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(23rd September to 3rd October, 1931)

SECOND SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY 1931





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Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Wednesday, 23rd September, 1931.

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

QUESTIONS AND ANSWERS.

REPRESENTATION OF THE INDIAN CHAMBER OF COMMERCE AT THE ROUND
TABLE CONFERENCE.

- 748. *Rai Bahadur Sukhraj Rai: (a) Will Government be pleased to state whether it is a fact that there was an understanding with the Indian Chamber of Commerce by the Government that three representatives would be invited from it to the Round Table Conference.
 - (b) If so why was only one representative invited to the Conference ?
- (c) Has that representative refused to attend the Conference unless all the three are invited to attend?
- (d) What correspondence passed between the India Government and the British Government on the subject of representation of the Chamber? Are Government prepared to disclose it to the public?
- (e) Are Government aware that Mr. G. D. Birla, one of the proposed representatives, has already sailed for England with Mahatma Gandhi? Are Government going to invite him to attend the Conference?
- (f) Is the question of inviting three representatives still under consideration or has the matter been closed ?
- (g) Are Government in a position to state whether the failure of the Government to invite three representatives was due to the pressure from British merchants and commercial interests?
- (h) Did Government ask Sir Purshotamdass Thakurdass to re-consider his decision not to attend the Conference in view of the Congress decision to participate in the Conference? If not, why not?

The Honourable Sir George Rainy: (a) to (h). As I have already stated in reply to previous questions on the subject, the selection of delegates to the Round Table Conference is not primarily the concern of the Governor General in Council. I am therefore unable to make any statement on the subject.

Passages of Round Table Conference Delegates, etc.

- 749. Rai Bahadur Sukhraj Rai: Will Government be pleased to state:
 - (a) the names of the delegates to the Round Table Conference who have gone to England to attend the Conference at their own expense and have not charged anything from Government including the booking of passages;

- (b) the names of the delegates to the Conference who have travelled in the lowest class on the steamer;
- (c) if it is proposed to hold the Federal Structure Committee in abeyance till the arrival of the Congress delegation in London;
- (d) when the proceedings of the Conference are expected to be concluded: and
- (e) if there is any proposal for holding a third Round Table Conference in India before the new constitution is introduced?

The Honourable Sir George Rainy: (a) and (b). The British India delegates proceeding from India to the Conference have been supplied with passage certificates entitling them to 1st class passages at Government expense. Government have no information as to what delegates, if any, have declined to avail themselves of this facility or of any of the other facilities offered them by Government.

- (c) The Congress delegation has already arrived in London.
- (d) I have no material for an estimate.
- (e) No, Sir.

REDUCTION OF THE EXCHANGE RATE TO 1s. 4d.

- 750.*Rai Bahadur Sukhraj Rai: (a) Will Government be pleased to state if there is any truth in the rumour that Government is proposing to change the ratio of exchange from 1s. 6d. to 1s. 4d. in the near future?
- (b) Was the Agent of the Imperial Bank of India recently called by Government to discuss this matter at Simla?
- (c) If so, what has been the result of this discussion and whether the proposal has been approved or not?
- (d) What will be the approximate amount of savings to India in Home charges, if the ratio be reduced to 1s. 4d. from 1s. 6d. ?
- (e) Will Government please state their whole policy on this matter and remove the doubts and uncertainties that are prevalent at present regarding the ratio question?

The Honourable Sir George Schuster: (a) No.

- (b) No.
- (c) Does not arise.
- (d) There would be no savings but, on the contrary, a very substantial increase in rupee expenditure. I would refer the Honourable Member to part (b) of my reply to starred question No. 98, given in the Assembly on the 9th September, 1931, in which I pointed this out.
- (e) I would refer the Honourable Member to my answer to part (a) of this question.
- ALLOTMENT OF FUNDS BY THE ROAD COMMITTEE FOR THE IMPROVEMENT OF ROADS IN THE BHAGALPUR DISTRICT.
- 751. Rai Bahadur Sukhraj Rai: (a) Will Government be pleased to state what is the constitution of the Road Committee recently formed? Who are the members of the Committee from Bihar and Orissa?

- (b) What is the total income at the disposal of the Road Committee and what are the chief sources of such income?
- (c) What is the income from Bihar and Orissa and from Bhagalpur District ?
- (d) What sums have been allotted to Bihar and Orissa and to Bhagalpur District? Are the sums allotted in proportion to their income? If not, why not?
- Mr. J. A. Shillidy: (a) The Honourable Member is referred to clause (6) of the Resolution on road development adopted by the Legislative Assembly on the 4th February, 1930.

According to the terms of the Resolution, the members of the Committee are not elected by provinces and it so happens that the Committee constituted for the year 1931-32 does not include any member from Bihar and Orissa.

(b) The total amount credited to the Road Development Account up to the end of the last financial year is Rs. 2,00,41,090.

The income is derived from the share (2 annas per gallon) of the import and excise duties on motor spirit.

- (c) Final figures are not available, but the income from motor spirit consumed in Bihar and Orissa up to the end of the last financial year was very roughly Rs. 6½ lakhs. Government have no information as to the income from the Bhagalpur District.
- (d) Rs. 4.3 lakhs have already been allotted to Bihar and Orissa and a further sum of approximately Rs. 1.5 lakhs remains to be allotted in respect of the revenue up to the end of the last financial year. The Honourable Member is referred to clause (3) of the Resolution to which I have referred for an explanation of the method on which the annual grant is divided. No separate allocation is made by districts.

EXPERT INQUIRIES CARRIED OUT IN INDIA FOR THE ROUND TABLE CONFERENCE.

- 752. *Lala Hari Raj Swarup: (a) What are the expert enquiries which the various Sub-Committees of the Round Table Conference recommended to be carried out in India?
- (b) How many expert committees did Government appoint in India?
 - (c) How many of them have reported ?
 - (d) How many of these reports have been published?

The Honourable Sir George Rainy: (a) I would refer the Honourable Member to the Press communique of the 13th June, 1931, issued by the Government of India of which I lay a copy on the table.

- (b) The Government of India with the approval of the Secretary of State have so far appointed (1) the North-West Frontier Province Subjects Committee, (2) the Indian Sandhurst Committee and (3) the Sind Financial Enquiry Committee.
- (c) The North-West Frontier Province Subjects Committee and the Iudian Sandhurst Committee have submitted their reports.

(d) The report of the North-West Erontier Province Subjects Committee has been published and copies have been supplied to the members of the Indian Legislature.

Press Communiqué.

With the recent announcement of the date for the re-assembly in London of the Federal Structure Committee, the public may be interested to learn how matters stand with regard to the preparation of constitutional material.

- 2. The next stages of constitutional work, including the interval until the Round Table discussions are resumed, are governed by the Prime Minister's observations made in the course of his speech on the 19th January to the final plenary session of the Conference. According to these observations the scope of work to be undertaken by the Government of India has necessarily been limited to the initiation of expert enquiry and investigation into certain subjects. The following statement describes action taken upon the specific recommendations of the Round Table Conference and indicates the progress made.
- 3. The North-West Frontier Province Sub-Committee of the Round Table Conference observed in paragraph 5 of their Report that the precise discrimination of subjects between the Centre and the North-West Frontier Province will require careful investigation, if necessary, by a specially constituted committee following broadly the lines of the classification in other provinces. In paragraph 8 of their Report the Sub-Committee suggested that there should be preliminary expert investigation into the allocation of expenditure between central and provincial heads to supply the basis from which the financial subvention from central (or federal) revenues may be calculated. By a resolution, dated the 2nd May, the Government of India set up a single mixed committee of officials and non-officials to investigate both these matters. The report of the committee is expected to be ready about the middle of June.
- 4. In the concluding paragraph of their report the Sind Sub-Committee recommended that 'an expert committee in India should examine carefully the probable revenue and expenditure of a separated Sind and the security of the debt on the Sukur Barrage, and should also recommend an equitable adjustment of the financial commitments for which Sind may properly be considered liable'. The Government of India hope very shortly to be in a position to announce the setting up of this committee. The committee will in no way be concerned with the merits of the separation of Sind. Its task will be strictly limited to an unbiassed expert investigation of the financial aspects of separation. The committee will not be required even to report how any deficit should be met. In the words of the Sind Sub-Committee's Report, 'i if the sub-Committee think that the representatives of Sind should be asked to show satisfactorily how the deficit would be met before the new province is set up''.
- 5. Unlike, Sind, Orissa was not made the subject of separate investigation by a Sub-Committee of the Round Table Conference. The proceedings of the Conference contain no specific approval of Oriya claims, nor were directions given for their examination by committee or otherwise. At the same time the Orisac case was not overlooked. By the special permission of the Prime Minister the Raja of Parlakimedi, who had already supplied the Conference with a memorandum of Oriya claims, was given an opportunity to speak on the subject when the whole Conference was in committee on the Sind Report and was supported by other delegates who followed him. Though the claims of the Oriyas were not expressly endorsed, and cannot be said even to have been discussed or debated, no delegate spoke against them. In these circumstances the Government of India, with the approval of the Secretary of State, have decided to set up with the least possible delay a committee to examine the whole question of the separation of Orissa. They are at present in communication with the Local Governments concerned regarding the terms of reference, personnel, and other matters relevant to the appointment of the committee, and hope that it may be possible for the committee to start work at an early date.
- 6. Sub-Committee No. VI (Franchise) recommended the appointment of an expert Franchise Commission. There are, however, obvious obstacles in the way of its immediate appointment. Political considerations will enter largely into its work. It would no doubt desire to have a clearer indication of the probable nature and method of return of the Federal Legislature; and both as regards the federal and provincial legislatures it is clearly desirable that such matters as the arrangement of constituencies should be dealt with by the same body as is concerned with the franchise. In accordance

with what is understood to be a view held widely both inside and outside the Conference, the Secretary of State has agreed that it would be useless for the franchise enquiry to be initiated at present before a communal settlement has been reached. These considerations point to a postponement of the enquiry at least till the autumn. The present intention is that the enquiry, when taken up, will be initiated by His Majesty's Government; and it is anticipated that probably not less than six months will be required for the committee to complete its work.

- 7. In paragraph 19 of their second report the Federal Structure Sub-Committee took note of the proposal that a Statutory Railway Authority should be established, and were of opinion that this should be done, if after expert examination this course seemed desirable. Arrangements are being made to ensure that a full memorandum on the issues which have to be considered and on the experience of other countries prepared by experts shall be available to the Federal Structure Sub-Committee when it re-assembles.
- 8. The appointment of an Indian Sandhurst Committee in accordance with the recommendation in paragraph 4 of the Defence Sub-Committee's Report has been aunounced and the Committee is at work. The other matters covered by the Report of that Sub-Committee are being examined.
- 9. In this way the Government of India have planned to cover the ground mapped out by the Round Table Conference for intermediate expert exploration pending the resumption of the Conference negotiations. In addition, however, to these definite directions the Round Table Conference in various places, in their reports used expressions indicating that they would welcome expert administrative examination of incidental points. The most important of these related to the classification of subjects as federal, central and provincial in the two reports of the Federal Structure Sub-Committee. As soon as papers became available all departments of the Government of India undertook a scrutiny of the administrative, not the political, aspects of the classification of subjects provisionally approved by the Federal Structure Sub-Committee. It is expected that this work will be completed by the end of the current month.
- 10. It has also appeared to the Government of India that the Round Table Conference in its further discussions will require statistical material regarding financial matters generally. It is for obvious reasons essential that reliable enough material should be prepared beforehand to make it possible for the Conference to visualise the financial implications of a Federal constitution and to form some estimate as to how a Federal budget could be prepared, for it is only with reliable data of this kind before it that the Conference can reach conclusions as to the practical form which a Federal constitution could take, and as to the relations between the Federation and its constitutent units. This objective examination of the position the Conference on the last occasion was unable to attempt even quite provisionally partly from lack of time, but also from lack of the special material needed. In particular the revenue prospects, which have undergone profound change since Sir Walter Layton drew his pieture, will require chreful examination.
- 11. These financial materials together with the material collected on the classification of subjects will be available if the Round Table Conference at its next session should require to make use of them. They will also enable the Government of India, if so required, to supply facts and explanations in order to assist any intermediate preparations which interests represented at the forthcoming Round Table Conference may undertake.

