the lowest paid establishments of all who seldom draw more than Rs. 30 a month. It may be that this question will have to be faced and a reduction effected in order that the railways may become fully solvent and able to contribute to the extent the Legislature may consider proper to the general expenses of Government. But I think it is clear that when we are dealing with large bodies of Government servants on comparatively low rates of pay—and it must be remembered that the average wage of all the railway servants in India does not exceed Rs. 45 a month—it would be unfair to single out this Department alone for special treatment, and that if a reduction is finally found to be necessary, it should be general and applicable to all Departments of Government.

21. I turn now to the question of rates and fares. The question whether a deficit in the Railway Budget could be rectified by a general increase in rates and fares has been fully considered, and a number of minor alterations—all of them I think within the powers of the Agents—have already been made and will be brought into force. As I have said in an earlier passage in my speech, we hope to get about Rs. 2 crores in the coming year from these increases, but our examination of the question has

made it evident that so long as the acute stage of the world trade depression persists, it is exceedingly doubtful whether a general increase in rates and fares would in fact lead to an increase in earnings. Perhaps I can best illustrate this from a consideration of the passenger fares.

22. I find that during the last three years the third class passenger fares amount to very nearly 88 per cent. of the gross earnings from passenger traffic and in the three upper classes to little more than 12 per cent. I find further that between 1927-28 and 1929-30 the earnings from passengers carried in the three upper classes fell by from 6 to 8 per cent., whereas the earnings from the third class passengers fell by only one per cent. The inference to be drawn is obvious, namely, that as prosperity conditions began to pass away and the impending trade depression grew nearer, there was an immediate tendency for passengers to travel a class lower than they had hitherto been accustomed to do. That is to say, some of the first class passengers travelled second class, some of the second class passengers in intermediate class and some of the intermediate class passengers in the third class. If therefore the Government of India were now to increase the fares of the three upper classes, I am afraid the only result would be to accentuate the tendencies which had disclosed themselves even in 1929-30, and which, from all I can hear, have been even more prominent during the current year, with the result that the fares indeed might be higher but the earnings much the same, if not lower. It follows that, if it were considered necessary to increase passenger fares, the increase would have to be general and applicable to the third class passengers. I do not say that it may not become necessary to face a general increase in third class fares, but before any decision is reached, two questions would require very close examination, namely, the limit imposed by the competition of the motor buses and the effect that the increase in fares might have on the total number of passengers travelling. What the railways are suffering from at present is a reduction in the total number of passengers, and it is very far from certain whether, until things begin to improve, railway receipts can in fact be increased appreciably by raising third class fares.

23. What I have said applies also to any general increases in the freight on goods. Here the considerations to be borne in mind are more complicated, but substantially the position is not very different. At a time when the purchasing power of the cultivator is narrowly restricted, even small increases in rates might have adverse effects on traffic and the gain to railway revenues from the increase might prove to be illusory. Our present conclusion is that while we shall be ready to make such increases in rates and fares as may prove to be practically feasible and likely to increase our earnings, it is not in this direction we can look at the moment for the means of bridging the gulf between the railway earnings and railway expenditure of all kinds.

24. It is not only from the point of view of obtaining a larger revenue that railway freight rates have come under review during the last few months. The general fall in world prices of agricultural produce has had a most serious effect on the position of the cultivating classes in India, and notwithstanding the very grave position of the railway finances we have had to consider whether it was possible to reduce the railway freight on agricultural products. The products which have been specially examined are rice, wheat, oilseeds and cotton, and of these the first two may be dismissed briefly. About three months ago a reduction of nearly one-third

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was made in the railway freight on wheat to Karachi and as this route is the cheapest route from the Punjab Canal Colonies to Bombay, the reduction affected that centre also. Recently by arrangement with the Punjab Government a similar reduction has been made in the freight on wheat to Calcutta. Meanwhile, however, there has been a change in the relative level of prices, Indian wheat in the Punjab now stands at a price well above export parity, and so long as this condition of affairs exists, no reduction of railway freights which is practically feasible can lead to the export of wheat from India. As for rice, this is mainly a Burma problem, and the report which was called for from the Agent of the Burma Railways is now under examination.

25. So far as oilseeds are concerned, the case stands thus. The ground-nut crop which is grown mainly in the South of India is moving freely to the ports at the existing level of freights, and I may point out that on the Madras and Southern Mahratta and South Indian Railways the maximum lead to the ports does not exceed 350 miles, so that the railway freight is not likely to prove so burdensome as it may do when agricultural produce has to be brought to a port from a distance of 600 to 900 miles in Northern India. As to the other classes of oilseeds, the position appears to be this, that the Indian price in several cases is well above export parity and that a reduction in railway freight would make no difference. No more traffic would be moved and the price received by the cultivator would not be higher. It is very significant, I think, that no application has been received from the trade for a reduction in the railway freight on oilseeds, and all the information we have been able to obtain from those engaged in the export trade points to the conclusion that a reduction in railway freight at the present juncture would be ineffective. The position can perhaps be best illustrated by taking the case of cotton seed. Some three months ago the Agents of the two great railways leading into Bombay drew attention to the fact that cotton seed would not move at the level of freights then existing, and obtained the approval of the Railway Board to a substantial reduction in freight. For a few weeks this measure proved successful and the traffic increased, but recently there has been a further fall in world prices and the traffic has dropped back to its former level. So far as oilseeds are concerned, the Government of India have come definitely to the conclusion that at the moment there is nothing to be done, but that the position requires to be kept under constant observation, because the level of prices might so change that a reduction in freight would be beneficial both to the cultivator and to the railways.

26. The desirability of a reduction in freight has been more insistently pressed in the case of cotton than perhaps in the case of any other agricultural commodity, and the Government of India have given the question their most anxious consideration. The financial circumstances of the railways are such that so long as the cotton crop is moving freely at existing rates, they felt that a freight reduction could not be faced. In addition, they felt strongly that if a reduction was to be made at all, it should be made at the time when it was likely to prove of direct benefit to the cultivator, and also that before any final decision was taken, it was desirable to see how the traffic earnings were likely to shape in the coming season. The position will therefore be reviewed in about six months' time, and meanwhile developments will be closely watched. But I should like to make it plain that this decision of Government does not imply any lack of consideration for the interests of the cultivator.

or any failure to appreciate the broader aspects of the case which the railways, even when considered as a strictly commercial concern, ought to keep in view. A permanent reduction in the area under cotton in India, while undoubtedly injurious to the ryot, would affect the railways prejudicially in two ways, first because the cotton traffic itself would diminish, and second because food crops would probably be grown in the areas taken out of cotton with a consequent reduction in the railway traffic in food grains transported to these areas. This is an aspect of the case which will constantly be borne in mind. The Government of India are satisfied, however, that no reduction in cotton freight which could be made now would be likely to be of direct benefit to the cultivator.

27. What has been said in the foregoing paragraphs on the subject of rates and fares leads me to revert to a point which was only lightly touched on at an earlier stage. It will be that our railway services, like other branches of Government, may have to adjust themselves permanently to a lower level of prices. In that case, sooner or later the question will have to be faced how the adjustment is to be made. The three factors which will mainly affect the decision will, I think, be (1) the extreme importance to the national life of cheap transport, and in particular low rates for agricultural produce, (2) the desirability of satisfying the equitable claims of the great body of railway servants in India, and (3) the scale of contribution which, under the altered conditions, the railways can fairly be asked to make in aid of the general tax-payer. It is clear that each of these considerations will have to be balanced against the other two, and an attempt made to do justice to each of them. To attempt to deal with any one of them in isolation from the others could not lead to a satisfaction solution of our present difficulties.

28. It has been necessary, Mr. President, to deal at considerable length with the anxious problems of railway finance which emerge from the present trade depression, and the other aspects of railway administration, on which in introducing earlier Budgets I have dwelt at some length, can only be referred to briefly. There are three directions in which the ability of the railways to carry out desirable reforms and improvements has been sadly curtailed by the slump in trade and the reduction in railway earnings. One of them is the capital programme. Here all that can be said is that the programme has been cut to the bone and that nothing which is not absolutely essential has survived. We are unable to commence any new construction whatever, and can only carry on the works already in progress to completion. Of these the most important are the Sagaing bridge in Burma and the Raipur-Vizianagram Railway intended to open up a new outlet to the sea at Vizagapatam to a large area of the Central Provinces. Of the open line works now in progress or about to be undertaken, the most important are the doubling of the East Indian Railway from Cawnpore to Agra and the reconstruction of the Narbadda bridge which we have been compelled to undertake by considerations of safety. It is needless to say that this retardation of development work is a great disappointment, but conditions being what they are, there is no alternative.

29. The second direction in which desirable expenditure has had to be curtailed is the provision of greater amenities in all sorts of ways for third class passengers. At a time when all expenditure has to be severely restricted, it is impossible for the railways to provide services on the same scale as they are in a position to supply when times are prosperous, or to spend large sums in raising the standard of comfort.

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We can but hope that our present troubles are transitory, and that before long it will be possible to push on with the programme of improvements on which we were already engaged.

30. Finally, falling revenues mean slower progress in all the schemes which we hoped to undertake for the benefit of the railway staff and particularly for the lowest paid employés. This is inevitable, however regrettable, but while I am on this point I cannot close without paying a tribute to the indefatigable energy which during the last two years Mr. Hayman, the Staff Member of the Railway Board, has devoted to every question connected with the welfare of the staff and to the solution of a number of difficult staff problems which have arisen since the war and which could not be properly tackled until the headquarters organisation in the Railway Board was properly organised for the purpose. It is out of the question for me within any reasonable limit of time to describe in detail all that has been done, and indeed the bare enumeration of the various subjects which have come under examination might prolong my speech by twenty minutes or more. I can only refer here specially to the schemes which have been prepared and brought into force on most of the railways in India for improving the pay of the lowest paid employés, and the steps which have been taken to give effect to our obligations under the Geneva and Washington conventions regarding the hours of work of railway employés. Both these matters are now far advanced and Mr. Hayman and I shall be ready during the budget discussions to give any additional information which Honourable Members may desire. Possibly also we may be able to circulate a memorandum so as to let Honourable Members see that the numerous questions connected with the staff, to which attention is annually drawn in the discussion of the Railway Budget, have not been neglected or put on one side.

31. There are, however, two matters to which particular attention has been given, about which I should like to say a little more. One is the representation of Muslims in the railway service. Special enquiries have been made in three of the principal railways, and the Government of India have come to the conclusion that adequate steps have not yet been taken to give effect to the policy of Government and that further measures are necessary and must be introduced at a very early date. A memorandum on this point will be circulated. The other point to which I wish to refer is the question of Indianisation. I should like to bring to the notice of the House the fact that the percentage of officers of Indian domicile recruited for the State-managed railways during 1929-30 was 70·7 per cent. and when promotions from the Local Engineering and Traffic Service are taken into account, the percentage rises to over 75. I think this result is satisfactory. The position we have now reached is that except in the Transportation (Power) and Mechanical Engineering Departments, there is at present no difficulty in obtaining Indian recruits with the requisite qualifications. For these two branches special efforts have been made to obtain Indian recruits during the period before the scheme of apprenticeship instituted in 1926 comes to fruition. During the last two years applications from Indians have been invited both in India and in the United Kingdom to fill vacancies in these branches in the hope that Indian candidates might be forthcoming in the open market, who would be likely to develop into efficient officers. The qualifying standard was lowered and the age limit relaxed and in this way seven recruits were obtained last year, and we

hope to obtain five this year. In some cases candidates who were not fully qualified were engaged on probation for one year in the belief that with further experience and training they would come up to the required standard. I have thought it worth while to mention this in order to make it plain that no effort has been lacking to carry out the declared policy of Government.

32. Mr. President, I fear I have addressed this House at somewhat excessive length and I must thank Honourable Members for the indulgence with which they have heard me. My only excuse is that today the financial circumstances of the railways are as anxious and difficult as they have been at any previous period, and it seemed part of my task to convince the House, if I could, that all the difficult problems would receive full and ample consideration. I will not delay the House further, Mr. President, but recommend the budget proposals to their consideration. (Applause.)

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

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

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 144.)

Mr. President: Order, order. The House will resume further consideration of the following motion moved by Mr. Gaya Prasad Singh:

“That the Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of Section 144) be referred to a Select Committee consisting of the Honourable Sir James Crerar, Sir Lancelot Graham, Mr. B. R. Puri, Sir Abdur Rahim, Sir Hari Singh Gour, Rai Sahib Harbilas Sarada, Maulvi Sayyid Murtuza Sahib Bahadur, Mr. Arthur Moore and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.”

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, today is the third day of the discussion on the motion of my Honourable friend, Mr. Gaya Prasad Singh; and after hearing the speeches that have been made on this motion for the last two days, I have come to the conclusion that it would not be discreet on my part to help in hastening legislation in the direction proposed by my friend. Sir, the usual course of taking legislation in hand in this Assembly is that, after the motion for admission is duly accepted, a motion is made for eliciting public opinion thereon; and unless a very strong case is made out for making a departure from this usual practice and for leaving out the intermediate stages, it is not proper to depart therefrom. Now on reading the speeches of my Honourable friend, Mr. Gaya Prasad Singh, and those who have supported his motion, I am not at all satisfied that any case has been made out for a departure from the usual practice. While giving his reasons for proposing this amendment, my friend says—these are his words:

“But the extraordinary and indiscriminate applications of the section that have taken place in recent years on such a large scale for the purpose of suppressing political agitation. . . .”

[Maulvi Muhammad Yakub.]

That is to say, the only ground for which he wants to make the amendment is the indiscriminate application of this section. Now while quoting instances of this so-called indiscriminate application, he has given an instance of a case which occurred in 1906. The other instance which he gave was of another case which took place in 1917. Well, if the instances of misuse and misapplication are so few and far between, then I do not think this can be any ground for his hastening legislation and adopting an extraordinary course. (Applause.) As we know, Sir, section 144 of the Criminal Procedure Code does not form part of any substantive law, but is a measure intended to meet emergencies. Now if an emergent measure like this is surrounded by restrictions, then I think the very object for which this measure is intended would be lost. (Hear, hear.) The main object, Sir, of this Legislature is the maintenance of law and order; and if it is found that law and order is in danger, then it is the first duty of the State to adopt any measure which may be considered suitable to restore peace and protect the lives and property of the people in the country. Section 144, when it was being amended in 1922 (*An Honourable Member*: "In 1923"), rather in 1923, an objection was raised in Select Committee that this section was vaguely worded. Well, after giving their due consideration to the objection, the Select Committee came to the conclusion that they could not change the language of the section, but they added another clause (the last clause) to section 144, which gives power to any person who is affected to make an application to the Court, or the Court is also empowered, at its own discretion, to take cognizance and record evidence and to amend or rescind the order which it has passed. Now the purpose for which the amendment of my friend, Mr. Gaya Prasad Singh, has been tabled is the same, that the order should not be passed without recording some reliable evidence. The law as it stands gives ample power to the Court to record evidence, if the contingency or the emergency is not so urgent that it leaves no room for making any inquiry. If there is any room for making an inquiry, then under the present section the Court has sufficient power to record evidence. So I think that the amendment which my friend wants to propose is not really so very urgent or so very necessary.

My Honourable friend, Sir Abdur Rahim, who was himself a Member of the Executive Council of his Province, and had to deal with cases which came under section 144, could not in his speech tell us that this section was so numerously abused as my friend, Mr. Gaya Prasad Singh, had stated. On the other hand, Sir Abdur Rahim himself admitted that the wording of the amendment, as framed by Mr. Gaya Prasad Singh, is not perfect and is defective. He wanted the section to be improved in Select Committee. Now I would submit that we ourselves have been laying very great stress upon obtaining public opinion. We always oppose Government and say that they ignore public opinion (Hear, hear), but I am really surprised to find that my friend, Mr. Gaya Prasad Singh, on this occasion wants himself to ignore public opinion and wants that this important measure should be placed on the Statute-book without consulting public opinion.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):
He is backed by public opinion.

Maulvi Muhammad Yakub: I think he does not want to elicit public opinion and in effect is ignoring public opinion.

Mr. Amar Nath Dutt: He is backed by public opinion.

Maulvi Muhammad Yakub: Well, I do not know. This measure has been on the Statute-book for the last fifty years, and this Criminal Procedure Code in fact has been amended during these fifty years two, three or four times. It was amended last in 1928, but public opinion has not demanded that any amendment should be made in section 144. (Ironical laughter from Non-Official Benches.) Therefore it shows that he is not backed by public opinion. So I say that it is really surprising that my Honourable friend wants to ignore public opinion on this occasion, and I feel that a measure like this should not be placed on the Statute-book without obtaining public opinion. Now, Sir, it is a matter of common knowledge that respect for law and order and respect for authority has slackened since the first non-co-operation movement was started in 1919-20, and during the last year this respect for law and order has been shaken to its very roots; and at the present moment when we are on the threshold of reforms, when power is to be transferred to the people of the country, would it be wise and discreet on our part that we should weaken the hands of our own countrymen who may be in charge of maintaining law and order in the country? What is the idea of Swaraj among the masses, I ask you, Sir? The idea of the man in the street is, rightly or wrongly, that there will be no law, that there will be no taxes, and that nobody will be punished for committing any offences. That is the idea of Swaraj among the illiterate masses in India. In this atmosphere when responsible government is established in this country and we have got the reins of Government in our own hands, what would be the result? Of course our own people, our own Government will have to keep order; they will have to realise taxes and they will have to punish the offenders, with the result that there will be a storm in the country. There will be demonstrations; there will be agitation, and there will be, at least for some time, something like chaos and anarchy if we do not strengthen the hands of our Magistracy. Therefore I submit that it would be very indiscreet on our part if on this occasion we were to slacken the power of those who will be responsible for keeping order in the country.

Now, Sir, there is one statement in the speech of my Honourable friend, Mr. Gaya Prasad Singh, which cannot be allowed to go unchallenged. He talks of peaceful picketing and peaceful processions. Well, Sir, whatever may be the opinion of my Honourable friend, I must tell him that picketing and processions have never been peaceful and could not be peaceful. That is my opinion as well as the opinion of hundreds and thousands of peaceful citizens of India. Well, Sir, violence is of two kinds, active violence and passive violence. I must say that active violence has also taken place in picketing, but mostly there has been passive violence. Of course if a man persuades me by giving speeches, if he stands on the public road and delivers a public lecture and tells people not to purchase foreign cloth or not to take liquor, that is quite justified. That would be peaceful picketing if it remained there, but as soon as you stand in my way and restrict my movements, as soon as you do not let me go into a shop, then you are certainly committing violence. That is violent picketing, and it has been carried on

[Maulvi Muhammad Yakub.]

over the whole country. There is not only this passive violence, but I can quote hundreds of cases of active violence. We know what happened in Agra; the nose of a foreign cloth dealer was cut off. We know what is happening today in Benares. Jan Muhammad, a Mussalman merchant, was shot down for selling foreign cloth.

An Honourable Member: The case has not yet been proved.

Maulvi Muhammad Yakub: He has been shot, I do not say by whom, for selling foreign cloth, and the result is that feeling runs very high in Benares and a whole family of Mussalmans consisting of women and children were slaughtered and butchered, most barbarously, while they were sleeping. This is the result of non-violent picketing. Mr. Gandhi has asked Government to institute an inquiry into the conduct of the police. I am not holding a brief on behalf of the police. I daresay excesses may have been committed by the police, for a man is liable to commit mistakes especially on occasions when very filthy and provoking language is used. We all know that during these processions and picketing, very filthy and abusive language was used not only against the police but against respectable citizens who could not see eye to eye with the people who carried on the non-co-operation movement. Is that not violence? It may be worth while for Government, if they think proper, to institute an inquiry into the conduct of the police, but at the same time I would appeal to Mr. Gandhi also to institute an inquiry into the conduct of his own volunteers and his army of non-violence, and it would be well for the organisation as well as for the peaceful Government of our country if an inquiry were to be instituted to go into the conduct of these non-violent picketers. (Applause from the Government Benches). and an effort made to find out in what way they have behaved. So I submit, Sir, that this picketing and this movement has not been non-violent from the very beginning up to the end.

Great stress was laid by my Honourable friend, Mr. Misra, the other day when he was talking on the Resolution of my friend Mr. Sadiq Hasan on the point that we want to stop people from taking liquor and for that we are penalised. That is not a fact. People are not penalised for asking men not to drink. In fact every person has the liberty to start as many temperance societies as he likes. Among Mussalmans it is purely against the *Shariat* of Islam to drink. As a matter of fact the holy Koran is very emphatic on the point that wine should not be taken, but even a Mussalman is not allowed to force anybody not to drink if he wants to do it. It would be against the *Shariat* of Islam to force a man, to stop him and to snatch away a bottle of drink. So the people are not penalised for asking men not to drink, but they are penalised for committing violence and for interfering with the freedom of action of peaceful citizens. Nobody has any right to circumscribe my liberty or to stop me from doing a thing which I want to do. For these reasons I cannot support the motion of my friend Mr. Gaya Prasad Singh. On the other hand I think it would be more wise and more discreet to support the motion of my friend Mr. Anklesaria that this Bill should be circulated for public opinion thereon. No case of urgency has been made out. When we are in possession of the opinions of learned judges, and lawyers and members of the public, I think we will be in a better position to deal with a proposition like this.