REFORMS OFFICE.

(8d.) W. H. LEWIS,

Simla, the 13th June, 1931.

Joint Scoretary to the Government of India.

British and Indian Troops and Officers in the Indian Army.

- 753. *Lala Hari Raj Swarup: Will the Government be pleased to state:
 - (a) what is the total strength of Indian troops and British troops respectively in Indian Army at present;

- (b) what is the total number of Commissioned Officers in all Arms of Indian troops in the Indian Army and how many of them are Indians;
- (c) what is the total number of Commissioned Officers in the British troops of the Indian Army, and how many of them are Indians;
- (d) what is the total annual wastage in the officer ranks under part (b);
- (e) what is the total annual wastage in the officer ranks under part (c)?
- Mr. G. M. Young: (a) The strength of units of the Indian Army is about 154,350 and that of units of the British Service on the Indian Establishment about 64,700.
- (b) There are 1,734 British and 114 Indian officers holding the King's Commission and 2,829 Indian officers holding the Viceroy's Commission in the Cavalry, Infantry and Pioneer units of the Indian Army.
- (c) 2,219 British officers holding the King's Commission and 445 Indian officers holding the Viceroy's Commission are employed in units of the British Service on the Indian Establishment.
- (d) In the cadre of King's Commissioned officers of the Indian Army the annual wastage is about 120.
- (e) The number of British Service officers who leave India on retirement or on completion of their tour of duty varies from year to year. Replacements are made from the United Kingdom as casualties occur.
- REPORT OF THE COMMITTEE APPOINTED ON THE RECOMMENDATION OF THE DEFENCE SUB-COMMITTEE OF THE ROUND TABLE CONFERENCE.
- 754. *Lala Hari Raj Swarup: (a) Has the Committee appointed in pursuance of the recommendations of the Defence Sub-Committee of the Round Table Conference submitted its Report?
 - (b) Is it a unanimous report?
- (c) Has the report been released for publication, and if not, why not?
 - (d) When do Government propose to publish this Report ?
- Mr. G. M. Young: The Honourable Member is referred to the reply given to Mr. Jog's starred question No. 598.

REPORTS OF COMMITTEES ON THE INDIANISATION OF THE ARMY IN INDIA.

- 755. *Lala Hari Raj Swarup: (a) Is it a fact that in Lord Reading's time two Committees were appointed by the Government of India, one to go into the question of Indianisation and the other into the question of gradual replacement of British troops by Indian troops?
 - (b) Why have these Reports not been published up to this time?
- (c) Has a reference been made to these schemes in the Report of the Defence Sub-Committee of the 1st Indian Round Table Conference? If so, are Government prepared to publish these reports forthwith? If not, why not?

- Mr. G. M. Young: (a) Yes, except that the committee on Indianization was appointed by the Commander-in-Chief.
- (b) and (c). A summary of a scheme of Indianization prepared in 1921-22 by a committee of military officers appointed by the Commander-in-Chief was given to the Defence Sub-Committee of the Round Table Conference in January, and laid on the table of this House on the 17th February last.

The reasons for not publishing the Report of the Indian Military Requirements Committee are that it contains much secret matter, and that the Committee themselves, in presenting it, made a strong and unanimous recommendation that its contents should in no circumstances ever be made public.

ACUTE AGRARIAN SITUATION IN THE UNITED PROVINCES.

- 756. *Lala Hari Raj Swarup: (a) Are the Government aware that the agrarian situation in the United Provinces of Agra and Oudh is very acute and alarming?
- (b) Have the Government of India given any directions and suggestions to the Local Government concerned for dealing with the situation?
- (c) Will Government be pleased to lay on the table the correspondence that has passed between them and the United Provinces Government in this matter?
- The Honourable Khan Bahadur Mian Sir Faxl-i-Husain: (a) The Local Government is fully cognisant of the gravity of the situation, and the Honourable Member's attention is invited to His Excellency Sir Malcolm Hailey's address to the Legislative Council of the United Provinces on the 20th July, 1931, which has been widely published. A statement was also made in this House on the 10th September, 1931, during the course of the debate on the resolution bearing on this subject.
 - (b) No.
 - (c) Does not arise.

REVISION OF THE COURT FEES ACT.

- 757. *Pandit Ram Krishna Jha: (a) Are Government aware that the Court-fee Act VII of 1870 has been in existence for over half a century and almost all the High Courts have from time to time pointed out the defects in the framing and the policy of the Act?
- (b) Are Government aware that there have been a large number of amendments and repeals since then and various local Acts have been passed prescribing different scales of fees in different provinces?
- (c) Are the Government aware that several of the High Courts in India have from time to time in their decisions pointed out that a new Court-fees Act should be enacted in the light of the experience gained by the working of this fiscal enactment for the past several decades?
- (d) Is it a fact that even after the Devolution Act (Act XXXVIII of 1920) in the year 1923, the Government of India addressed the local Governments calling from them suggestions with a view to revise the Court Fees Act of 1870 and to bring it up to date, with due regard to the

other connected enactments, as also perhaps to provide one uniform law of court-fees for the whole of British India?

(e) Is it a fact that a new Court-fees Bill in the light of the suggestions made by the local Governments, was actually drafted for enactment? If so, do Government intend to proceed with the Bill? If so, when? If not, why not?

The Honourable Sir James Crerar: (a) Government are aware that the Court-fees Act passed in 1870 has since undergone, as was natural, various amendments to meet defects brought to notice from time to time.

- (b) In 1922 and 1923 several Local Governments, acting under the powers conferred by the Devolution Rules, which made "Judicial Stamps" a provincial reserved subject, amended the schedules to the Act and certain provisions therein, in order to raise additional revenue.
- (c) I am not aware what particular decisions of the High Courts the Honourable Member has in mind.
- (d) and (c). It is a fact that in 1923 Local Governments were consulted on the desirability of amending some of the general provisions of the Act, in view of the conflicting judicial opinions and practical administrative difficulties which had been brought to notice. A Bill to amend the Court-fees Act was introduced in the Assembly in March 1924 and was referred to a Select Committee, but before the next stage could be reached the Report of the Taxation Inquiry Committee was published. This Committee made several recommendations which impinged on the Court-fees Act and the Bill as it emerged from the Select Committee. The Bill was accordingly further examined with reference to these recommendations and the Government of India finally decided that the amendments embodied in the Bill were not urgently necessary and that the question of its re-introduction should await the impending revision of the constitution.

EXCESSIVE COURT FEES PRESCRIBED BY LOCAL GOVERNMENTS.

758. Pandit Ram Krishna Jha: Are Government aware that the court-fees prescribed by several Local Governments (i.e., Bihar and Orissa Act II of 1922) are much in excess of those prescribed by Act VII of 1870, and are causing great hardship?

The Honourable Sir James Crerar: With your permission, Sir, I propose to answer questions Nos. 758, 759 and 760 together.

Under the Devolution Rules "Judicial Stamps" is a provincial subject only subject to legislation by the Indian Legislature as regards the amount of court fees levied in relation to suits and proceedings in the High Courts under their original jurisdiction. As I have explained in my reply to the Honourable Member's previous question, certain Local Legislatures have passed Accs amending the Schedules to the Court-fees Act, 1870, to raise additional revenue, and certain provisions of the Act itself, to suit local requirements. I am not aware of the fact mentioned in question No. 780

COURT FEES PRESCRIBED BY LOCAL COUNCIL ACTS.

†759. *Pandit Ram Krishna Jha: Are Government aware that some of the Local Council Acts (i.e., Bihar and Orissa Act II of 1922) have not only increased the fees to a great extent but have prescribed no maximum amount or put any limit as to amount payable, as some other Local Council Acts (i.e., Bengal Act IV of 1922) have done?

COURT FEES PRESCRIBED BY LOCAL COUNCIL ACTS.

†760. *Pandit Ram Krishna Jha: Are Government aware that in some cases litigants of one province, where no maximum fee has been prescribed, have been forced to file suits in another province where such maximum fee has been prescribed ?

ENACTMENT OF A UNIFORM COURT FEES ACT FOR THE WHOLE OF INDIA.

- 761. Pandit Ram Krishna Jha: (a) Are Government prepared to take up at an early date the necessary legislation for providing one uniform scale of court fees for the whole of India, as was the case, before the Devolution Act (Act XXXVIII of 1920)?
- (b) If the answer to (a) be in the negative, do Government propose to consider the advisability of repealing all the local Acts passed after the Devolution Act and of making the provision of Act VII of 1870, applicable to the whole of India, as one law on the subject?

The Honourable Sir James Crerar: The decision which Government came to in this matter has been stated in reply to question No. 757. In view of the existing constitutional position, the Government of India regard it as impracticable or at any rate premature, to attempt to legislate for a uniform scale of court fees for the whole of India, and to repeal the Acts which have been passed by the local Legislatures.

Admission to the Arya Samaj of Government Servants.

762. *Mr. Bhuput Sing: With reference to Government's reply to Khan Bahadur Haji Wajih-ud-din's unstarred question No. 223, dated February 23, 1931 (communicated to the latter personally), regarding political bodies forbidden to Government servants, will Government be pleased to state, for the information of the House, whether Arya Samajes come under the category of political bodies?

The Honourable Sir James Orerar: I have made inquiries from the Local Governments, the results of which will be communicated to the Honourable Member as soon as I receive their replies.

Foreign Competition with Indian Hosiery Factories.

768. *Mr. Bhuput Sing: With reference to Government's reply to Lala Rameshwar Prasad Bagla's starred question No. 314, dated February 3, 1931, stating that Government have received representations containing statements to the effect that a number of Indian hosiery

fFor answer to this question, see answer to question No. 758.

factories have recently been closed down owing to foreign competition, particularly that of Japan, and that the representations were under the consideration of Government, will Government be pleased to state, for the information of the House, what relief they propose to give to the industry and what action has been taken on the said representations?

The Honourable Sir George Rainy: The representations were examined. It would be contrary to the established policy of Government to impose a protective duty on hosiery without a recommendation from the Tariff Board, or to refer the hosiery industry to the Tariff Board for examination unless the industry were first able to offer satisfactory prima facie evidence for believing that it could establish a case for protection, having regard to the principles laid down by the Fiscal Commission. No such evidence has been placed before Government.

APPOINTMENT OF INDIANS IN THE CARRIAGE AND WAGON SHOPS OF THE: BOMBAY, BARODA AND CENTRAL INDIA RAILWAY, AJMER.