Mr. B. R. Puri (West Punjab: Non-Muhammadan): Sir, I rise to support the motion, and I do so because I feel that an amendment of this section is needed. Indeed it has been overdue. We have been told, and this has been more or less the uniform argument which has been advanced from the Treasury Benches and an argument which has been adopted by most of the Honourable Members who have spoken against this measure, that it is a measure which by virtue of its age alone should not be disturbed. It has remained on the Statute-book for such a long time that it has assumed a sort of sanctity, which sanctity should not be interfered with. Now, Sir, bad laws and bad measures have been known to have remained on the Statute-books for even longer periods, and it will hardly be any argument that a measure should not be overhauled or looked into carefully with a view to see whether it has outlived its necessity or whether it is really consonant with the progress of the society, merely on account of its age. A measure is not entitled to be retained for ever or indefinitely. The laws have to be retained or repealed on their own intrinsic merits and not on the score of their age. That is so far as the universal argument which has been advanced on behalf of the Government, is concerned. Now, Sir, the rest of the argument so far as the Treasury Benches are concerned has been more or less diffused and that, I venture to submit, has been so because no endeavour has been made to discover the real underlying principle of this Bill. If I may venture to call your attention to this aspect, I would like to point out that in order to appreciate the real point and the merit of the measure which has been put forward by my friend, Mr. Gaya Prasad Singh, one has to go a little deeper into the matter and find out what is the nature and character of this law. Now, Sir, in essence, all orders which are passed by the Magistracy under section 144—in essence—all such orders are bad in law. Even though they conform to the wording of section 144, I maintain that those orders are, in essence, not good and I give my reasons in support of that contention. It is one of the most elementary principles of law that people's rights and liberties must be protected. My learned friend, Maulvi Muhammad Yakub, is entirely wrong when he says that the object of laws is "to protect law and order" as he put it. That is certainly not the case, and I am surprised to hear this dictum from the mouth of a lawyer. The object of all laws, the object of all legislature, is to protect the life and the liberties and the rights of the people. We owe allegiance to Government. We contribute funds

Mr. Arthur Moore (Bengal: European): What is the difference?

Mr. B. R. Puri: I will tell you in a minute if you will have the patience. Laws are not made for their own protection. My learned friend's dictum was that the laws are made in order to protect law and order. I venture to submit that that is a meaningless phrase. The laws are meant to protect the rights and liberties of people.

Maulvi Muhammad Yakub: How can you protect them unless you respect the laws?

Mr. B. R. Puri: Now, Sir, the law is, every man can go wherever he likes as long as he does not offend against the penal laws, as long as he does not commit trespass. As long as I do not come within the four corners of sections 500 and 124A, I have full liberty to say what I like.

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I have got the liberty of speech and the liberty of movement subject to the above qualifications. Here does section 144 come in. It says that although the rights and liberties of the people shall be protected generally, there may arise occasions when the executive are more or less helpless; when the executive, instead of upholding and maintaining the personal rights and liberties of individuals, have, in deference to the larger interests for the welfare of the multitude, and in order to tide over a certain crisis, to deny such rights *temporarily* and in urgent cases only. In other words, this particular provision of law is to legalise illegalities. What ordinarily would be an illegal act, namely, to deny me my liberty, secured by the ordinary civil law, by the municipal law, would be legal under certain circumstances under section 144. That section says that we must recognise occasions when it becomes necessary for the authorities, for a temporary period to deny the ordinary rights, until the crisis is over. But such urgency and its duration must be strictly limited and must be strictly defined. After all, a law which in its very nature is extraordinary, a law which in its very nature is such that it must be availed of and utilised only under extraordinary circumstances and in exceptional cases, is not a law which can be used as a matter of routine, because you cannot play about with people's rights every day. Unless a special occasion arises, unless a proper case is established, you have got no right to play with people's rights and liberties. That is one reason why, I regard section 144 as an extraordinary and exceptional law. I have had occasion to go very carefully through the printed record of the speech of the Honourable the Home Member, and I find that he has fallen into an error at the very start of his speech when he says that it is not an exceptional and an extraordinary measure. Let me, for his information, point out that it is nothing else but that. It is an extraordinary measure; it is an exceptional measure; it is a measure which has to be brought into action only under exceptional circumstances and not as an ordinary routine. The question is—and I do not wish to conceal the fact—that we want to secure a better recognition of the rights of the people so far as the public meetings and the right of speech-making is concerned. That is the real object of this particular measure.

Now, Sir, if you look into the main provisions of this measure, you will find that it seeks to bring about improvement and amendment in the existing law in two or three different ways. In the first place, this measure seeks to introduce a particular clause under which the Magistrate, before he proceeds to take any action under section 144, must record some kind of evidence. You will see that any fixed quantity of evidence is not prescribed. The Magistrate is not called upon unnecessarily to prolong the proceedings by entering into a very elaborate inquiry. What the measure really wants is that there should be at least some sort of judicial material upon which the order could be based, so that hereafter the Higher Courts, be they the court of revision or the court of appeal, may be in a position to appreciate whether the order was based on proper material or not. The present law merely says that there should be a written order giving the material facts of the case. I submit that in practice this will make no appreciable difference, because even now, if you look carefully into the measure, you will find that it does demand of a Magistrate that there should be some kind of an inquiry before he issues

an order under this section; and on that point I will ask you kindly to bear with me for one minute in order to appreciate that what is demanded in the new Bill is after all what already exists in the spirit of the measure as it now stands.

It was ruled in 38 Calcutta that, before proceedings under this section could be taken, the Magistrate should hold an inquiry and record the urgency of the matter. In another authority it was ruled that an order under this section must be based on proper evidence. In another ruling it was laid down that the order must contain a statement of material facts. Under this section something more is necessary to be stated in the order than a mere recital of the fact that in the opinion of the Magistrate there was sufficient ground for proceeding under this section. If that is the law, if that is how it has been interpreted by the different High Courts, then why should you feel nervous of this amendment which seeks to introduce in it by *words* what already exists in the *spirit* of the provision? After all we are not asking for something radically different, which does not exist already or does not properly fall within the legitimate scope of the existing law. Therefore, so far as the demand with regard to the recording of evidence is concerned, we are not asking something very drastic or something unheard of. We are asking what the High Courts already say and have declared is within the legitimate scope and interpretation of the existing provision.

Now, proceeding further, so far as the provision of appeal is concerned, here again I say that I do not see any justification for any opposition on the part of the Government to an improvement in this direction. After all it is a discretionary measure. After all it is a *quasi-executive* measure, and the Magistrates, as has been admitted and conceded by more than one Honourable Member speaking on behalf of the Government, are not only apt to go astray, but they have conceded that there have been many cases and instances where the Magistrate's decision with regard to whether section 144 should or should not be applied, has been erroneous. Therefore my submission is that the provision of an appeal will provide a wholesome check upon the propensities and upon the eccentricities of the Magistracy. After all so far as the main point and the main argument of the Government was concerned, namely, that any protracted inquiry would frustrate the very object of an emergent provision of this kind, that would not apply so far as providing of an appeal is concerned, because that stage is over; the subsequent consideration of a point, namely, whether a particular case has been properly handled or not and whether discretion has been properly exercised or not, can well be mooted and discussed in a court of appeal. Why should Government be nervous of providing an appeal with regard to a measure of this kind?

The third point is with regard to the duration of an order, and I think there again the learned Mover has made but a modest demand. He says, if you are allowed under the law to pass an *ex parte* order, the duration and life of that *ex parte* order should not go beyond 48 hours. I will ask you, Sir, to imagine in a particular village where a certain class of people who happen to be in a minority assert their right to draw water out of a particular well, and the majority of people contest their right, would you allow a whole family to die of thirst for a period of two months? You may be justified under the provisions of section 144

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in saying that although it is the right of the minority to draw water from that well, since it is likely to lead to riots or other serious consequences the Magistrate should step in and say "I order these four or five or six persons not to draw water from that well." You are temporarily denying what is obviously their right, in order to avoid some bloodshed or riot

The Honourable Sir James Orerar (Home Member): Is the Honourable Member aware of any case of that character in his experience in which an order has been made to that effect?

Mr. B. R. Puri: I will give you very similar cases, from which you will be able to see whether the proposal in the Bill is justified or not. For instance, take the case of a musical procession in front of a mosque by a community which is in the minority. The Muhammadan population would object to that. I say that it would be a legitimate use of section 144 if the Magistrate were to say that, in order to avoid any kind of riot, the procession should be stopped. Although ordinarily I would be entitled to pass through that particular thoroughfare and I would be entitled to have my own way, still in deference to the wishes of another community and in order to avoid ugly results, I say that the Magistrate would be well within his power under section 144 to prevent the minority or those people who were about to take that particular action, from doing so. Similarly

Maulvi Muhammad Yakub: Is there any similarity between the two cases? Would anybody die of thirst if this procession were stopped?

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Does this Bill seek to remove this difficulty?

Mr. B. R. Puri: I will tell you if you will wait a little. Similarly, in a place where the Hindu population preponderates, suppose a Muhammadan funeral was to go through the street: well, in order to avoid any kind of serious consequences, although it would be within their right and privilege, to go and pass through the street, they could be prevented. These are instances where ordinary civil rights of people can be denied to them, in order to avoid consequences of a serious character. Similarly so far as the drawing of water is concerned, I am informed by my learned friend here who is sitting next to me (Mr. Amar Nath Dutt) that in Bengal similar orders were passed in every district and in every village

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Do not be instructed by him.

Mr. B. R. Puri: Now, it will be conceded, and indeed it has not been denied by the Honourable the Home Member in his speech, that the instances which were cited by Mr. Gaya Prasad Singh did actually occur. No Honourable Member has gone the length of denying the factum of those cases, that such cases have occurred, and that the Magistracy have actually found within the mischief of the section the meaning of Gandhi caps and the singing of *Bande Mataram* and passed orders accordingly. I say, Sir, that if the section could be put to such loose use, to such wide use, either there must be something wrong in your law or there must

be something wrong with your Magistracy. You can make your choice. If the Magistracy can read out of this section an authority and power under which they can prevent people from wearing Gandhi caps, I say then there must be something radically wrong in the section itself as it is worded, or there must be something wrong with the angle of vision of the Magistrates who are called upon to interpret that law. But, Sir, I maintain that, so far as the Magistracy is concerned, I shall be prepared to absolve them. I would not charge them with having deliberately interpreted this section in order to bring in cases and incidents which legitimately do not fall within the wording of the section. But where I differ from you is this, that while I absolve the Magistracy from the charge either of incompetency or of dishonesty, I say your law is as bad as it could ever be. You have got merely to look at the wording of the section to be convinced that the Magistrates would be justified, so far as the interpretation of the section is concerned, not only to prevent people from wearing Gandhi caps. but also to order a certain member of a family not to ill-treat his wife or his own children. The language of the section lends itself to that construction, and I shall show the House how it does so. I would ask Honourable Members kindly to look at the section. Now, what does it say? It says this:

“Such Magistrate may, by a written order stating the material facts of the case and served in manner provided”—*here comes the relevant portion*—“direct any person to abstain from a certain act”.

Now, so far as the nature and character of the act is concerned, it does not define, it does not qualify, so that any person can be ordered to abstain from doing any act, provided the other condition is fulfilled, that is, if the act causes any annoyance or injury or leads to certain results in the form of riots, bloodshed, and so on. That is the only qualification that is provided.

The Honourable Sir James Crerar: What about sub-section (1)?

Mr. B. B. Puri: That has got nothing to do with it. I am dealing with the second part of sub-section (1). the first part has nothing to do with it.

The Honourable Sir James Crerar: The first is very relevant.

Mr. B. B. Puri: The words which I want the House to consider for the moment are “abstain from” a certain act, and I say that the only qualification which is provided by the Act is that any person can be called upon by a Magistrate to abstain from doing any act, provided that act causes annoyance to anybody. That is all that the section requires. If the Honourable Member wants me to refer to any particular thing, I will endeavour to do so. . . .

Mr. President: Will you please go on?

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): I thought that the Honourable the Home Member was going to say something.

Mr. President: He has nothing to say at present. Please go on.