- 764. *Mr. Bhuput Sing: Will Government be pleased to place on the table, for the information of the House, the particulars asked for in parts (b) and (c) of unstarred question 165, by Mr. Gaya Prasad Singh, on February 2nd, 1931, regarding appointment of Indians in the Carriage and Wagon Shops of the Bombay, Baroda and Central India Railway at Ajmer?
- Mr. A. A. L. Parsons: I am having a copy of the reply sent to Mr. Gaya Prasad Singh sent to the Honourable Member. A copy is already in the Library.

ADVERTISEMENT OF INDIAN RAILWAYS BY PUBLICITY OFFICERS ABBOAD.

- 765. *Mr. Bhuput Sing: With reference to Government's reply to my starred question No. 442, dated February 11, 1931, regarding Publicity Officers for Indian Railways in England and America, will Government be pleased to state, for the information of the House:
 - (a) whether the Publicity Officers for Indian Railways in London and New York, or in other parts of the world (if one has since been appointed in addition) issue posters and other advertisement literature to advertise the interests of the Indian Railways in their respective territories, or simply make use of the posters and literature supplied to them by the Central Publicity Bureau of the Government of India Railway Board;
 - (b) if former be the case, whether a statement will be laid on the table giving the details of such publications and the cost incurred therefor in 1925-26, 1926-27, 1927-28, 1928-29, 1929-30, 1930-31;
 - (c) whether the said officers also advertise in papers and journals in their respective territories; if so, what has been the cost therefor during 1925-26, 1926-27, 1927-28, 1928-29, 1929-30, and 1930-31;
 - (d) if answer to the first portion of part (a) be in the negative, viz., if it be the case that posters, pamphlets, brochures, and other advertisement literature are supplied to them by

the Government of India Railway Board's Central Publicity Bureau, what fraction of the copies printed are given for distribution:

- (1) to the officers in England,
- (2) to the officer in America, and
- (3) retained for distribution or display in India;

[The actual numbers so distributed may be illustrated by citing figures in respect of the following posters and publications:

Pamphlets:—Big Game Shooting; Gaur; Ajanta; Ootacamund.

Posters:

Fatehpur Sikri, by Miss Newsome.

Darjeeling (Lama Design), by Mr. Veevers.

Benares, by Mr. Bagdatopolus.

Kashmir ("Lucky Dogs" design), by Mr. Taite.] ·

- (e) whether the advertisements of the Indian Railways are displayed in Tasmania;
- (f) what office, London or New York, conducts this advertising;
- (g) whether any advertisements of Indian Railways are displayed in any of the States of Australia; if so, what office, London or New York, conducts advertising in that area; and
- (h) whether Government are contemplating to open similar offices in other territories; if so, where?
- Mr. A. A. L. Parsons: I regret that I cannot undertake to impose on the Central Publicity Office the very laborious task of compiling all the information for which the Honourable Member asks. I am, however, asking him to let me know the replies to parts (a), (e), (f) and (g) of the question and also to part (d) if the figures are available, but not for the distribution of individual posters. If possible, I will also obtain for the Honourable Member the cost of posters and other advertising literature issued by the Publicity Offices in London and New York since they were opened. The reply to the first part of (h) of the question is in the negative; the second part does not arise.

RECRUITMENT OF RESIDENTS OF DELHI PROVINCE TO SERVICES IN THE PUNJAB.

- 766. *Rao Bahadur M. C. Rajah: (a) What steps have Government taken to safeguard the interests of the residents of Delhi Province as regards recruitment to various services in the Punjab?
- (b) Has any quota been fixed for the Delhi Province in this connection? If not, why not?

The Honourable Sir James Crerar: (a) and (b). Recruitment to their services is entirely a matter for Local Governments, and no steps have been taken by the Government of India to interfere with their discretion in this matter. It has been ascertained from the Punjab Government that in the Ambala Division two out of twelve Sub-Inspectorships of Excise are reserved for residents of Delhi Province. For other services, with the

exception of the Punjab Forest Service, Delhi candidates are considered but take their chance part passe with Punjab candidates.

RECRUITMENT OF RESIDENTS OF DELHI PROVINCE TO SERVICES IN THE PUNJAB.

- 767. *Rao Bahadur M. C. Rajah: Will Government please state how many residents of Delhi Province have been recruited to the following services in the Punjab since the formation of the Delhi Province:
 - (a) Punjab Provincial Service (Executive and Judicial);
 - (b) Imperial Police Service and Inspectors and Sub-Inspectors of Police:
 - (c) Indian and Provincial Educational Service;
 - (d) Tehsildar and Naib Tehsildar; and
 - (e) Officer and Assistant Officer, Income-tax ?

The Honourable Sir James Crerar: The information is not readily available and cannot be collected without an amount of labour which would, I think, be disproportionate to the results.

COLLIERIES OWNED BY GOVERNMENT IN BENGAL, BIHAR AND THE CENTRAL PROVINCES.

- 768. *Pandit Satyendra Nath Sen: Will Government please state:
 - (a) what is the number of collieries owned by Government in Bengal, Bihar and Central Provinces;
 - (b) what is the approximate average cost of working the collieries per 1,000 acres;
 - (c) what is the number of collieries which have stopped working;
 - (d) how many of these collieries are being worked by Government;
 - (e) how many contracts have been granted to Bengalis, how many to Punjabis and how many to other Indians and Anglo-Indians:
 - (f) whether the supply from these collieries is sufficient to meet the demands of Government;
 - (g) if not, do Government contemplate acquiring further collieries to meet their own demands;
 - (h) what is the approximate amount involved in contracts of supply from private or company-owned collieries; and
 - (i) what amount of these contracts was given to European concerns and how many to Indians?
- Mr. A. A. L. Parsons: The information asked for is being obtained from the Chief Mining Engineer, Railway Board, Calcutta, and will be supplied to the Honourable Member on receipt.

HINDU AND SIKE POPULATIONS IN BENGAL AND THE PUNJAB.

769. *Sir Hari Singh Gour (on behalf of Mr. D. K. Lahiri Chandhury): Will Government please state the number of the Hindu

population (male and female) in Bengal and the Punjab according to the last Census and also of the Sikh population in the Punjab?

The Honourable Sir James Crerar: I lay a statement on the table.

Statement.

The figures asked for are as follows:

					Males.	Females.	Total.
Hindus-			*				,
Bengal	• •	• •	'		11,282,533	10,255,388	21,537,921
Punjab					3,465,534	2,863,054	6,328,588
Sikhs—					•		,
Punjab		••	• •	• •	1,703,584	1,360,560	3,06 4, 144

COMMUNAL PROPAGANDA BY GOVERNMENT OFFICIALS.

- 770. *Mr. A. Hoon: (a) Are Government awars of the fact that a very large number of the public declare that certain Government officials holding very high positions openly carry on communal propaganda for the community to which they belong?
- (b) If the answer to part (a) is in the affirmative, will Government please explain what action they propose to take against them? If Government do not propose to take any action against them, will they state why?

The Honourable Sir James Crerar: (a) and (b). The question is expressed in such general terms as to make it difficult to give a reply. The second part of the question may relate to action against members of the public or against Government officials. In either case the Honourable Member will doubtless realise that action must depend on the particular facts.

ESTABLISHMENT OF AN INTERNATIONAL AGRICULTURAL CREDIT COMPANY.

- 771.*Lala Rameshwar Prasad Bagla: (a) Will Government be pleased to state if any correspondence has been exchanged between them and the League of Nations regarding the establishment of an International Agricultural Credit; Company?
- (b) If so, will they be pleased to place a copy of the same on the table?
- (c) Will Government please state if they have signed the requisite Convention? If not, why not?
- (d) Are Government aware that Great Britain, a non-agricultural country, has long ago accepted the scheme and signed the Convention?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) No such correspondence has passed.

- (b) Does not arise.
- (c) The Convention of the International Agricultural Mortgage Credit Company is not at present open to signature by Governments of non-European States.
- (d) So far as Government are aware, Great Britain has not signed the Convention.

DEVELOPMENT OF INDIAN INDUSTRIES FOR THE CHINESE MARKET.

- 772.*Lala Rameshwar Prasad Bagla: (a) Has the attention of Government been drawn to a letter published in the Leader of the 30th August, 1931, under the caption of "Chinese Market and Indian Industries"?
- (b) If the facts stated therein are true, will Government please state if they intend to take advantage of the situation, which has arisen in China, for the development of Indian industries? Will Government please state their reasons for their reply?

The Honourable Sir George Rainy: (a) Yes.

(b) The Government of India have no information regarding the conditions alleged in the letter to exist in China. The latter part of the question, therefore, does not arise.

PROTECTION OF THE INDIAN HOSIERY INDUSTRY FROM JAPANESE COMPETITION.

- 773. *Lala Rameshwar Prasad Bagla: (a) Will Government please state what steps, if any, they have taken during the current year for the protection of the hosiery industry in India from menace from Japan? Are they aware that Japan has been continually flooding the Indian markets with its cheap products?
- (b) If no action has been taken so far, will Government please state the reasons?

The Honourable Sir George Rainy: I would refer the Honourable Member to my answer to Mr. Bhuput Sing's starred question No. 763.

INTERPRETATION OF THE WORDING OF TREASURY BILLS.

- 774.*Iala Rameshwar Prasad Bagla: (a) Will Government be pleased to submit to the House the interpretation which they would put on the wordings of the Treasury Bill?
- (b) Will Government please state whether by "the revenues of the Government of India", they mean only that income which Government earn from land revenue or the total income of the Government from all sources?

The Honourable Sir George Schuster: (a) The wording of a Treasury Bill clearly means that the holder is entitled to demand payment on due date from the revenues of Government credited to the general balances of Government.

(b) Treasury Bills, like other borrowings of the Government of India, are a charge on all the revenues of Government, that is to say, the receipts from all sources and not on land revenue only.

STERLING LOANS OF THE GOVERNMENT OF INDIA.

775. *Lais Bameshwar Prased Bagis: (a) Does the Honourable the Finance Member remember the assurance given by him to the House while introducing the Budget on the 28th February, 1931, that "No further sterling loans will be required"?

- (b) If so will Government be pleased to state why, contrary to that undertaking. Government raised a further loan of £10,000,000 at such a high rate of interest?
- (c) Are Government aware that the issue of that loan, at the top of the heavy borrowings of last year has considerably affected the financial credit of India in the world market?
- (d) Are Government prepared to assure the House that in future they would sound the Members of the House before raising a loan, particularly when issuing it outside the country?
- (e) If the reply to part (d) be in the negative, is the House to understand that Government are intent upon pursuing a borrowing policy despite all protests from the public?

The Honourable Sir George Schuster: (a) and (b). The Honourable Member has not quoted the whole of my statement. What I said was "Given normal conditions as regards borrowing and remittance from India, no further sterling loans will be required. But this, of course, will be dependent on the conditions to which I have referred." The Honourable Member will, I think, agree that conditions since I made this statement have been far from normal.

- (c) This is a matter of opinion about which Government are not prepared to make any statement.
- (d) and (e). The raising of loans is a function of the executive and it would be quite impossible to sound the Members of this House before raising loans. The Government are fully aware of the general feeling in the country that external borrowing should be restricted, and it is in fact the Government's present policy to restrict such borrowing to the minimum which is absolutely necessary.

APPOINTMENT OF INDIAN TRADE COMMISSIONERS.

- 776 *Lala Rameshwar Prasad Bagla: (a) Will Government be pleased to place on the table a statement containing the names of the Indian Trade Commissioners appointed as a result of the recommendations made by the Indian Trade Mission regarding market for the Indian cotton goods in the Near East, etc.?
- (b) Are Government prepared to give an assurance to the House that in the course of one year from date, Indian Trade Commissioners will be appointed in all the countries which afford probable markets for the Indian manufactures?

The Honourable Sir George Rainy: (a) No appointment of Indian Trade Commissioner has yet been made at any of the centres recommended by the Indian Trade Mission.

(b) As progress even with the recently sanctioned scheme for the appointment of six Indian Trade Commissioners abroad has been delayed by the existing financial stringency, the Government of India are unable to give the assurance desired by the Honourable Member.

LEAVE RESERVE AND OFFICIATING PROMOTION IN THE HEADQUARTERS OFFICE OF THE NORTH WESTERN RAILWAY.

777. *Mr. B. V. Jachav (on behalf of Mr. Jagan Nath Aggarwal):
(a) Is it a fact that in the Headquarters Office, North Western Railway,

no leave reserve is being provided for the clerical establishment while the officers and the Divisional clerical staff have got such facilities? If so, will Government please explain the reason for doing so?

- (b) Will Government state the reasons for stopping the practice of engaging substitutes in the cases of privilege and medical leave?
- (c) Is it the intention of the Railway Administration to debar the members of the Headquarters Office only from the privilege of officiating promotions ?
- Mr. A. A. L. Parsons: I have called for information and will communicate with the Honourable Member on its receipt.

PASSAGE ALLOWANCE FOR SUBORDINATES OF NON-ASIATIC DOMIGILE.

778. *Mr. B. V. Jadhav (on behalf of Mr. Jagan Nath Aggarwal): Is it a fact that passage allowance for subordinates of non-Asiatic domicile in India was sanctioned recently? If so, will Government kindly state reasons for the step at a time of financial stringency like the present?

The Honourable Sir James Orerar: Orders were passed in 1930 giving to certain classes of non-Superior Officers of non-Asiatic domicile serving under the Central Government passage benefits on the lines of those granted to officers of non-Asiatic domicile in the Superior Services, but at lower rates. The orders, with a description of the classes to whom they apply, will be found in the Home Department Office Memorandum No. F. 10|4-30-Establishments, dated the 6th August, 1930, a copy of which has been placed in the Library. The scheme was sanctioned some time before the present financial position developed.

GRIEVANCES OF INDIANS ON STATE RAILWAYS.

- 779. *Mr. B. V. Jadhav (on behalf of Mr. Jagan Nath Aggarwal):
 (a) Is it a fact that a Special Officer of the Railway Board has been deputed to investigate the grievances of Muhammadans over the North Western Railway and other State Railways?
- (b) If so, are Government prepared to appoint a similar officer to redress the grievances of Indians over the State Railways in different offices and out-door staff, i.e., Workshops, Loco. Shed, Train Examining Staff, Electricians, Engineering, Operating and Commercial Branches regarding recruitment, educational facilities and quarters and fix some percentage for Anglo-Indians and Europeans and also other communities?
- Mr. A. A. L. Parsons: (a) Two officers have been placed on special duty to assist in the earrying out of the policy of Government with regard to the redress of communal inequalities in recruitment to the subordinate services on State-managed railways.
- (b) The grievances of the staff generally, including Indians, on State railways in respect of recruitment, educational facilities and quarters receive the constant attention of the Railway Board and of Railway Administrations and Government do not think that it is necessary to appoint a special officer at present for the purpose.

With regard to the second part of the question, Government do not propose, to fix a percentage for the representation of each community in the services.

- Mr. K. Ahmed: What is the name of the other officer in addition to Mr. Hassan?
- Mr. A. A. L. Parsons: I am afraid I cannot at the moment recall his name, but he is a Sikh.

ORGANISATION OF THE INDIAN STATE AIR SERVICE.

- 780. *Mr. B. V. Jadhav (on behalf of Mr. Jagan Nath Aggarwal):
 (a) Will Government be pleased to state if the State Air Service between Karachi and Delhi and Delhi and Calcutta will be inaugurated this year; if so, when?
- (b) Will Government kindly inform the House of the steps taken to train Indians as pilot and ground engineers for manning the State Air Service when it is inaugurated?
- Mr. J. A. Shillidy: (a) and (b). I would invite the attention of the Honourable Member to the reply given in this House on the 7th September, 1931, to parts (a), (b) and (c) of starred question No. 33 by Mr. Gaya Prasad Singh.

EMPLOYMENT OF INDIANS TRAINED ABROAD IN CIVIL AVIATION.

- 781. *Mr. B. V. Jadhav (on behalf of Mr. Jagan Nath Aggarwal):
 (a) Are Government aware that a number of Indian youths are undergoing training in civil aviation in England and other European countries and some have recently returned to this country after completing their course of training?
- (b) Do Government propose to take steps to see that the services of these young men are properly utilised by the State or by Flying Clubs subsidized by the State?

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

- (b) It is not possible for Government to guarantee employment for Indians trained abroad in civil aviation. A certain number of qualified Indians, some of whom have been trained at Government expense, do at present hold appointments under Government and under certain of the Flying Clubs in India.
- Mr. Gaya Prasad Singh: May I take it that the question of civil aviation will not be affected by the recommendations of the Retrenchment Committee?
 - Mr. J. A. Shillidy: I think that is asking rather a big question,

ALLOTMENT OF GOVERNMENT QUARTERS IN SIMLA.

- 782.*Mr. B. N. Misra: (a) Will Government please state what action do they take in respect of those quarters in Simla whose occupants are permanently located in New Delhi with their offices or transferred from Simla for a long period?
- (b) Is it a fact that Government allow such quarters to stand in the names of those who are detained in New Delhi or transferred and allow them to sub-let the quarters to other persons?
- (c) Do Government know that such persons do business and charge a very heavy sum as rent ?

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- (d) Do Government propose to cancel such allotment? If not, why not?
- Mr. J. A. Shillidy: (a) and (b). The quarters referred to are allotted annually to Government employees who are compelled to reside on duty in Simla, and, in the event of any of the tenants of such quarters being located permanently in New Delhi, or transferred from Simla, subsequent to the allotment of the quarters, they are ordinarily allowed to sublet them with the permission of the Superintending Engineer concerned.
 - (c) No.
- (d) Government contemplate the introduction of a rule in the next revision of rules for clerks' quarters in Simla which would give the tenants the option of having the allotment cancelled in such cases. It does not, however, seem desirable to make it compulsory for tenants to surrender the quarters as it is likely to operate harshly in some cases without any corresponding advantage to Government.

APPOINTMENTS IN THE SECRETARIAT AND ATTACHED OFFICES.

- 783. *Mr. B. N. Misra: (a) Is it a fact that certain candidates who qualified for the Second Division of the Secretariat in 1926 are employed in the Lower Division of attached offices?
- (b) Is it a fact that the pay of the Lower Division of attached offices is equivalent to that of the Third Division of the Imperial Secretariat, i.e., Rs. 75—175?
- (c) Is it a fact that the candidates who qualified for the Second Division in 1931 have been offered appointments in the Second Division of the Secretariat where the pay is Rs. 80—350?
- (d) Is it a fact that the 1926 examination was strictly competitive like the one held in 1931?
- (e) If so, was there any reason for appointing 1931 candidates to the Secretariat in preference to the 1926 candidates; if there was any, what was that reason?
- (f) Is it a fact that some of the 1926 candidates are still serving in a temporary capacity whereas the 1931 candidates have been offered permanent appointments?
- (g) Is it a fact that although there is a provision for inter-departmental transfer, the Public Service Commission are not concerned with the matter and are Government aware that such transfer is almost impossible in view of the increased provision for promotion from one Division to another within the Department?
- (h) If so, are Government prepared to ask the Public Service Commission to maintain a list of these 1926 candidates and nominate them for future vacancies in the Second Division of the Secretariat † If not, why not ?

The Honourable Sir Js nes Crerar: (a) and (c). Yes.

(b) There is a distinct Third Division in the Secretarist and among attached offices in Army Headquarters only. The pay of both of these is Rs. 75—170. In other attached offices there is no distinct Second or

Third Division below assistants. Clerks in those offices draw Rs. 75—155, with a selection grade on Rs. 160—175.

- (d) and (e). It was decided that as a matter of policy a reasonable proportion of vacancies should be thrown open to outside candidates in 1931 by competitive examination. These vacancies were filled by the 1931 candidates and were therefore not available for candidates who passed earlier examinations.
 - (f) Yes

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- (g) Inter-departmental transfers, while not forbidden, are exceptional and not claimable as of right. The Public Service Commission are not concerned with them.
- (h) The Public Service Commission maintain a list of 1926 candidates who have not secured permanent employment under Government, and Government have already issued orders to Departments that in making departmental appointments to permanent vacancies from among qualified men temporarily employed, those who qualified at the examination of 1926 should be given preference.

COMPLIMENTARY TICKETS ISSUED ON THE NORTH WESTERN RAILWAY.

- 784. *Mr. Bhuput Sing (on behalf of Mr. N. R. Gunjal): (a) Is it a fact that several complimentary tickets were issued to members of a marriage party of a relation of a member of the Bengal and North Western Railway Enquiry Committee?
- (b) If so, will Government be pleased to state whether there is any rule governing the issue of complimentary tickets in Indian Railways ?
- (c) If the answer to part (b) be in the affirmative, will Government be pleased to lay a copy of that rule on the table?
- Mr. A. A L. Parsons: Government have no information. The issue of complimentary tickets or passes over the Bengal and North Western Railway is a matter entirely within the discretion of the Administration of that line.
- (b) There is no rule governing the issue of complimentary tickets or passes.
 - (c) Does not arise.
- Appointment of a Nephew of a Member of the Bengal and North Western Railway Enquiry Committee in the Traffic Service.
- 785. *Mr. Bhuput Sing (on behalf of Mr. N. R. Gunjal): Will Government be pleased to state whether a nephew of a member of the Bengal and North Western Railway Enquiry Committee has been promised an appointment in the Traffic Service? If so, will Government be pleased to state if there is any rule for recruitment in the Traffic Service and whether the vacancies are advertised?
 - Mr. A. A. L. Parsons: Government have no information.

REPORT OF THE BENGAL AND NORTH WESTERN RAILWAY ENQUIRY COMMITTEE.

786. *Mr. Bhuput Sing (on behalf of Mr. N. R. Gunjal): Will Government be pleased to state when the Report of the Bengal and North Western Railway Enquiry Committee will be published?

Mr. A. A. L. Parsons: It was placed on the table on the 9th September.

EXPENDITURE BY THE BENGAL AND NORTH WESTERN RAILWAY ON ITS ENQUIRY COMMITTEE.

787. Mr. Bhuput sing (on behalf of Mr. N. R. Gunjal): Will Government be pleased to state if the Bengal and North-Western Railway spent any money for the Enquiry Committee? If so, will Government be pleased to state the amount so spent and on what item?

Mr. A. A. L. Parsons: No.