Mr. B. B. Puri: Now, Sir, looking at the language of the section, I maintain that if the words are quite clear, you have got to interpret the words in their ordinary and natural meaning; you have got no right to

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import any meaning into the section in order to draw out of the section some meaning which may suit your own purpose. We have got to give the ordinary and the common meaning to those words which are employed there, and I say that in interpreting the section in the way in which the Statute ought to be interpreted, we cannot come to any other conclusion than this, that this is a most sweeping provision, where a Magistrate could order any man to abstain from doing any act. Therefore, not only the wearing of Gandhi caps can be prohibited by him, but he can also prohibit the use of any other kind of attire like *dhoties* and so forth at any time if he so fancies—at least your present law empowers him to do that. Now, Sir, if that is your law, I submit that it is time that we overhauled it. After all, that is not really the true scope of this law.

Now, Sir, I wish to add only one or two words more before I resume
 3 P.M. my seat, and that is, the language of this section needs amendment without any further argument being advanced from any quarter. It is, as I said, an extraordinary provision, and the scope of a provision of this character must be strictly limited and strictly defined. The language of the section is so loose and so wide that it is likely to be interpreted in a most capricious manner and the peoples' rights are apt to be denied to an extent which I am certain is not the desire of any Honourable Member either on this side or on the other side of the House.

Mr. K. Ahmed: It is all very well, but what objection have you for circulation? You have not said anything about it?

Mr. B. R. Puri: I have endeavoured to make my position clear. I don't know if my Honourable friend has been following me or not. I do not know whether the fault is mine or his, but in any case I have tried to make my position as clear as I could.

Mr. K. Ahmed: What is your objection?

Mr. B. R. Puri: I cannot address him in Bengali to make him understand. I have shown that the provision of appeal is wholesome; I have shown that the period during which this *ex parte* order should be allowed to remain is but only a legitimate demand, and I have also shown that what we are asking for, namely that the evidence should be recorded, already exists in the spirit of that provision as held by the various High Courts. If my Honourable and learned friend Mr. K. Ahmed has not followed me, the fault is his.

Mr. K. Ahmed: How does the Bengali language come in here at all? What my friend says is all French and Greek to me.

Mr. B. R. Puri: Now, Sir, I wish to add one word more, and it is this. This law was made whether it was half a century ago as the Honourable the Home Member says or 70 years ago as Mr. Anklesaria claims. We had absolutely no hand in the making of such a law. These laws were inflicted upon the people who were practically asleep at the time. These were not Assembly-made laws. These laws actually came out from a bureaucratic machine and were inflicted upon sleeping people, and therefore they do not carry that sanctity and that support of the populace to the same extent as the laws enacted at the present day. I

therefore submit that there is no particular virtue in the argument that, because a law is 70 years old, it should be kept intact without any amendment or improvement.

Several Honourable Members: The question may now be put, Sir.

Mr. Ram Prashad Narayan Sahi (Bihar and Orissa: Nominated Official): Sir, although my Honourable and learned friend was good enough to absolve the Magistracy, I do not think I can be absolved from doing my duty here, and the only justification for me to speak is that I want the House to know how this section is administered in actual practice and to look at the whole case from the viewpoint of an unfortunate Magistrate who has to administer the section from day to day. We have heard it from the viewpoint of lawyers and authors and also journalists, but not from the viewpoint of Magistrates. I want the Honourable Members to place themselves in the position of a Magistrate who gets an alarming report from a village, say 20 miles away from his headquarters through a chowkidar that there is a danger of a breach of the peace. Well, Sir, what does the House expect him to do? Does the House expect that he should sit down and go on recording evidence? Nothing would be more pleasant for a Magistrate than this. He would prefer it as this would avoid the danger of facing the trouble of issuing notices under section 144 and of taking all the risks involved in saving people from depredations, arson, loot, murder and things of that kind.

Sir Hari Singh Gour: What are the police for?

Mr. Ram Prashad Narayan Sahi: Well, Sir, I had thought during all the time I have been in this House that when an Honourable Member makes a maiden speech he would not be unnecessarily interrupted, but my Honourable friend wants to start a new practice or malpractice. Well, Sir, this House has placed section 144 as an effective weapon in the hands of the Magistrate to combat such a situation. Sir, it was not made by the bureaucrats, as has been suggested by my Honourable friend Mr. Puri, but it was enacted only as late as 1923 when the House was supposed to be much stronger, where perhaps the party which is not now here was represented at that time, and section 144 was thrashed out threadbare. Diwan Bahadur T. Rangachariar himself brought forward a proposal that this section had been misused, but the Assembly placed on record that the section had not been misused till then. The incidents which my Honourable friend Mr. Gaya Prasad Singh cited in support of his case all occurred before 1923—the Barisal incident, the Champaran incident, and the Hardi *mela* incident. These occurred before 1923. I do not know anything about the Barisal incident; that occurred in Bengal. But I know something of the Champaran incident and of the Hardi incident. It must be remembered at the outset that the relationship between the landlords and the tenants in the district of Champaran was very strained, and even in the eighties of the last century the matter had attracted the attention of the Government and Government were making enquiry. As far back as 1905, Mr. Gourlay, who was later the Private Secretary to the Governor of Bengal, and was then Sub-Divisional Officer of Ballia had to enquire into the matter and he submitted a report that the relations between the tenants and the landlords were bad and that the matter should be looked into. A revisional settlement was then pending and when it was started, Government had directed that the relationship between the landlords and the tenants should be looked

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into. The Settlement Officer, Mr. Sweeney, submitted a report after due enquiry that this question should be looked into specially. Then, a third man in the person of Mahatma Gandhi came into the scene. He was then fresh from South Africa, and the Collector and the Commissioner did not know who he was. They thought that his coming into the scene would perhaps prejudicially affect the best interests both of the tenants and the landlords. Notice under section 144 was consequently issued, but as soon as the Government found out that it was not necessary to do so, that it was not necessary to restrict the activities of Mr. Gandhi, the whole thing was dropped. Where was the harm done? No harm was done. A committee was formed and one of the members of that Committee was Sir George Rainy, who is now the Leader of the House, and he is perhaps in a better position to say what happened then. But certainly, in Champaran nothing happened which could prejudice the case for section 144 of the Criminal Procedure Code.

Let me now come to the Hardi *mela* incident. Let me say at once that Hardi Babu is a great friend and a relation of mine. There was a *mela* in those troublesome days of 1920. At that time Mr. Munns or Mrs. Munns,—I think it was Mrs. Munns, and if I am wrong, I hope my Honourable friend Mr. Gaya Prasad Singh will be able to correct me.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): You are correct.

Mr. Ram Prashad Narayan Sahi: They went up in a motor car to Hardi *mela*. The mob there began shouting at them and began to be rude to Mrs. Munns

Mr. Gaya Prasad Singh: No, there was no evidence to that effect.

Mr. Ram Prashad Narayan Sahi: Yes, but I know it for a fact, because that has been admitted to me even by Hardi Babu who afterwards regretted having taken the step. He resigned his membership of the local Legislative Council and his Honorary Magistrateship. I ask, where is the misuse of section 144 in this case?

Then, my Honourable friend, Mr. Gaya Prasad Singh, might say that it has been misused in connection with the civil disobedience movement. Now, Sir, let me ask what is this movement of which we have heard a good deal during the last few months? Not a movement for constitutional reform; it was a movement for the overthrow of Government. It is a movement whose object is the overthrow of Government, and none of its ways and methods were intended to make the administration of law smooth. We, who have had to deal with that movement, we who have had to work at great pressure have had only one object, and that object was to maintain law and order, and there has not been any other object. We have been perhaps timid in doing so, because we do not know what enquiries there will be into such matters; there is always the prospect of an enquiry into such matters and we are timid in administering the law. But still we administer the law, and we do so with the sole object of maintaining law and order. Of course, if this House wishes to say, "We do not want it, we do not want law and order," surely, don't have section 144, and also do away with all your Magistrates. But if this House wants us to maintain law and order—and I think this

House wants us to do so—then this section is necessary, and this Bill is the favourable gesture, the generous gesture about which we hear so much and of which we have had so little from Members opposite and I think my Honourable friend Mr. Gaya Prasad Singh is not very serious about his own motion, because I am pretty sure that when he was a Sub-Deputy Magistrate in the district of Muzaffarpur he would have had occasions to use this section. But he has not given us his experience as to how he utilised the section, though I had been eagerly expecting it.

My Honourable friend, Mr. Ranga Iyer, said that the section is used ruthlessly in connection with political matters and that it was not the case in case of communal matters. I submit, Sir, that he has not cited one single instance in which section 144 could have been used in connection with communal matters but has not been used. Not a single instance has been cited in this House in support of that statement. Let me say that Magistrates have had to use section 144 oftener in communal riots than in political riots. There was communal trouble in 1928 when I was in charge of Sadar Division in the Muzaffarpur district and I sought my Honourable friend Maulvi Shafi Daoodi's help and it was denied. Then I had to content myself with exercising the power which has been conferred by this Legislature, namely, section 144 of the Criminal Procedure Code. Sir, if you go into all these details, I am sure you will find that it has been absolutely necessary to use section 144. My Honourable friend, Sir Hari Singh Gour, referred to indignities. I would ask him to remember the night when he was proposing the toast of Sir John Simon at Nagpur and what happened to him. If a man of his eminence could be subjected to those indignities, what would happen to people in the villages, far away from the authorities, far away from the police?

Sir, I do not claim infallibility for Magistrates. As His Excellency Sir Malcolm Hailey so aptly put it to his Legislative Council, "No Government is infallible". Ours is a human institution with all the inherent defects of that institution, and if Magistrates err, they will have to suffer. It is not generally known, but it is a fact that they have to suffer if they err, but that does not mean that the law is bad. Now as to the question whether the law has been generally misused, I can say that you will find that it has not been generally misused. Instead of amending the law, I think it will be a better thing if the House will take this opportunity of creating a situation in the country in which the use of this section will become unnecessary. ("Hear, hear".) You will come into these Benches in two years, and I hope you will come sooner than later, and if then you find that this section is not necessary, do away with it. But as long as you expect us to maintain law and order, I submit that you should not grudge us this power, which I maintain has not been misused so far.

With these few words I resume my seat. (Applause.)

***Maulvi Muhammad Shafee Daoodi** (Tirhut Division: Muhammadan): The provisions contained in the Bill of my Honourable friend Mr. Gaya Prasad Singh are so obvious that they do not require any support from

*Speech not revised by the Honourable Member.

[Maulvi Muhammad Shafee Daoodi.]

me, but because I find that my name also has been dragged at the last moment, I must say a few words about the Bill.

It seems to me that, in the consideration of this motion, party politics have been dragged in. It appears that the Bill is not looked at from a point of view free from bias. We are sitting as legislators here, and therefore I would request Honourable Members to see the thing from a detached standpoint altogether. The experience of so many years in this country about the application of the provisions of section 144 has been very very unhappy. I do not think anybody would doubt that thousands and thousands of cases might have happened during the last 20 years in which section 144 has been misapplied. I do not know why my friend, Mr. Ram Prashad Narayan Sahi, says that there has been no occasion when this section has been misapplied. I think that every man who reads newspapers must be knowing that, whenever there is any upheaval in the country, this section has been intentionally applied in a manner calculated to thwart the true expression of the public grievance. I submit, Sir, that it does not require any proof to say that the public requires an urgent amendment of this section, and I would only say that Mr. Gaya Prasad Singh has done a service to the country by bringing in a Bill of this nature. If this motion of Babu Gaya Prasad Singh is defeated at this time, I would only say that we have not exercised our right of legislation properly, and I would therefore ask every Member of this House to look at the provisions in a detached manner and find out for himself whether the three provisions which have been put forward in the Bill are not proper ones. As my friend Mr. Puri has explained the situation, I think that no doubt should be left in the minds of Honourable Members in supporting this motion.