REMOVAL OF TELEGRAPH WIRES FROM THE DEVLALI TO THE NASIK TELEGRAPH

- 788. *Mr. Bhuput Sing (on behalf of Mr. S. G. Jog): Will Government be pleased to state:
 - (a) the reasons for the removal of the telegraph wires from Devlali Telegraph Office to Nasik Telegraph Office;
 - (b) the total cost incurred on account of removal of the wires and other connections from Devlali to Nasik;
 - (c) the Headquarters for the Sub-Divisional Engineering staff of the Telegraph branch supervising Nasik;
 - (d) whether Devlali is not nearer the railway station as compared with Nasik; and
 - (e) whether this change has necessitated the grant of increased travelling allowance for any officials of the Telegraph Branch on account of their visit to Nasik?

Sir Hubert Sams: The information is being collected and will be supplied to the Honourable Member in due course.

THE POSTWALA SYSTEM AT THE KALBADEVI POST OFFICE IN BOMBAY.

- 789. *Mr. Bhuput Sing (on behalf of Mr. S. G. Jog): Will Government be pleased to state in detail:
 - (a) the Postwala System obtaining at the Kalbadevi Post Office in Bombay;
 - (b) whether it is a fact that Mr. Nowroji Postwala for whose benefit this system was permitted to be continued, has since died and that he has no direct descendants:
 - (c) whether on the death of Mr. Kazi, another Postwala of Mandvi Post Office in Bombay, the system at that office was abolished;
 - (d) what is the number of his constituents and the amount recovered by him from each of them for effecting delivery of their correspondence;
 - (e) whether the Post vala is himself a Post Box holder at Kalbadevi Post Office;
 - (f) whether it is a fact that his representatives have been allowed the use of the public hall on the first floor of the Kalbadevi

- Post Office and, if so, what rent is recovered from him for such use; and
- (g) whether it is the intention of Government to farm out work of this nature by contract and if so, whether they are prepared to permit other agencies to do such work?

Sir Hubert Sams: Information is being collected and will be furnished to the Honourable Member separately.

PLATFORM ATTENDANCE BY R. M. S. SORTERS.

- 790. *Mr. Bhuput Sing (on behalf of Mr. S. G. Jog): Will Government be pleased to state:
 - (a) whether the enquiry referred to in the reply to the unstarred question No. 306, put in by Mr. N. R. Gunfal on the 16th March, 1931, has since been completed and, if so, with what result:
 - (b) whether it has since been further decided that the platform attendance of the R. M. S. sorters should be completely ignored and the additional set in the R. M. S. Section withdrawn under certain circumstances and, if so, will Government be pleased to place on the table a copy of these orders;
 - (c) whether it is the intention of these orders that the platform attendance even to the extent of two hours which is largely in excess of the permissible time of 15 minutes, should neither be considered nor counted as duty?

Sir Hubert Sams: (a) Yes; the time spent in Record Offices has not been included for determining terms of duty in vans.

- (b) The reply to the first part is in the negative. The second part does not arise.
- (c) Platform attendance is counted unless it should have the effect of reducing the weekly working hours in the van below prescribed limits.

Powers of Town Inspectors of Post Offices.

- 791. *Mr. Bhuput Sing (on behalf of Mr. S. G. Jog): Will Government be pleased to state:
 - (a) whether the examination of the question of giving powers to the Town Inspectors of Post Offices attached to the First Class Head Offices has been completed and, if so, with what result;
 - (b) whether it is a fact that the Town Inspectors at the Presidency Towns of Madras and Calcutta, do exercise the powers of appointment, etc., of postmen and inferior servants and whether any administrative difficulty is experienced at those Presidency Towns;
 - (c) whether the delegation of these powers in Bombay would reduce considerably the work of the City Superintendents attached to Bombay General Post Office;

- (d) whether the inspection of First and Second Class Offices was carried on by the Town Inspectors even when these posts carried time-scale of pay; and
- (e) whether Government have explored the possibility of reducing one post of the City Superintendent by again delegating the work referred to in part (d) to the Town Inspectors?

Sir Hubert Sams: (a) to (c). The subject is still under examination.

(d) and (e). An inquiry will be made.

RENT AND PURCHASE PRICE OF "THAKERSEY HOUSE" AND "IRWIN HOUSE"

792. *Mr. Shuput Sing (on behalf of Mr. S. G. Jog): Will Government be pleased to state:

- (a) the amount of rent paid by the Post Office for the occupation of the Thakersey House in Bombay, per month inclusive of all municipal and other taxes;
- (b) the total amount paid for the purchase of Irwin House in Bombay for the Post Office including the commission of the House Agent:
- (c) the ground rent paid per month to the Bombay Port Trust;
- (d) the average monthly amount demanded by the Bombay Municipality by way of house and other taxes;
 - (e) the amount required to be spent per month for the purchase of disfinitectants and the supervisory charges required to be paid to the Bombay Municipality or otherwise;
 - (f) the total expenditure so far incurred on the repairs to the Irwin House after its purchase and the recurring expenditure required annually for its repairs;
 - (g) the annual depreciation value of the building; and
 - (h) the total monthly expenditure on account of all items mentioned in parts (c), (d) and (e) including the average monthly interest on the purchase price?

Sir Rubert Sams: (a) to (h). Information is being compiled and will be furnished to the Honourable Member separately.

PROTECTION FOR THE SUGAR INDUSTRY.

- 793. *Mr. M. Maswood Ahmad (on behalf of Seth Haji Abdoola Haroon): Will Government be pleased to state:
 - (a) whether they are aware of the recommendations made by the Indian Tariff Board in February last in connection with protection to the sugar industry in India; and if so,
 - (b) whether a bill in respect thereof is expected to come before the Assembly during the ensuing session;
 - (c) if answer to (b) above is in the negative, when the bill should be expected to be introduced in the Assembly?

The Honourable Sir George Rainy: (a) Yes.

- (b) Government do not propose to introduce a Bill during the current session.
 - (c) The matter is under consideration.

AGE LIMIT FOR THE INDIAN CIVIL SERVICE EXAMINATION IN INDIA AND IN ENGLAND.

- 794. Kunwar Hajee Ismail Ali Khan: (a) Are Government aware that the age limit for the Indian Civil Service examination in India is twenty-three while the age limit in England is twenty-four years?
- (b) Are Government aware that an Indian student has to prepare all his subjects in a foreign language while an English student in his own mother-language?
- (c) If so, will they be pleased to explain the reasons why this distinction in age is allowed?

The Honourable Sir James Crear: (a) Yes; but as age in the case of the Indian examination is reckoned with reference to the 1st January, while in the case of the London examination it is reckoned with reference to the 1st August, the distinction is not as great as would at first sight appear.

- (b) The language of instruction in both cases is English.
- (c) The reasons for the distinction are, first that it is considered desirable that all members of the Service should take up their duties before attaining the age of 26, and secondly, that it is considered desirable that those recruited in India should have the advantage of two years' training in England.

AUXILIARY LANGUAGE ENQUIRED FOR THE I. C. S. EXAMINATION.

- 795. *Kunwar Hajee Ismail Ali Khan: (a) Do Government know that a student is not allowed to take an Indian language as an auxiliary language for his I. C. S. examination in England while he is allowed to take any of the European languages besides English? If so, why?
- (b) Do Government know that it causes a great hardship on the Indian students, who have to compete with English students in the English language?
- (c) Do Government propose to remove this grievance in the next I. C. S. examination to be held in London?

The Honourable Sir James Crerar: (a) Yes. A European candidate is compelled to take a language other than his mother-tongue. There would be practical difficulties in ascertaining which was the mother-tongue for an Indian candidate and also in finding examiners in London in the many languages which are mother-tongues in India. I may observe that the candidate whose mother-tongue is an Indian language is allowed to take either General Anthropology or Special Anthropology instead of an auxiliary language, while a European candidate is not given this option. In practice, it has been found that the Indian candidate does not suffer from this arrangement.

- (b) In practice, no hardship is caused. The Indian candidates who compete in the London examination have full command of English and they have studied the subjects which they take in that language.
- (c) As explained above, there is no real grievance and no action is, therefore, necessary.

RESOLUTIONS PASSED AT THE ALL-INDIA MEDICAL CONFERENCE.

796. *Mr. Muhammad Ashar Ali (on behalf of Mr. D. K. Lahiri Chaudhury): Will Government be pleased to state whether they received copies of the resolutions passed at the All-India Medical Conference, Seventh Session, held at Poona on 25th, 26th and 27th April, 1931, concerning questions affecting medical services, public health and medical research? If the answer be in the affirmative, will Government be pleased to state what steps they propose to take in regard to the resolutions?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Honourable Member is referred to the reply already given by me to the identical question No. 434 asked by Mr. K. C. Neogy.

INTRODUCTION OF THE INDIAN MEDICAL COUNCIL BILL.

- 797. *Mr. Muhammad Ashar Ali (on behalf of Mr. D. K. Lahiri Chaudhury): (a) Will Government kindly state when they propose to introduce the Indian Medical Council Bill? Has the Draft Bill been circulated for public opinion?
- (b) Is it a fact that the Indian medical profession represented by the Indian Medical Association was not consulted or invited to the Conference, which was held by Government regarding this Bill?
- The Honourable Khan Bahadur Mian Sir Faxl-i-Husain: (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. Gaya Prasad Singh's starred question No. 36.

Composition of the proposed Indian Medical Council.

798. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury): Has the attention of Government been drawn to a resolution passed by the All-India Medical Conference urging that the Indian Medical Council, when formed, should be an independent and predominantly non-official body with an adequate representation of the independent medical practitioners—both graduates and licentiates—and should have a non-official elected President from its commencement; that its functions should be, among others, to maintain a uniform and minimum high standard of medical education in India?

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

RESOLUTION OF THE ALL-TIDIA MEDICAL CONFERENCE TO THE MEDICAL REGISTER.

799. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury): (a) Has the attention of Government been drawn to

Resolution No. 4 passed at the All-India Medical Conference held at Poona on 25th, 26th and 27th April, 1931, which runs as follows:

"This Conference is of opinion that no one who is not on the Indian Medical Register should be entertained in the Civil, Military, Naval or Air Services, of the country or be permitted to act as a ship's Surgeon or in such other services."

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what steps they propose to take in the matter? Has the attention of the representatives nominated by Government to the Round Table Conference been drawn to this matter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. K. C. Neogy's starred question No. 436. As regards the last part of the question, the Honourable Member is probably under some misapprehension.

LICENTIATES OF MEDICAL SCHOOLS IN INDIAN STATES.

- 800. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury): (a) Is it a fact that the licentiates of medical schools in the different Indian States are not given the same status as the licentiates of medical institutions in British India?
- (b) If so, will Government be pleased to state what the difficulties are to prevent their having the same status?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). The Honourable Member is referred to the reply already given by me to Mr. K. C. Neogy's starred question No. 437.

RESERVATION OF POSTS IN THE MEDICAL RESEARCH DEPARTMENT FOR OFFICERS
OF THE INDIAN MEDICAL SERVICE.