Several Honourable Members: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

Mr. Gaya Prasad Singh: Sir, in view of the lateness of the hour and the other work we have to do, I do not propose to take up the time of the House; but there are just one or two points which I should like to submit. The Honourable the Home Member said that this particular provision of the law had been on the Statute-book for a long number of years and therefore it should not be meddled with. With regard to that, he has been sufficiently answered by my friends on this side of the House. I will only tell him that Regulation III of 1818 has been on the Statute-book for more than a century. Is that a reason why we should not demand its repeal? The Honourable the Home Member then went on to say that there had been no case of the misuse of this section, and he has been supported in his contention by some of the official Members on the other side. I will only mention two cases which went up to the High Court, which I mentioned in the course of my speech the other day, the wearing of Gandhi caps, and the putting up of what are called national flags in private houses. The cases went up to the High Court, and the High Court held that the issuing of orders under section 144 was absolutely

illegal; and the orders were quashed. But what about the scores of persons who were beaten, assaulted and imprisoned as a result of the wearing of Gandhi caps in defiance of those orders, and the putting up of national flags? What about those men who have had to suffer seriously in defying an order which has been held to be illegal by the High Court? In my own province I have cited many instances of the misuse of section 144. What about the firing at Begu Sarai recently? My Honourable friend, the official representative of Bihar and Orissa, whom I heartily congratulate on the excellent maiden speech which he has made, has not been able to controvert any material point in connection with the incidents which I have placed before the House. With regard to the *Hardi mela*, my friend said that this section was very appropriately applied; but in the very next breath he said that as a protest against the misapplication of section 144 Hardi Babu had to resign his seat in the Legislative Council and his Honorary Magistrateship. Now, Sir, we read the other day in the papers that a Magistrate at Tirupati had prohibited public meetings under section 144 as the public wanted to hold a mourning meeting in honour of the death of Pandit Motilal Nehru. I want to know whether this is a correct application of section 144. Mr. A. V. Thakkar, of the Servants of India Society, wanted to hold an inquiry into the beating by the police of a large body of the ladies in Borsad in Gujerat last month, and he was prevented under section 144 from going and making an inquiry into the allegations. I do not know if my Honourable friend the Home Member can justify an action like that. Sir, I do not want to take up the time of the House, but there is only one word which I want to say. I resent strongly the somewhat undignified references made to Mahatma Gandhi by Mr. Anklesaria. It is gross impertinence on his part. It is not necessary to agree with all the views of Mahatma Gandhi to recognise in him a world figure. The name of Mahatma Gandhi will endure in history long long after the race of job-hunters and title-hunters has disappeared. With these words, I commend my motion to the House.

The Honourable Sir James Crerar: Mr. President, the debate has travelled over a somewhat extensive ground and I think it has been a very interesting and in many respects a very useful debate. Some features of it have been familiar, other features of it have not been entirely unfamiliar but extremely useful. When I speak of familiar features, I refer to the political rhetoric which we have been accustomed to hear from the eloquent and ingenious lips of the Honourable the Mover and the other Honourable gentlemen who supported his motion. The House has also heard, I think with a large measure of interest and appreciation other points of view which are not always as fully explained on these occasions as I should wish that they should be. We had from the Mover of the amendment for circulation, Mr. Anklesaria, a lucid and able speech putting forward the point of view of what I think I may call the law abiding citizen, who desires that he and other men of his kind should be protected in their lawful vocations. We have heard also from Honourable gentlemen on these Benches a very interesting and very illuminating account of how the matter presents itself to the Magistrate who has to administer this section and, after I have dealt very briefly with the amendment moved by Mr. Anklesaria, I shall emphasise that point of view. With

[Sir James Crerar.]

these few preliminary words, Sir, I merely desire to take up one or two salient points which have emerged in the course of the discussion. I think I might fairly select the speech of the Honourable and learned gentleman from the Punjab, Mr. Puri, as being typical of the speeches and the arguments which have been employed by supporters of this motion. Now, I propose to take three particular contentions which were strenuously contended by Mr. Puri. I shall not do him an injustice by selecting some haphazard remark and subjecting it to hypercritical examination, but I think he made three points strenuously and they were these. First of all he said "After all the proposed amendment which requires the Magistrate to record evidence introduces nothing new". It represents substantially what is already the law. Well, if that is really the case, where is the necessity of the Bill at all? He went on to say that the Act, as it at present stands, would enable a Magistrate to do all sorts of foolish and unreasonable things. He said it would enable a Magistrate to forbid, he would be justified by the actual terms of the section as it stands, in forbidding the wearing of a *dhotie*. Now I do not think the Honourable Member was very successful if he intended to persuade the House that a Magistrate was likely in point of fact to make an order prohibiting the wearing of a *dhotie*; but even accepting that rather extreme hypothesis, what does the Honourable gentleman propose by his amendment to do to remedy that state of affairs? The amendment restricts the Magistrate in making an order prohibiting a person from taking part in a political meeting, in a procession, in a public demonstration. But, Sir, does the Honourable Member seriously contend that the wearing of a *dhotie* is any of these things? Is it a public demonstration? If that is so—and I believe the Honourable gentleman would quite rightly contend that the wearing of a *dhotie* is not a public demonstration—then the amendment provides no remedy at all.

Mr. B. R. Puri: What is the difference between wearing a Gandhi cap and wearing a *dhotie*?

The Honourable Sir James Crerar: I think, therefore, Sir, that this is ridiculous. Now the third point which the Honourable Member made was that the section as it stands is an ancient, hoary section, and he contended that I had referred to its antiquity as a reason for its preservation. Now there the Honourable Member does me less than justice. The point of my contention, when I referred to the fact that this section has been substantially in its present form for 70 years, was not its antiquity but that even in those days, when the necessity for action such as is contemplated by this section was infinitely rarer than it is now, such necessity was nevertheless then recognized and then contemplated. He contended further that this section really deserved to fall into desuetude because it was passed at a time when the representatives of the people had not had full opportunity of giving their judgment upon it. Is the Honourable Member ignorant, or has he forgotten, that this section was considered most carefully, scrutinised most elaborately, in the year 1923? Certain amendments, material amendments were then made to the section. I do not think the Honourable Member has much justification for contending that after that rigorous scrutiny and that very material modification of the

section as it now stands, that section was not brought before the judgment and submitted to the scrutiny of the representatives of the people. (Applause.)

Then, Sir, the question was addressed to me, and has been repeated more than once, whether this section was actually used in connection with cases of communal trouble. The question has been very effectively answered by the Honourable gentleman behind me from his personal experience. But I have here, in the records of the last four or five years, a few salient instances of the most important character which have come to my notice—there must be a considerable number of others—and I find that during the years 1926, 1927 and 1928 this section was used in the very serious riots that took place in Calcutta, the very serious riots that took place in Lahore, and the very grave riots that took place in Delhi. It was used repeatedly and with effect—and that they were used repeatedly and with effect was admitted at the time by many influential sections of public opinion. I will not therefore weary the House with details.

Now I come very briefly to the amendment proposed by Mr. Anklesaria and very ably supported by Mr. Yamin Khan, Maulvi Muhammad Yakub and others, to the effect that the Bill be circulated. I observe that the Honourable the Mover made not the slightest attempt to meet the very cogent arguments advanced on that side of the case. Sir, he was well advised in not doing so. So far as that amendment is concerned, I have to say that Government are prepared to agree to it. (Applause.) But in saying so, I feel that candour requires me to explain to the House that I do so subject to the following reservations. I do not myself consider that Local Governments will find themselves in a position to take an attitude towards these amendments other than that which has been explained from these Benches and by several Honourable Members in other quarters of the House. I do not think that that is likely; but at the same time I think it will be undoubtedly to the advantage of this House to have before them a body of opinion larger and more extensive and more comprehensive than even the opinions based on experience, and from the point of view as I say both of the ordinary citizen and of the official which we have heard. It will be an advantage to the House to have a wider body of opinion. Nevertheless, in accepting this amendment, I do not desire to have it attributed to me or the Government that we consider that this Bill has any merits whatsoever; and if it were referred to Select Committee, they could do nothing else but strenuously endeavour to retain in the hands of the Magistrate, for the benefit and protection of the public, everything material that is now existing in this section. Nor do I anticipate that when the Local Governments pronounce on this matter, if the House accepts this motion, they are likely to take any other position. For these reasons, Sir, I oppose the original motion; and I announce on behalf of the Government that they will be prepared to accept the motion moved by Mr. Anklesaria. (Loud Applause.)

Mr. President: The question is:

“That the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of section 144*), be circulated for the purpose of eliciting opinion thereon by the 31st August, 1931.”

The Assembly divided:

AYES—51.

Abdul Qaiyum, Nawab Sir Sahibzada.
Acheson, Mr. J. G.
Ahmed, Mr. K.
Alexander, Mr. W.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Anwar-ul-Azim, Mr. Muhammad.
Ayyangar, Diwan Bahadur V. Bhashyam.
Bajpai, Mr. R. S.
Banarji, Mr. Rajnarayan.
Baum, Mr. E. F.
Bhargava, Rai Bahadur Pandit T. N.
Boag, Mr. G. T.
Chatterjee, The Revd. J. C.
Crerar, The Honourable Sir James.
Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Hamilton, Mr. K. B. L.
Hayman, Mr. A. M.
Heathcote, Mr. L. V.
Hezlett, Mr. J.
Ismail Ali Khan, Kunwar Hajee.
Jadhav, Mr. B. V.

Jawahar Singh, Sardar Bahadur Sardar.
Khurshed Ahmad Khan, Mr.
Macmillan, Mr. A. M.
Montgomery, Mr. H.
Moore, Mr. Arthur.
Muazzam Sahib Bahadur, Mr. Muhammad.
Mukherjee, Rai Bahadur S. C.
Pandit, Rao Bahadur S. R.
Parsons, Mr. A. A. L.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Sahi, Mr. Ram Prashad Narayan.
Sams, Mr. H. A.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Shillidy, Mr. J. A.
Studd, Mr. E.
Sykes, Mr. E. F.
Tin Tüt, Mr.
Wajihuddin, Khan Bahadur Haji.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—50.

Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Chandi Mal Gola, Bhagat.
Das, Mr. A.
Dudhoria, Mr. Nabakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hoon, Mr. A.
Isra, Chaudhri.
Jamal Muhammad Saib, Mr.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Liladhar Chaudhury, Seth.
Misra, Mr. B. N.
Mitra, Mr. S. C.
Mujumdar, Sardar G. N.
Neogy, Mr. K. C.

Pandian, Mr. B. Rajaram.
Puri, Mr. B. R.
Puri, Mr. Goswami M. R.
Rajah, Raja Sir Vasudeva.
Ranga Iyer, Mr. C. S.
Rao, Mr. M. N.
Rastogi, Mr. Badri Lal.
Reddi, Mr. P. G.
Roy, Kumar G. R.
Sadiq Hasan, Shaikh.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Sen, Pandit S. N.
Shafee Daoodi, Maulvi Muhammad.
Shah Nawaz, Mian Muhammad.
Shahani, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Tun Aung, U.
Uppi Saheb Bahadur, Mr.
Walayatullah, Khan Bahadur H. M.
Zulfiqar Ali Khan, Sir.

The motion was adopted.

THE ABOLITION OF CAPITAL PUNISHMENT BILL.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Sir, I beg to move:

"That the Bill to abolish the punishment of death for offences under the Indian Penal Code, be circulated for the purpose of eliciting opinion thereon."

Sir, this is a very important measure, unprecedented in the history of legislation in this country in modern times, and I should beg your permission to deal with it in some detail.

Capital punishment has been abolished, wholly or partly, in many of the progressive countries of the world. So far as my information goes, in Europe, the death penalty has been dispensed with in Austria, Belgium, Denmark, Finland, Holland, Italy, Lithuania, Norway, Portugal, Roumania, Sweden and in most of the cantons of Switzerland; in America, it has been abolished in the Argentine, Brazil, Columbia, Costa Rica, Ecuador, Honduras, Peru, Uruguay, Venezuela; and in eight states in the American Union; in Australia, it has been abolished in Queensland. In some of these states, the penalty has been formally removed by law from the Statute-book; in others, the penalty, though still legal, has become abrogated by disuse. It has also been abolished in a number of German states. In Austria, it has been abolished in 1918; in Belgium there have been no executions since 1865, and though the population of Belgium has increased considerably, there has been a marked decrease in the number of homicidal crimes during the period. In Denmark, there have been no executions since 1892. Capital punishment was abolished by law in Holland in 1870, but only two executions had taken place in the 20 years prior to that date. In Norway, capital punishment was abolished by law in 1905; but there had been, however, no executions for 30 years prior to that date. In Portugal, it was abolished in 1867; in Norway in 1865; in Brazil in 1891; in Peru it has been discontinued for 30 years or more. It will now be seen that capital punishment has been abolished in a large number of the countries in the world; and from the official statistics of those countries, it will be seen that there has been no permanent increase in homicidal crime as a result of abolition; in many there has been a decided decrease. In England, efforts have been made in the past to rally public opinion in favour of the removal of the death penalty; but official conservatism has not yet been conquered. It is, however, noteworthy that the *Daily Herald*, the official organ of the Labour Party, describes capital punishment as a "barbarous and antiquated method of social revenge".

Sir, I wish to guard myself against the charge that in making this motion, I am actuated by sentiment, although I make bold to say that sentiment is not a thing to be lightly despised. A strong and widely felt sentiment sometimes produces results on the moral or political planes, which one could hardly have foreseen. Had the motive behind the efforts to abolish capital punishment been merely a sentimental one, it would not have appealed to the hard-headed, practical countries and states which I have mentioned. Neither, Sir, do I hold any brief for the murderer, whom I recognise to be, in Dymond's phrase "a depraved and deep violator of the laws of God". Those who advocate the abolition of capital punishment do it on the ground that it is both futile and immoral; and that the interests of the community would be best served by its abolition. Public opinion all the world over is coming round to the view that capital punishment is not suited to the social needs of the present time. The plea that capital punishment acts as a deterrent and exercises a restraining influence is not borne out by the experience of modern states. Sir, in those countries where the death penalty has been removed, statistics indicate that there has been no increase in the number of homicidal crimes for which this

[Mr. Gaya Prasad Singh.]

penalty was formerly inflicted. More murders, it seems, strangely enough occur in states having the death penalty than in the states that do not have it. This is the conclusion set forth in the *Spectator* (New York) by Dr. Frederick L. Hoffman, statistician of the Prudential Insurance Co., after a study of the country's 1928 homicide record. Some people say, "Oh, there are so many murders, and they follow in such quick succession that the punishment of death must not be replaced". Why is not this reason, among others, for repealing it? Does it not show that it is ineffective as an example, that it fails to prevent crime, and that it is not an effective deterrent? If capital punishment had really acted as a deterrent, its removal would have been followed by a wave of such crimes. But this has not been the case. Murder does not prevent murder. It may perhaps be argued that life imprisonment, or imprisonment for a long term, as a substitute for death sentence, is a worse form of punishment. If this is so, it would necessarily be a more effective deterrent, and therefore should be preferred to hanging. One cannot have it both ways. Either such imprisonment is not worse than hanging, or it is. If it is, then capital punishment is not the best deterrent. In olden times, whenever a penalty had been relaxed, whenever for example it was proposed to abolish the death penalty for such offences as sheep-stealing, forgery or other comparatively trivial offences, there had always been the plea put forward that property would not be safe and that such penalty was needed to protect society. But the abrogation of the death penalty for those offences has not landed human society into chaos; nor has there been an increase in the number of such crimes. This plea therefore would hardly hold water. The "Encyclopædia Britannica" in an impartial historical survey of the subject states that:

"At the end of the 18th century the criminal law of all Europe was ferocious, and indiscriminate in its administration of capital punishment for almost all forms of grave crime; and yet, owing to poverty, social conditions, and the inefficiency of the police, such forms of crime were far more numerous than they now are."

Sir, capital punishment has a demoralising effect on the human mind, and if those who inflict capital punishment had only to carry it out, they would, I am sure, soon change their opinion. If those, who inflict the punishment, or its advocates were to carry out the sentence of hanging as a duty, I am quite sure 999 persons out of a thousand would shrink with horror from it; and they should not ask a fellow-citizen to do a thing from which they themselves would recoil. The harshness of the death sentence tends to coarsen the public sentiment; and to authorize killing is to tamper with the sanctity of human life. The object of punishment should be reformatory, rather than retributive, as also a means of educating the social conscience of the community; and in this view of the matter also, capital punishment should not be inflicted. In a murder trial, it is the fact that the accused person is fighting for his life which creates a widespread excitement and morbid interest; and this feature would at once be removed by the abolition of this punishment. Death sentence is more a punishment to the innocent wife and children of the condemned man, than to himself. Then again, Sir, sometimes innocent persons have been sentenced to death, and in such cases no reparation is possible. The case of Oscar Slater is a case in point. In such a case there was always the possibility that other evidence would come to light

that would ultimately prove a condemned person innocent. In the *Pioneer* of the 12th June, 1929, a story is told of a man in Germany, who about 10 years ago was convicted of murder and sentenced to penal servitude for life. But recently after a new trial, which created a sensation in Germany, the sentence passed 10 years ago was quashed, and the man was declared innocent and released. What would have happened if the unfortunate person had been condemned to death? Judges after all are human beings who have their failings and limitations, and a miscarriage of justice, however unconscious, would be irretrievable in such a case. Every human judgment is liable to be mingled with error, and the torture of knowing that a man had been hanged through what he believed was a blunder is among the most vivid memories of Lord Craigmyle, the famous Scottish Judge, better known as Lord Shaw of Dunfermline, who became a confirmed opponent of capital punishment. (*Amrita Bazar Patrika*, dated 12th June, 1930.) Sir, in my own province of Bihar, some time back, as many as five persons were condemned to death, and the sixth to be transported for life by the Sessions Judge of Shahabad, on a charge of murder in a case which was got up by a Sub-Inspector of Police. Subsequently, owing to the attitude taken up by the local public, whose conscience was shocked, an elaborate official inquiry had to be instituted, which showed that the case which had ended in the conviction of the accused for murder was entirely false. The Local Government was satisfied by evidence which was subsequently discovered that the case was altogether false and concocted, and directed the release of the condemned persons. The Sub-Inspector of Police concerned and three other persons, who were found to be implicated in this remarkable conspiracy, were hauled up before the Patna High Court, and convicted. (*Searchlight*, dated 22nd January, 1930.) Criminologists have now proved that murders are often committed under the influence of a strong passion which is of the nature of a disease, and has to be treated like many other diseases by proper therapeutic means. To end the life of such a criminal may seem to be a short cut; but it has the effect of depriving the culprit of all opportunity of improvement under proper remedial conditions. In times when the dignity of human life was not adequately realised, public conscience tolerated this drastic remedy. But with the growth of a larger perception of the economy of human life, and the need of making the best use of the same, it is necessary to consider and find out if and to what extent it is desirable to remove this method of punishment. Mr. Bernard Hollander, M.D., the author of "The Psychology of Misconduct, Vice and Crime", says:

"Just as ordinary men are influenced in their conduct by certain brain conditions and external circumstances, so the homicide is not always so inherently wicked as his crime makes him appear. Therefore to sentence all murderers indiscriminately to death by hanging, as is done in this country, is far from just."

In a number of cases at least the murderer is not an entirely free moral agent; his action has been influenced by one or many of a variety of factors, over some of which at least he may have little or no control.

Lord Lytton, as the Governor of Bengal, made a remarkable speech in the Rotary Club of Calcutta in 1926, and in the course of his speech said:

"The subject I want to discuss with you is the treatment of delinquency and the use and abuse of punishment in the moulding of human character. The ideal I wish you to test for me, stated in the briefest and simplest form, is just this, the substitution of reformation for retribution as the basis of our penal code. Punishment can instil:

[Mr. Gaya Prasad Singh.]

fear, and enforce habits—it cannot inspire goodness. As a means of moral regeneration therefore, it is worse than useless, and should be abandoned. A morality which is only enforced by pains and penalties is a false morality, and those who would secure the acceptance of moral standards should employ other methods.”

Sir, those who make and enforce laws are not necessarily more moral than those who break them, and the trouble begins when these persons assume a moral sanction to which they are not entitled. It is a strange contradiction that the laws of a country should sentence a man to death for the crime of murder, whilst it takes upon itself the role of a judicial murderer by putting him to death. It is an anomaly that a Christian country should wilfully adopt such a mental attitude, while it glibly and sanctimoniously talks about the power of its religion to uplift fallen mankind, and turn them into something moral and saintly.

Another reason is that the Press publicity accompanying murder trials and executions produces a demoralising influence upon a section of the community, and is known to lead to imitative crimes. Capital punishment often encourages a misplaced “sympathy” for the murderer. The horror of capital punishment sometimes encourages jurors to bring in verdicts contrary to the facts, with the result that dangerous homicides are sometimes allowed to go free.

In England a Council called the National Council for the Abolition of Death Penalty has been started, and in a masterly introduction to a book entitled “Capital Punishment in the 20th century” by Mr. E. Roy Calvert, the Right Honourable Lord Buckmaster, who is the President of the National Council, observes :

“Some think it manly to pay no attention to a man being flogged or killed. They believe it mere sentiment to think otherwise. But to me the only hope of the human race lies in increasing the feeling of sanctity for human life. Without this realisation, we shall never get rid of slums, of poverty, or of crime.”