- 801. *Mr. Muhammad Ashar Ali (on behalf of Mr. D. K. Lahiri Chaudhury): (a) Will Government be pleased to state how many posts in the Medical Research Department have been reserved for members of the Indian Medical Service?
- (b) Is it a fact that the Conference held in Simla in July, 1930, on the question of the creation of the Central Medical Research Institute, the question of the reservation of posts for Indian Medical Service officers in the Medical Research Department was unanimously opposed by the non-official representatives attending the Conference?
- (c) Is it a fact that in the resolution moved by Mr. Jayakar in the Assembly, in accordance with which the above Conference was held in Simla in July, 1930, the question of the appointment of officers in the Indian Medical Research Department was one of the matters which was referred to the Conference for discussion?
- (d) Is it a fact that Sir Frank Noyce who presided at the Conference declined to allow the Conference to discuss the question of the posts in the Medical Research Department reserved for the I. M. S. officers? Is it a fact that a large number of members at the Conference differed from the Chairman in regard to his ruling in this matter?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Honourable Member's attention is invited to the reply given by me to the identical question No. 438 asked by Mr. K. C. Neogy.

ESTABLISHMENT OF A CENTRAL MEDICAL RESEARCE INSTITUTE.

802. *Mr. Mulanthad Ashar Ali (on behalf of Mr. D. K. Lahiri Chandhury): Will Government be pleased to state what steps Government have taken in regard to the re-constitution and establishment of the Central Medical Research Institute as proposed by the Fletcher Committee 1

The Honourable Khan Bahadur Mian Sir Farl-i-Husain: The Honourable Member is referred to the reply given by me to Mr. K. C. Neogy's starred question No. 439.

RECONSTITUTION OF THE GOVERNING BODY OF THE RESEARCH FUND ASSOCIATION.

803. *Mr. Muhammad Azhar Ali (on behalf of Mr. D. K. Lahiri Chaudhury): Will Government be pleased to state what steps have been taken to reconstitute the Governing Body of the Research Fund Association as recommended by the Conference held in Simla on July 21st and 22nd, 1930? If not, why not?

The Honourable Khan Bahadur Mian Sir Fasl-i-Husain: The Honourable Member is referred to the reply given by me to part (a) of Mr. K. C. Neogy's starred question No. 452.

SALARIES OF HEADS OF RESEARCH INSTITUTES.

- 804. *Mr. B. K. Lahiri Chaudhury: Will Government be pleased to state whether the attention of the Retrenchment Committee was drawn by Government to the following resolutions passed at the All-India Medical Conference:
- "That this Conference is of opinion that the salaries paid to the Departmental Heads of Research Institutes in India are exhorbitant and that a thorough revision of the salaries of the Departmental Heads of these institutions is imperative."
- "That this Conference protests against the reservation of three out of six posts of Professorships for I. M. S. officers at the Public Health Institute, Calcutts, and against the raising of the salaries of these officers to Rs. 3,000 per month."
- The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The Honourable Member is referred to the reply already given to a similar question No. 441 asked by Mr. K. C. Neogy.

RESERVATION OF CERTAIN POSTS IN THE INDIAN MEDICAL SERVICE FOR EUROPEANS.

805. *Mr. D. K. Lahiri Chaudhury: Will Government be pleased to state whether the attention of Government has been drawn to a resolution passed at the All-India Medical Conference condemning the action of Government in reserving certain specific posts in the Indian Medical Service cadre for European officers only of the Service and strongly urging that the 90 posts, contemplated to be released, under the Government of India communiqué, of 1928, by the Indian Medical Service, and to be handed over to the Provincial Medical Service whenever a temporary or permanent vacancy takes place, should be filled by Provincial Medical Service men only? If so, what steps do Government propose to take in the matter?

The Hopograble Khan Bahadur Mian Sir Farl i Hysain : 12 The attention of the Hopograble Member is invited to the reply I have already given to Mr. K. C. Neogy's question No. 442 on this subject.

Nomination of Officers to the Indian Medical Service.

- 806. *Mr. D. K. Lahiri Chaudhury: Has the attention of Government been drawn to a resolution passed at the All-India Medical Conference condemning the policy of Government in continuing to nominate officers in the Indian Medical Service, in spite of the repeated protests of the medical profession as well as of the public, and urging that all nominations in that service should benceforth cease; and further that the selection into the service should be by an annual competitive examination to be held in India, and open to all medical practitioners registered in India? If so, what steps do Government propose to take in the matter?
- Mr. G. M. Young: The reply to the first part of the question is in the affirmative. As stated in my reply to Mr. Gaya Prasad Singh's question No. 197 on the 29th January, 1931, Government do not propose to take up the question of altering the method of entry into the Indian Medical Service until after the constitutional changes at present under consideration by His Majesty's Government.
- CIVIL DUTIES OF OFFICERS OF THE INDIAN MEDICAL SERVICE AND MILITARY SERVICE FOR PRIVATE MEDICAL PRACTITIONERS.
- 807. *Mr. D. K. Lahiri Chaudhury: (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference:
- "That this Conference is strongly of opinion that the transfer of officers of the Indian Medical Service to the civil side should henceforth be stopped and that this service should remain a purely Military Medical Service; this Conference further declares that the members of the Indian medical profession are prepared to offer themselves for military service in any war that may be waged in the defence of their country; and that they should thus serve as a reserve supply for recruitment in any defensive military necessity."
 - (b) If so, what steps do Government propose to take in the matter?
 - Mr. G. M. Young: (a) Yes.
- (b) None at present, as the future of the Medical Services in India is now under consideration in connection with the recommendations made in this behalf by the Indian Round Table Conference.
- SERVICE CONDITIONS OF TEMPORARY OFFICERS OF THE INDIAN MEDICAL SERVICE.
- 808. *Mr. D. K. Lahiri Chaudhury: (a) Has the attention of Government been drawn to the following resolution passed at the All-India Medical Conference:
- "That this Conference recommends that the Army Department, and the Government of India should inquire into the service conditions as also the terms of retirement of the temporary officers in the Indian Medical Service; and that these officers should he given a gratuity commensurate with the length of service they may have put in as temporary officers."
 - (b) If so, what steps do Government propose to take in the matter ?

Mr. G. M. Young: The Honourable Member is referred to the reply I gave on the 16th September to the identical question No. 445, asked by Mr. K. C. Neogy.

Release to Provincial Governments of Stocks of Quinine.

809. *Mr. D. K. Lahiri Chaudhury: Will Government be pleased to state what steps are being taken to release to provincial Governments the large stocks of quinine lying with the Government of India!

The Honourable Khan Bahadur Mian Sir Faxi-i-Husain: The attention of the Honourable Member is invited to the reply given by me to Mr. K. C. Neogy's question No 446 on the 16th September, 1931.

NATIONAL HEALTH INSURANCE SCHEME FOR INDIA.

- 810. *Mr. D. K. Lahiri Chaudhury: Will Government be pleased to state whether Government contemplate the appointment of a committee to investigate and formulate a scheme of national health insurance for India?
- Mr. J. A. Shillidy: I would refer the Honourable Member to the reply given by me to Mr. K. C. Neogy's starred question No. 447 on the 17th September, 1931.

Utilisation of Thermal Springs in India.

- 811. *Mr. D K. Lahiri Chaudhury: (a) Are Government aware that there are a large number of thermal springs existing in the various parts of India? Will Government be pleased to state what steps have been taken to utilise these springs?
- (b) Will Government be prepared to appoint a committee to investigate and suggest how these springs can be utilised and developed to greater advantage?
- The Honourable Khan Bahadur Mian Sir Farl-i-Husain: (a) and (b). The Honourable Member is referred to the reply given by me to Mr. K. C. Neogy's starred question No. 448.

ABOLETION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOV-ERNMENT OF INDIA.

- 812. *Mr. D. K. Lahiri Chaudhury: (a) Will Government be pleased to state if the Inchcape Committee had recommended the abolition of the post of the Public Health Commissioner with the Government of India?
- (b) If so, will Government be pleased to state why the post has not yet been retrenched and also why the grade of the post has been raised from that of a Colonel to that of a Major-General with its added emoluments?
- The Honourable Khan Bahadur Mian Sir Fasl-i-Husain: (a) and (b). The Honourable Member is referred to the reply I have already given to Rai Sahib Harbilas Sarda's question No. 234 on this subject.

FREQUENT ABSENCES FROM INDIA OF THE PUBLIC HEALTH COMMISSIONES WITH THE GOVERNMENT OF INDIA.

- 813. *Mr. D. K. Lahiri Chaudhury & Will Government be pleased to state:
 - (a) how often the Public Health Commissioner has gone out of India, either on deputation or otherwise, during the years 1929 and 1930, respectively, giving the period of his absence out of India on each occasion and the reason thereof;
 - (b) whether his duties in India are not likely to be interfered with by his frequent absence out of the country; and
 - (c) whether this officer's frequent absence out of India extends over several months in the course of the year, and if so, whether Government have considered the question of retrenching his post as recommended by the Inchcape Committee?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a), (b) and (c). The attention of the Honourable Member is invited to the reply given to the identical question No. 235 asked by Rai Sahib Harbilas Sarda.

ATTENDANCE OF THE PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA AT CONFERENCES OUTSIDE INDIA.

- 814. *Mr. D. K. Lahiri Chaudhury: Will Government be pleased to state:
 - (a) if it is absolutely necessary for the Public Health Commissioner personally to attend various international conferences outside India, which he has been doing at present;
 - (b) whether it is not possible for other officers either under the Central or Local Government, or under various municipalities and local boards, or for members of the independent medical profession, to attend such conferences in the same way as is the case in the matter of the Indian representation at the annual sessions of the League of Nations or of the International Labour Conference at Geneva; and
 - (c) if they propose to consider the advisability of deputing different officers or members of the independent medical profession to attend the international conferences on health matters?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: The attention of the Honourable Member is invited to the reply already given by me to Rai Sahib Harbilas Sarda's question No. 236 on the 11th September, 1931.

RESERVATION OF POSTS IN THE MEDICAL RESEARCH DEPARTMENT FOR I. M. S.

815. Mr. D. K. Lahiri Chaudhury: (a) Has Government's attention been drawn to paragraph 34 in the Presidential address delivered at the 7th All-India Medical Conference, held in Poona in April, 1931 ?

- Frank Novee, Kt., C.S.I., Secretary to the Department of Education, Health and Lands, who had given an explicit assurance on the floor of this House on the 8th and 11th February, 1931, that the question of recruitment of the Medical Research Department would be considered at the Conference, which Government undertook to convene, of the representatives of the Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists and who also presided over the said Conference on the 21st and 22nd July, 1930, had ruled out of order the proposition which was duly submitted to the Conference to consider whether any posts in the Medical Research Department should be specially reserved for I. M. S. officers?
- (c) Will Government be further pleased to explain why the discussion on the above referred to ruling of the Chairman of the Conference lasted for over 12 minutes, as stated by the President of the 7th All-India Medical Conference in his address? Is it a fact that during the course of the discussion the Chairman's attention was drawn to his own remarks as well as to the remarks of the other Honourable members on the floor of this House on the 8th and 11th February, 1931? If so, why have those remarks not been published in an otherwise verbatim report of the proceedings of the said Conference?

The Hononrable Khan Bahadur Mian Sir Fasi-i-Husain : (a) Yes.

- (b) On his own authority as Chairman. The question that was ruled out of order was that of the reservation of certain posts in the Medical Research Department for members of the Indian Medical Service. Government had given no undertaking that the Secretary of State's orders on this subject would be open to discussion.
- (c) If the discussion lasted so long, it may have been perhaps because some of the members did not accept the Chairman's ruling. As regards the second part of the question, the facts may be as stated by the Honourable Member. The discussion on this point, which took place after the Chairman had given his ruling, was not taken down verbatim by the reporters and could not, therefore, be included in the proceedings.

CONSTITUTION OF THE GOVERNING BODY OF THE INDIAN RESEARCH FUND
ASSOCIATION.

- 816. *Mr D. K. Lahiri Chaudhury: (a) Will Government be pleased to state:
 - (i) if they have come to any conclusion with regard to the constitution of the Governing Body of the Indian Research Fund Association; and
 - (ii) if not, whether they intend to give due weight to the recommendation in this connection of the Conference held at Simla on the 21st and 22nd July, 1930, of the representatives of Government, the Central Legislature, the Medical Faculties, the Indian Medical Association and non-medical scientists, and enlarge the representation of the Medical Faculties, the independent medical profession and of non-medical scientists on that body as recommended at that Conference?

- (b) Will Government he further pleased to state when they hope to bring the matter up for the consideration of this House?
- The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) and (b). The Honourable Member is referred to the reply which I gave to the identical question No. 237 asked by Rai Sahib Harbilas Sarda.

FREQUENT CHANGES IN THE APPOINTMENT OF DIRECTOR OF THE HAFTKINE INSTITUTE. BOMBAY.

- 817. *Mr. D. K. Lahiri Chaudhury: (1) Will Government be pleased to state:
 - (a) if the Director of the Haffkine Institute, Bombay, is appointed by or on the recommendation of the Department of Education, Health and Lands;
 - (b) if it is true that eight different I. M. S. officers acted as Director of that Institute during the course of nine years, from January 1921 to December 1929, there being 11 changes of Directorships during this period, and on eight out of these 11 occasions the directorship was held by different officers for periods of not more than 10 months' duration at a time; and
 - (c) if so, whether Government will be pleased to explain
 - (i) why such frequent changes were permitted, and
 - (ii) if such changes are conducive to efficiency?
- (2) Are Government prepared to order that such frequent changes will not be made at that as well as the other Bacteriological Institutes in the country whose Directors are either appointed or recommended to be appointed by the Department of Education, Health and Lands? Is it a fact that these Institutes obtain large grants for carrying out various researches at their Institutes from the funds of the I.R.F.A. to which the Assembly has been voting a grant of 7½ lakhs a year, for several years past?

The Honourable Khan Bahadur Mian Sir Fatl-i-Husain: The Honourable Member is referred to the reply given by me to question No. 453 asked by Mr. K. C. Neogy.

Transfer from Silchar of Office Bearers of the Local Postal Union.

- 818. *Mr. D. K. Lahiri Chaudhury: (a) Is it a fact that six R. M. S. sorters have recently been transferred from Silchar to different places? If so, why?
- (b) Is it a fact that they have been transferred because of their connection with the local Postal and R. M. S. Union?
- (c) Is it a fact that the Superintendent, R. M. S. "S" Division, has taken others also who have any connection with the Union?
- (d) Is it a fact that Mr. N. Banerjee, the present Superintendent, R. M. S. "S" Division, transferred all the Union office-bearers from Chinsurah in 1927 while he was in charge of the Hooghly Division?

Sir Hubert Sams: (a) to (d). Government have no information. It is open to any official having a grievance to represent it through the proper official channel.

Travelling Allowance of R. M. S. Officials transferred from Silchar.

- 819. •Mr. D. K. Lahiri Chaudhury: Will Government be pleased to state:
 - (a) whether the R. M. S. officials transferred from Silchar since
 May last up to date have been sanctioned travelling allowance:
 - (b) what amount has been sanctioned for the officials themselves and what amount for their families;
 - (c) whether Government issued any orders not to transfer Postal and R. M. S. officials frequently in order to curtail expenditure on account of travelling expenses;
 - (d) whether it is proposed that the amount incurred by the Department in meeting the travelling allowances of the sorters transferred during the period mentioned in part (a) will be recovered from the Superintendent who is responsible for this expenditure; and
 - (e) whether it is proposed to transfer the Superintendent from R. M. S. "S" Division?

Sir Hubert Sams: (a) and (b). Government have no information. The payment of travelling allowance is governed by the rules on the subject.

- (c) I issued orders to restrict transfers, subject to the exigencies of the service.
- (d) Government have no information to show that the transfers were unnecessary.
 - (e) His transfer is not yet due under the rules.

QUARTERS OF THE DEPUTY PRESIDENCY POSTMASTER IN THE "ARCADE BUILDING."

- 820. Mr. D. K. Lahiri Chaudhury: (a) Is it a fact that quarters in the third floor of the Arcade Building were constructed for the use of the Presidency Postmaster, the Deputy Presidency Postmaster and one of the Assistant Presidency Postmasters?
- (b) Is it a fact that the Deputy Presidency Postmaster refused to occupy the quarters?
- (c) Is it a fact that the quarters meant for the Deputy Presidency Postmaster remained vacant for a few months?
- (d) Is it a fact that he was exempted from paying the occupier's share of rent during the period the quarters remained vacant?
- (e) Is it a fact that the quarters constructed for the Postal officials including postmen and menials in Darjeeling and Sikim Tibet Division are not often occupied by those officials for whom they were constructed?

- (f) Is it a fact that Government are recovering a certain percentage from their pay in spite of the fact that they are not occupying those quarters?
 - (g) If so, why so ?

Sir Hubert Sams: (a) to (g). The information is being collected and will be communicated to the Honourable Member separately.

ALLEGED ASSAULTS BY RAILWAY OFFICIALS.

- 821. *Mr. D. K. Lahiri Chaudhury: (a) Is it a fact that one Babu Ekkari Lal Sil, an official of the R. M. S. "C" Division attached to C-2 Section was roughly handled on the 18th July last by the railway guard of the 41 Up Train at Howrah Station?
- (b) Is it a fact that one Bickhai Aihir, a van poon of the R. M. S. "C" Division attached to C-6-1 Section was badly assaulted by a rail-way crew man at Keul Junction on the 28th May, 1931?
- (c) Is it a fact that one Babu Sudhir Kumar Banerjee, Mail Agent Lalmanirhat, R. M. S. was assaulted by the Assistant Station Master, Mr. K. C. Mandal on the 4th March, while on duty on the platform in time for the 22th Down Train?
- (d) Is it a fact that one Babu Kshitish Chandra Roy, Mail Agent of Goalundo Ghat Station, was slapped on the platform while on duty on the 24th November, 1930, by one Mr. Vincent, the Assistant Station Master of Goalundo Ghat?
- (e) If the reply to parts (a), (b), (c) and (d) be in the affirmative will Government be pleased to state what action was taken by Government to bring to book those offenders and what action do Government propose to take to stop such recurrence of high-handedness by the railway officers on the postal officials \dagger
- Mr. A. A. L. Parsons: No reports of any of these occurrences have been received by the Railway Board, but I am sending a copy of the Honourable Member's question to the Agents of the East Indian and Lastern Bengal Railways who can be relied on to take any action that may be found to be required.
- Sir Hubert Sams: (a), (b) and (c). Government have no information, but I am ascertaining the facts and will take such action as is necessary in each case.
- (d) Government have information of a case of the kind which occurred on the 25th (not the 24th) November, 1930, and in which the Station Master (not the Assistant Station Master) was concerned.
- (e) The foregoing case was taken into Court, but was subsequently settled to the satisfaction of the Mail Agent, who stopped proceedings. Government do not propose to take any special action.

ILLNESS OF MR. IHSAN ILAHI, A PRISONER IN THE LAHORE CENTRAL JAIL.

- 822. *Mr. Muhammad Arhar Ali: (a) Will Government be pleased to state if it is a fact that since his incarceration in the Lahore Central Jail, Mr. Ihsan Ilahi is segregated from other inmates and is kept practically in solitary confinement? If so, why?
- (b) Will Government be pleased to state if it is a fact that he has contracted heart disease?

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- (c) Will Government be pleased to state if their attention has been drawn to the report of the result of the medical examination of Mr. Ihsan Ilahi by the Principal, Tibbia College, Lahore, wherein he says that on account of the segregation of Mr. Ihsan Ilahi his health is in danger of being completely shattered?
- (d) Will Government be pleased to state if it is a fact that the weight of Mr. Ihsan Ilahi on entry into the jail was 153 lbs. and is at present 131 lbs. ?
- (e) Will Government be pleased to state if they are aware that the cell in which he is housed is in a very dilapidated condition, rain water trickles through the roof, and the vicinity is very insanitary and that he has complained to the authorities without any redress?

The Honourable Sir James Crerar: (a) The State prisoner is not kept in solitary confinement, but he has complained of lack of companionship. This complaint is under consideration.

- (b) I have no information to suggest this. His health was certified to be good as recently as the 1st September.
- (c) I would refer the Honourable Member to the reply given by me on the 10th September, to clauses (b), (c) and (d) of Mr. Jagan Nath Aggarwal's question No. 150.
- (d) On entry into jail Mr. Ihsan Ilahi's weight was 134 lbs. The latest medical report shows it to be 131 lbs.
 - (e). No; the suggestion is baseless.

BOOKS SUPPLIED TO MR. IHSAN ILAHI, A PRISONER IN THE LAHORE CENTRAL

333. *Mr. Lalchand Navalrai (on behalf of Mr. Amar Nath Dutt) : Will Government be pleased to state if it is a fact that Mr. Ihsan Ilahi is not permitted to read books of his own choice? If 30, will Government please state the reasons for this restriction?

The Honourable Sir James Crerar: I would refer the Honourable Member to the reply given by me on the 10th September, to clause (k) of Sardar Sant Singh's question No. 100.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to give us the gist of it?

The Honourable Sir James Crerar: The reply is in the Honourable Member's hands.

Mr. Lalchand Navalrai: Will the Honourable Member kindly refresh our memory by giving that reply ?

The Honourable Sir James Orerar: I am afraid I must ask the Honourable Member to undergo the inconvenience of reading the answer.

RULES FRAMED UNDER REGULATION III OF 1818.

824. *Mr. Lalchand Navalrai (on behalf of Mr. Amer Nath Dutt): Will Government be pleased to inform the House, if any rules have been framed under Regulation III of 1818 and, if so, to lay a copy of the same on the table?

CORRIGENDUM.

In the Legislative Assembly Debates, dated the 23rd September, 1931, Volume VI. No. 1, page 901, Reply to Question No. 826, for "6 per cent. Treasury Bonds, 1935" read "6½ per cent. Treasury Bonds, 1935".

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The Honourable Sir James Grerar: Rules have been made, but I am not prepared to lay a copy of them on the table. In this connection I would refer the Honourable Member to the closing sentence of the reply given in the Legislative Assembly on the 8th February, 1926, to Mr. Neogy's questions Nos. 711-713.

IMPRISONMEN. OF MR. IHSAN ILAHI.

- 825. *Mr. Lalchand Navalrai (on behalf of Mr. Amar Nath Dutt):
 (a) Will Government be pleased to state how long it is proposed to keep
 Mr. Ibsan Ilahi in confinement and why?
- (b) Will Government be pleased to state if they intend to produce him for trial before a regularly constituted court of law?

The Honourable Sir James Crerar: I would refer the Honourable Member to the reply given by me on the 10th September to Sardar Sant Singh's question No. 100.

LOANS OF THE GOVERNMENT OF INDIA MATURING IN ENGLAND AND IN INDIA.