The Honourable Mr. Justice J. E. Marshall in the course of an illuminating article in the *Quarterly Review*, with the authority of several years’ experience as a judicial officer on the bench of the Egyptian courts, holds that at the present day the death penalty is an anachronism and a reproach to civilization. In mediæval India, according to the testimony of Fa Hien, who visited this country about 400 A.D. and of Hieun Tsang, who visited India about 200 years later, neither capital nor corporal punishment existed. The Imperial Gazetteer of India, Vol. XXI (1908) published under the authority of His Majesty’s Secretary of State for India in Council, under the heading “Rajputana” says (page 143):

“Capital punishments were rarely inflicted”

in former times. Even in Nepal today, on the authority of Mr. A. Vaidelu, in his book called “The Ruling Chiefs, Nobles and Zemindars of India”, Vol. I, page 109e,—

“Capital punishment has been almost totally abolished, with the interesting result that there is a marked decrease in the crimes, which were formerly punished with death.”

Mr. Henry Ward Beecher says :

“In our age and with the resources which Christian civilisation has placed within the reach of civil governments there is no need of the death penalty; and every consideration of reason and humanity pleads for its abolition. It does not answer well the ends of justice and often defeats them. It is the rude justice of a barbarous age.”

Sir, I will now bring my remarks to a close. The introduction of this Bill in the last Assembly was hailed with delight by the Indian press in this country. The *Amrita Bazar Patrika*, the *Swarajya*, the *Searchlight*, the *Leader*, the *Hindustan Times* and many others were some of the papers which gave their unqualified support to my Bill. I received numerous letters encouraging me to proceed with this measure. But, Sir, I do not want to take any hasty steps. The very importance of the Bill inclines me to be cautious. As I have pointed out in the concluding paragraph of the Statement of Objects and Reasons, this Bill is not intended to affect any statute of the British Parliament applicable to India, nor does it in any way affect discipline in His Majesty's Army, Navy or Air Force. Whatever drafting imperfections, if any, there might be in this measure may be remedied at a later stage, or its period of duration may be limited. But for the present I should like Honourable Members of this House and the country outside to give a dispassionate consideration to the object of this Bill, free from the passing phases of the present times. I hope, Sir, the attitude of the Government will be one of benevolent neutrality, if not of active sympathy, and that they will not express themselves at this stage of the Bill in a way which might prejudice its chances of a dispassionate consideration by the Local Governments or other bodies or individuals to whom it may be referred for opinion. I have sought what I believe to be the line of least resistance. The activities of the terrorist movement, to whatever extent it may be supposed to exist in India at the present moment, should not be allowed to deflect our course of judgment. We should look through the clouds of the present into the sunshine of the future. But, Sir, I do not want to commit this House or the Government to anything at this stage; and that is why I merely wish that the Bill should go out to the country for the purpose of eliciting opinions thereon.

The Honourable Sir James Crerar (Home Member): Mr. President, I rise to oppose this motion. The industry and ingenuity of Honourable Members opposite frequently results in presenting to Honourable Members on this side of the House opportunities at any rate for displaying a great deal of versatility. On the present occasion quite a considerable number of measures dealing with various aspects of the Statute-book are on the List of Business, which would ordinarily have been expected to engage the attention of the House. I must honestly confess that I did not myself expect that, after dealing with the intricacies of the Criminal Procedure Code, I would be dealing at this stage in the afternoon with so drastic a proposition as that which the Honourable Member opposite has just moved. Nor, Sir, did I expect that it would be my lot to follow immediately after the Honourable Member after he had read, with great rapidity, I may say, a disquisition which I have no doubt was extremely interesting, but which in the short time I had to absorb it in, I found some considerable difficulty in grasping either in its argument or in its application. Indeed, Sir, I do find some difficulty on the present occasion and in so summary a manner in addressing myself with any degree of fulness to the proposition before the House. It is certainly a very serious matter, and I myself frankly recognise that the question of capital punishment is a question which has exercised from time to time the penologists of every civilised country in the world with very diverse results. The controversy is certainly by no means concluded. The Honourable Member began, if I followed him correctly, by informing the House that capital punishment in various countries in the world had

[Sir James Crerar.]

been abolished. I have just been examining, in the very short time at my disposal, some of the evidence which was recorded by the Committee which was recently appointed to consider this question in England. Honourable Members are aware that a Committee of the House of Commons was appointed to consider the question of capital punishment, and that His Majesty's Government have decided—so I am informed—not to proceed with that Report. Nevertheless I have had an opportunity of glancing cursorily at some of the evidence recorded before that Committee; and in regard to the Honourable Member's argument, in so far as it depends upon the example set in the matter of abolition of capital punishment in other countries, I observe with interest that for example in France and Germany, where at one time the sentence was abolished, it has been resumed. He referred to the case, I think, of the United States of America. But the position in the United States is that in 40 States, comprising the bulk of the population of over 92 million, in 40 States, the law of the land still retains capital punishment. And moreover in the majority, if not all, of those countries where the abolition of capital punishment still remains upon the Statute-book, I find that such enactments were made after a very long period of experiment in other directions, and that in point of fact the execution of capital punishment had gradually over a long period of years fallen into desuetude. That is a very different proposition from the proposition which the Honourable the Mover has put before the House, namely, that in India without any such period of gradual desuetude, we should arrive at that position, and that, without any intervening period, we should proceed at once with the very grave step of abolishing capital punishment.

Now, Sir, I do not intend to delay the House by any attempt in a cursory and summary manner, which is the only manner in which on the present occasion I could possibly approach the subject; I do not intend to delay the House by any summary and cursory examination of that kind. That the question is one which requires as a matter of principle careful scrutiny I do not deny; that much can be argued on academic and humanitarian grounds, I do not deny. But what I do say is this. It is not a practical proposition to ask this House here and now to come to a decision to send this Bill for the purposes of obtaining opinion on so drastic a remedy, if it is a remedy, as that proposed by the Honourable Member. I think that, looking at it as a practical problem, it will be recognised that such a step as the Honourable Member would urge upon this House is not really within the realm of practical politics. I have myself the misfortune to deal with a large number of cases in which the question of the execution of capital sentences is a question for decision. There are cases which have given me and my predecessors long hours, long days of anxious and painful consideration, and in doing so we certainly have acquired from those records very extensive acquaintance with homicidal crime throughout the length and breadth of India. I do not think that I should really take advantage of this, but I could from my own experience in the course of the last 3½ years recite to the House crimes of so dreadful a character that really one is presented with the very pressing question whether in cases of that kind any punishment other than capital punishment could on any theory of crime be regarded as the proper punishment. However, I should like to point out to the House that Indian law differs in one material respect from English law in this matter. The Indian

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law is a more elastic law; it gives more discretion to the judicial authorities in the matter. Honourable Members are aware in England when a person is indicted and convicted of murder, Courts are required to pass a sentence of death. In India the Courts are empowered to pass an alternative sentence, and it is my experience, both as an official in a Local Government and as an official and a Member of the Government of India, that that discretion is very frequently, and I think on the whole, very wisely and judiciously exercised. There is not, therefore, the same necessity in India for dealing with this question from a legislative point of view. It is, however, a very large and intricate problem. It is a problem to which I could not do justice in all its intricacies and with the important questions of facts and principle that are involved on an occasion such as the present. I should like Honourable Members to look round and to consider it even from those aspects of the question which present themselves not to specialists, not to judges, not to magistrates, not to police officers, but within the experience at any rate of every one who keeps himself acquainted with what happens in the land, and I will ask him seriously to consider whether it is possible for us here and now to consider the proposition of the Honourable Member opposite, as a proposition which can be regarded as one within the sphere of practical politics at this stage.

Mr. President (to Mr. Gaya Prasad Singh): Do you wish to reply?

Mr. Gaya Prasad Singh: No.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): He has no reply to make.

Mr. President: The question is:

“That the Bill to abolish the punishment of death for offences under the Indian Penal Code, be circulated for the purpose of elicit opinion thereon.”

The motion was negatived.

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

(AMENDMENT OF SECTION 2.)

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to move that the Bill further to amend the Indian Bar Councils Act, 1926 (Amendment of section 2), be taken into consideration. This is, Sir, a purely legal Bill, and I hope the Honourable Members will give me the indulgence if I take a few minutes to explain to them the aims and objects of my Bill.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Will your party help you?

Sir Hari Singh Gour: In the first Assembly one of the Honourable Members of this House brought forward a Resolution for the purpose of eliminating all distinctions between members of the English and Indian Bar, and the Government of India appointed a Committee known as the Indian Bar Committee. That Committee issued its Report, which I have before me, in 1924, and in that Report they made certain recommendations.

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for the purpose of raising the position of the Members of the Indian Bar and bringing it as far as possible to the standard of the English Bar. At the same time, they felt the necessity of reshuffling the grades that were created under the Bar Councils Act, and they pointed out that it would be necessary in India to create King's Counsel as a recognition for distinguished merit at the Bar. I will read to Honourable Members a passage from the Report of the Bar Councils Committee. At page 11 of their Report they say this :

‘But if it is desirable, we consider that a more suitable form of recognition, such as the grant of the rank of King's Counsel, could be devised than elevation to a grade which, while it may contain a higher average of outstanding talent, cannot possibly be regarded as exclusively composed of successful practitioners’.

This is the recommendation of the Indian Bar Committee in 1924. In pursuance of the other recommendations of the Indian Bar Committee, the Government of India introduced a Bill in 1926, which afterwards became the Indian Bar Councils Act. In that Bill the Government of India had graded the various practitioners in accordance with the seniority which the Government of India proposed, in the case of Barristers and Advocates, should be reckoned from the date of their enrolment in the High Court. I objected to that clause, and Sir Alexander Muddiman, the Home Member, then withdrew that clause and said that he would recirculate that portion of the Bill and re-introduce that clause dealing with the right of English Barristers and Indian Advocates to pre-audience and precedence in the Courts. Honourable Members will find the whole discussion on this subject in Volume VIII of the Legislative Assembly Debates, page 372 onwards. In consequence of that undertaking, the Government of India circulated that portion of the Bar Councils Bill which dealt with the gradation of various legal practitioners in India, and the rest of the Bill became law as the Act of 1926. After the circulation of public opinion, Act XIII of 1927 was enacted, which, Honourable Members will find, deals with the gradation of the various members of the Bar in India in the following order; in the first place, we have the Advocate General; in the second place, we have King's Counsel; in the third place, we have Advocates being Barristers, who reckon their seniority from the date of their call to the Bar; and then we have Advocates who reckon their seniority from the date of their enrolment in the High Court. That is the Act of 1927. Now, leaving out the Advocate General, who takes precedence of all the practitioners by reason of holding that office, we have the following grades of practitioners recognised by the Act of 1927, namely, King's Counsel, Advocates and Vakils. These are the three grades of practitioners which are recognised by the Bar Councils Act. When these three grades of practitioners were enumerated in the Act of that year, it was intended that in India, following the practice of the other Dominions, and indeed of even the Crown Colonies—small Crown Colonies—like Ceylon and British Guiana—King's Counsel should be created in this country, and it is for the purpose of giving them a special position that the Act of 1927 places them in a position of seniority to the other lawyers, whether Barristers or Vakil Advocates of the High Court. That being the position, four years have elapsed from 1927 to 1931, and King's Counsel have not been created in this country. But the result of the enactment has been that it gives the King's Counsel of a place like Ceylon or British Guiana or other Crown Colony a seniority and a right of pre-audience over Advocates in India.

That is a position which no Indian legal practitioner can tolerate. That is a position which creates an anomaly in the enactment of 1927 in that, while it is an Act of the Indian Legislature, it places Indian practitioners in a position of perpetual inferiority to the King's Counsel from England, from the other Dominions and from the Crown Colonies. I submit that, when the Act of 1927 classified Indian practitioners as King's Counsel, Advocates and Vakils, it must have been so enacted because it was intended that King's Counsel should be created in India. But that has not been the case. My Bill, therefore, is intended to define the meaning of the word "King's Counsel", which occurs in the Act of 1927, and it is defined as a person so appointed from among the legal practitioners in India. Thereby, it excludes foreign King's Counsel who come and invade the Indian Courts and claim seniority over Indian practitioners, however senior they may be in point of years. I therefore submit that the Bill which I have the honour to sponsor should be taken into consideration.

I see a blocking motion by my Honourable friend Sir Lancelot Graham. When this question was under debate in the first Legislative Assembly, the point that there should be an independent Indian Bar was considered by the Government of India, and it was for the purpose of creating an independent Indian Bar that the Acts of 1926 and 1927 were placed on the Statute-book. But, in spite of the statutory provision for the creation of all grades of practitioners in India, the Government of India have so far taken no action to comply with the terms of the Act of 1927, and their non-compliance with the terms of the Act of 1927 has led to this result, that Indian practitioners will always be placed in a position of being juniors in relation to persons who have obtained either English or Colonial Silk. That, I submit, is a blot on the Indian statute if it remains to be construed in that sense, and I therefore ask the House to overrule the blocking motion of my Honourable friend the Legislative Secretary and pass my Bill. I move.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, as I understand my Honourable friend's Bill, it proposes to take away a privilege from a class of practitioners which does exist, in favour of a class of practitioners which does not exist, and the Bill goes no way towards bringing that new class of practitioners into existence. Seeing, then, that this class of practitioners on whom my learned friend wishes to shower his largess does not exist, I do not think that I should be altogether incorrect if I were to say that this Bill seems to me to be a little premature. Now, Sir, if his Bill is a little premature, I cannot help feeling that I cannot be charged with putting up a purely blocking motion if I suggest that, before the House goes further, the Bill, which is now premature, should be circulated. The persons who are concerned in the passing of this Bill are a very important section of the people of this country—if I may say so, members of the most honourable profession in this country. I must say, Sir, that I am surprised that the Honourable Member should propose to rush this Bill through without giving the representatives of the Bar Councils and the Bar Libraries suitable opportunity for expressing themselves on the merits of this Bill. I think, Sir, that what my Honourable friend is proposing today comes from him with singular ill-grace, because as I have said, the purpose of this Bill is to take away the right of pre-audience granted, amongst others, to the holders of what is known as the English Silk. I cannot help feeling, Sir, that it would have been more graceful on the part of the learned Leader of the Opposition if he had, even at the

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cost of being irrelevant, drawn attention to the fact that an Indian practitioner has just received the honour of English Silk. I do hope the House will join with me in congratulating Mr. Bhagwandás Dube on receiving this very signal honour. On the occasion of his receiving this honour, we are asked to put an embargo on him and take away from him the right of pre-audience which he now enjoys under the Indian Bar Councils Act. I suggest, Sir, we should be acting in a very hurried manner if we did this.

Then there is another reason why this House should accept my motion for circulation. I do not rely entirely on my own arguments in this matter. I would use the arguments of the Leader of the Opposition. The Leader of the Opposition, when he gave notice of this Bill, sent with it a letter which was in the following terms :

"I have the honour to state that I have given early notice (*the letter is dated the 13th August, 1930*) of the enclosed Bill to amend the Indian Bar Councils Act, so that Government may have ample time between now and the Delhi Session of the new Assembly to consult leading Bar Libraries and other persons or bodies interested in the subject of the Bill."

In other words, Sir, the Honourable Member then asked for executive circulation or circulation, as we call it, by executive order. That was before this Assembly had met and before we had any opportunity to know what this House would think of his Bill, and we were not therefore disposed to accede to his request for circulating the Bill before the House ever met at all. Therefore, Sir, the Bill has not been circulated, but the need for circulating it still persists, and I would therefore ask the House to agree with me that my motion is not a blocking motion. It involves the adoption of a procedure which the Honourable Member himself last August considered to be necessary, and it does, I consider, the merest justice to the learned and honourable profession of which he is himself a member. With these words, I move my motion for circulation.

Sir Hari Singh Gour: I rise to a point of order. The Honourable Member's motion is that the Bill be circulated for the purpose of eliciting opinion thereon. I invite your attention to rule 77 on page 28, clause (a). The motion is out of order because it does not mention the date which should be specified. The whole thing is out of order.

The rule says:

"If the Member in charge moves that his Bill be taken into consideration, any Member may move as an amendment that the Bill be referred to a Select Committee or be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion."

That has not been done and I submit that my friend's amendment should be ruled out of order.

Sir Lancelot Graham: I confess to the lapse, and I would ask the House to permit me to add the words, "by the 31st August, 1931".

Mr. President: The Honourable the Mover of the amendment wishes to ask the permission of the House to allow him to amend his amendment by the addition of the words "by the 31st August, 1931".

The question is that that addition be made.

The motion was adopted.

Sir Hari Singh Gour: Sir, the author of the amendment referred to the Silk being given to my friend, Mr. Dube, announced in the newspapers today. If he will only read once more the Statement of Objects and Reasons, he will find that the view of the Lord Chancellor of England is that no Barrister practising in India, whether English or Indian, shall get Silk so long as he practises in India, and Mr. Dube obtained Silk because he is attached to the Judicial Committee of the Privy Council. That is the grievance I have made, and which I have mentioned in the Statement of Objects and Reasons, and I am surprised that my learned friend on the other side takes that as an example of Silk being conferred upon an Indian who practises in England. If he had been practising here all his life, he would have been disqualified by the mere fact that he practises in this country, and that is this reason why I have taken upon myself to introduce the Bill which I have placed before the House. Then, Sir, my Honourable friend stated that I gave the Government of India notice of my intention to introduce this Bill as far back as August, 1930. I gave him an opportunity of ascertaining by circulation the views of Bar Libraries in India, and my Honourable friend tells this House that he did not wish to circulate the Bill because he wanted to know what this House thought about it. Sir, it was incumbent upon my friend, as the custodian of the laws of this country, to make his Act XIII of 1927 a living law, and when it is provided in that Act of 1927 that the King's Counsel are amongst the legal practitioners of this country, he was morally bound, I say, to introduce that class of practitioners in this country. It is not a case of 1930. It is a case of 1927 when the Government stood committed to classify Indian practitioners as falling into the category of King's Counsel and Advocates and Vakils. What have they done to make good the underlying implication of the Act of 1927? They have done nothing, and I therefore submit that I am only discharging a duty which lay upon the Government to make good the enactment of 1927. Apart from that, we have been all feeling that the Indian Bar must be a self-contained and autonomous Bar. Is there any Member of this House who denies that fact? (*Cries of "None".*) And if the Indian Bar is to be an autonomous Bar, the Indian members of the Indian Bar cannot always remain as juniors to the people who get Silk from England or in the small Crown Colonies like Ceylon and British Guiana. If the Government of India had been a national government, which of course it is not, it would have taken time by the forelock and taken measures to introduce Silk in this country. My Honourable friend says that I have not inserted any positive rule for the creation of Silk in this country. Sir, occupants of the Treasury Benches cannot be ignorant of that elementary principle of law, namely, that the creation of Silk in the British Commonwealth is a part of the King's prerogative, and while it is perfectly legitimate for the Indian Legislature to create Silk by an enactment of this House, it is equally legal for the King to delegate his power to His Excellency the Viceroy for that purpose. As a matter of fact, in the constitution of the British Commonwealth, such a power has been delegated to all the Colonial Governments, and they

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have been exercising that power for many years. India happens to be the only unfortunate country where such a power has not been delegated, presumably because India has not asked for it before; and when in 1927 we told the Government that King's Counsel ought to be created in India, they rightly acceded to the insertion of that clause, and as soon as the clause was inserted, they forgot all about it. That, I submit, is therefore a charge which cannot be levied against me, but against the Honourable occupants of the Treasury Benches as to how they discharge their duty towards the people of this country. (Hear, hear.)

Sir, I do not object, I do not mind waiting till the 31st of August, 1931, but I do wish the occupants of the Treasury Benches to remember this that public opinion is not fully enlightened in the case of this class of legislation. This is a Bill which interests the members of the legal profession. Consequently, the opinion to be sought must be the opinion of members of the legal profession. I wish also in this connection to point out that one of the decisions of the Round Table Conference is to the effect that there shall be established a Supreme Court in India. Therefore, the judiciary in India will be self-contained; and I submit it follows as a necessary corollary that the Bar of India must be equally self-contained. I therefore feel that we shall be paving the way for that happier era when India will have a self-contained judiciary and will have a self-contained constitution. Whatever may be the view of the Honourable the Legal Secretary, I appeal to the Honourable the Law Member, who is a member of my own profession, to see that he does not stultify an enactment of the Indian Legislature.

Mr. President: The question is:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1931.”

The motion was adopted.

THE CHILDREN'S PROTECTION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I beg to ask for leave to introduce a Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898. I shall not detain the House for many minutes. This is a Bill which has been before this House before, under the more popular name of the Age of Consent Bill. (Laughter.) Sir, in the last Assembly, Government appointed a special Committee, which was presided over by Sir Moropant Joshi to go into the question, and after going into this question, his Committee made certain recommendations which are formulated in the various clauses of my Bill. Sir, I move.

The motion was adopted.

Sir Hari Singh Gour: Sir, I introduce the Bill.

THE INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, I move for leave to introduce a Bill to repeal the Indian Criminal Law Amendment Act, 1908.

The motion was adopted.

Mr. Gaya Prasad Singh: Sir, I introduce the Bill

THE BENGAL STATE-PRISONERS REGULATION (REPEALING)
BILL.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill to repeal the Bengal State-Prisoners Regulation, 1818.

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill. *

THE INDIAN BAR COUNCILS (AMENDMENT) BILL.

(AMENDMENT OF SECTIONS 4, 9 AND 14.)

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I move for leave to introduce a Bill further to amend the Indian Bar Councils Act, 1926 (Amendment of sections 4, 9 and 14).

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

THE HINDU WIDOWS' RIGHT OF INHERITANCE BILL.

Rai Sahib Harbilas Sarda (Ajmer-Merwara: General): Sir, I move for leave to introduce a Bill to secure a share for Hindu widows in their husbands' family property.

Sir, this Bill was introduced in the last Assembly; it was discussed on a motion for taking it into consideration and was then circulated. Opinions were received from the provinces, and the Bill was referred to a Select Committee; but before the Select Committee could meet, the Assembly came to an end and the Bill consequently lapsed. I therefore ask for permission to introduce this Bill again.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, all I can say is that I oppose the motion.

Mr. President: The question is:

"That leave be given to Rai Sahib Harbilas Sarda to introduce a Bill to secure a share for Hindu widows in their husbands' family property."

The motion was adopted.

Rai Sahib Harbilas Sarda: Sir, I introduce the Bill.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 491.)

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural):
Sir, I move for leave to introduce a Bill further to amend the Code of Criminal Procedure, 1898 (Amendment of section 491).

The motion was adopted.

Mr. Amar Nath Dutt: Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 18th February, 1931.