- 826. *Mr. T. N. Ramakrishna Reddi (on behalf of Lala Hari Raj Swarup): (a) Will Government be pleased to state what are the total loans that mature from year to year both in England and India up to the year 1937!
- (b) What provisions have Government made to meet these obliga-
- (c) What schemes Government propose to adopt for the conversion of short term loans into long term loans?

The Honourable Sir George Schuster: (a) The attention of the Honourable Member is invited to the statement which I laid on the table on the 6th March, 1931, with reference to his starred question No. 832. The following additions should be made to that statement:

1934 6% Sterling Bonds 1933-34. £10,000,000 1935 6% Treasury Bonds 1935. Still under issue.

b) and (c). The obligations will be met in the usual way, from reor fresh borrowing or by conversion. The methods adopted will nd on developments during the next few years.

PROVISION IN THE BUDGET IN CONNECTION WITH POST OFFICE CASH CERTIFICATES.

- 827. *Mr. T. N. Ramakrishna Reddi (on behalf of Lala Hari Raj Swarup): (a) Is it a fact that Government do not make any provision in its annual Budget to meet its liabilities in connection with the Post Office Cash Certificates?
- (b) Is it a fact that Sir Basil Blackett in 1928 made a special provision in that year's budget in this behalf?
- (c) Why have similar provisions not been made in the following years after 1928?
- (d) What systematic scheme do Government propose for meeting liabilities under this head?

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The Honourable Sir George Schuster: I presume the Honourable Member is referring to provision for meeting the accrued liability for bonus on Post Office Cash Certificates. I would invite the attention of the Honourable Member to paragraph 28 of Sir Basil Blackett's speech introducing the budget for 1928-29, paragraphs 27-33 and paragraph 24 of my speech introducing the Budget for 1929-30 and 1930-31, respectively. The position is that up till 1930-31, provision was made for only the actual cash payments for bonus and not for the accrued liability; and that since 1930-31, provision is being made for meeting the liability accruing during the year. I place on the table a statement showing the amount of Cash Certificates outstanding in each year since 1928-29 and the actual provision made in each year in the Budget towards meeting interest.

Statement showing the amount of Cash Certificates outstanding in each year since 1928-29 and the actual provision made in each year in the Budget towards meeting

				Value of cash certificates outstanding at the beginning of the year.	Provision made in Budget for bonus.	
				Rs.	Rs.	
1928-29			••	. 30,70 lakhs.	50 lakhs.	
1929-30			••	. 32,30 ,,	1,10 ,,	
1930-31	• •		••	35,00	1,88 ,,	
1931-32	••	••	010	38,44	2,10 ,,	

World Conference on Silver.

- 828. *Mr. T. N. Ramakrishna Reddi (on behalf of Lala Hari Raj Swarup): (a) Will Government be pleased to state if it is a fact that a World Conference on Silver was recently held ?
- (b) What was the main purpose of this Conference and was India represented on it, if so, by whom ?
 - (c) What were the conclusions reached by the Conference?
- (d) What was the position adopted by the Indian delegation at the Conference with regard to stabilisation of the price of silver !

The Honourable Sir George Schuster: (a), (b), (c) and (d). The Government of India understand that the International Chamber of Commerce, acting upon a resolution passed by the Chinese and American Committees, invited certain countries to send experts to advise the Council of the Chamber whether any action is feasible regarding the position resulting from the depression in the price of silver. The Conference is purely non-official. It is understood that non-official British American and Dutch experts are going to London this week and will report to the Council in due course. There is no representation from India as far as the Government of India are aware.

STOCKS OF SILVER IN COIN AND BULLION.

829. Mr. T. N. Ramakrishna Reddi (on behalf of Lala Hari Raj Swarup): (a) Will Government be pleased to state what are its present total stocks of silver in coins and in bullion?

(b) How much of their silver holdings have Government sold during the current financial year and at what average price?

The Honourable Sir George Schuster: (a) The information is contained in the weekly abstracts of the Accounts of the Currency Department published by the Controller of the Currency.

(b) The Government of India consider that it would not be in the public interest to disclose this information at present.

EFFECT OF THE DEBTS MORATARIUM AND CAUSES OF PRESENT DEPRESSION.

- 830. *Lala Hari Raj Swarup: Will Government be pleased to state how they propose to devote the year of debt holiday brought about as a result of President Hoover's proposals in order:
 - (1) to consolidate their position with regard to:
 - (a) their own Budget,
 - (b) Budgets of Provincial Governments, and
 - (c) the public debt of India; and
 - (2) to find out the causes of the present depression ?

The Honourable Sir George Schuster: Part (1)—I would invite the attention of the Honourable Member to the Press communique dated the 26th June, 1931, which stated that the net relief to the Budget of the Government of India from the proposals of His Majesty's Government would be about Rs. 33 lakhs in the current year and Rs. 48 lakhs in the next. Those proposals do not affect the Budgets of the Provincial Governments nor do they affect the public debt of India as no provision was included in the current year's Budget for capital repayment of the outstanding war-loan liability.

Part (2).—President Hoover's proposals were designed to alleviate one of the main causes of the present depression. I do not see the connection between them and a general enquiry into the matter.

CONFERENCE OF WHEAT-GROWING COUNTRIES IN LONDON.

- 831. *Lala Hari Raj Swarup: (a) Is it a fact that a conference of wheat-growing countries was held in London?
 - (b) Was India represented on it ?
 - (c) What were the conclusions reached by the said conference ?
- (d) Was any export quota fixed for various countries? If so, what quota was fixed for India?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) A conference of wheat exporting countries was held in Löndon in May last.

- (b) Yes.
- (c) The conference recommended:
 - (1) that, where possible, reduction in the areas devoted to wheat should be undertaken in whatever way each country considers to be most effective and practical.

- (2) that all avenues for the greater utilisation of wheat both for food and also for other purposes should be carefully explored,
- (3) that a committee consisting of one representative of each State participating in the Conference should be established in order to frame definite proposals for the organisation of a clearing house of information and to explore all possible avenues for the greater utilisation of wheat.
- (d) No export quota has been fixed for any country.

LEAGUE OF NATIONS COMMITTEES ON ECONOMIC AND AGRICULTURAL DEPRESSION.

- 832. *Lala Hari Raj Swarup: (a) Is it a fact that the League of Nations appointed Committees to go into the causes of:
 - (i) General economic depression, and
 - (ii) Agricultural depression ?

If so, have these Committees reported?

- (b) If the Committees have reported, have they also discussed causes of depression in India? If so, do Government propose to reprint these reports and circulate them amongst the Members?
- The Honourable Sir George Rainy: (a) (i). At its eleventh session the Assembly of the League of Nations passed a Resolution directing the Economic and Financial Organisation of the League to undertake the study of the course and phases of the present depression and the circumstances which led up to it. A report on the subject was to be submitted to the Assembly of the League at its session which is being held this month, but the Government of India have not yet been informed whether this has been done.
- (ii) The Economic Committee of the League, in co-operation with the International Institute of Agriculture, Rome, called a conference of agricultural experts of various countries to consider the agricultural crisis. The first volume of the Committee's report on the subject has recently been published.
- (b) The Report of the Economic Committee on the agricultural crisis discusses causes of the depression as affecting the world agricultural economy, and there are no such special references to Indian conditions in the report as would justify its being reprinted and circulated to Honourable Members.

REPORT OF SIR ARTHUR SALTER.

- 833. *Laia Hari Raj Swarup: (a) Will Government he pleased to state what action have the Government of India and the various Provincial Governments taken on the report of Sir Arthur Salter, Economic and Financial Director of the League of Nations, who came to India last winter to advise them for establishing economic advisory organisations?
- (b) Will his report be brought before a Committee of the Assembly for consideration ?

The Honourable Sir George Rainy: (a) No action has yet been taken on Sir Arthur Salter's Report.

(b) No, Sir.

PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

- 834. *Lala Hari Raj Swarup: (a) Will Government be pleased to state how many prosecutions have taken place in each province under the Child Marriage Restraint Act since its enactment?
- (b) Is it a fact that the Act has remained a dead letter and the authorities have been very reluctant of taking action under the Act? If so, why?
- (c) Will Government be pleased to state what steps Government propose to take to make the provisions of the Act operative so as to check child marriages?
- The Honourable Sir James Orerar: I refer the Honourable Member to the reply I gave in this House to starred question No. 72 on the 9th September, 1931, on the same subject.

CONFIRMATION OF EMPLOYEES IN CERTAIN RAILWAY ACCOUNTS OFFICES.

- 835. *Bhai Parma Nand: (a) Is it a fact that paragraph 9 of the Railway Board's memorandum No. 6665-F., dated the 31st July, 1929, lays it down that any person appointed to the Accounts Department of the East Indian Railway between the 30th November, 1925 and the 31st December, 1928, or to the Clearing Accounts office or to work connected with the clearing accounts experiment between the 16th November, 1925 and the 31st December, 1928, or to the office of the Controller of Railway Accounts between the 1st October, 1928 and 31st December, 1928, will be eligible for confirmation in the actual rank or grade which he held on the 1st April, 1929, without being required to pass any examination?
- (b) Are Government aware that a large number of employees, in the hope of being confirmed, have continued their service though they attained the age of 25 rendering them unfit for any other Government service?
- Mr. A. L. Parsons: I find that this very question was put by my Honourable friend as an unstarred question some days ago. He will find my reply to it on page 50 of the Legislative Assembly Debates, Volume V, No. 1.

APPOINTMENT OF NON-HINDUS IN RAILWAY ACCOUNTS DEPARTMENTS.

- 836. *Bhai Parma Nand: (a) Is it a fact that since the inauguration of the policy of communal representation in services the North-Western Railway Accounts Department have allowed non-Hindus much more than their due share in appointments?
- (b) Is it a fact that under the retrenchment that took place on the 13th of June, 1931, as many as sixty or even more Hindus have been discharged as compared to six persons belonging to the so-called minority communities, and that non-Hindus with very little service have been retained in preference to Hindus with long years of service to their credits?

- (c) Is it a fact that some of these non-Hindus who were retained were recruited after 1st April, 1929, against temporary posts of specified duration under the clear understanding that such temporary staff will not be absorbed against the permanent posts without their passing prescribed examination? Is it a fact that the Chief Accounts Officer, Lahore, passed definite orders on 1st April, 1931, that in the case of substitute clerks appointed after 1st April, 1929, no reference to communal representation should be made in ordering their wholesale discharge which should be based solely on the length of service?
- (d) How many of the Hindus brought under reduction that took place on the 13th of June, 1931, had rendered one year's service? How many of the Hindus had rendered more than two years' service? How many of the non-Hindus retained on that date had done less than one year's service?
- (e) Is it a fact that a large number of telegrams and memorials have been sent to the authorities by Hindu employees who have been discharged at Delhi, Quetta, Karachi, Multan and Lahore? If so, what did the Financial Commissioner do, or what does he intend to do to maintain the principles of justice and fair play for the employees of all communities?

Mr. A. A. L. Parsons: (a) No.

- (b) Of the men discharged, 94 are Hindus and 47 non-Hindus. As it was decided that the proportion of members of minority communities to the total staff discharged from the Accounts Staff should not exceed one third some non-Hindus were retained in preference to Hindus with longer service.
- (c) Yes. This was done, when otherwise the proportion of members of the minority communities discharged to the total staff discharged would have exceeded the maximum limit of one-third.
- (d) Of the Hindus discharged, 23 had rendered more than one year's service and 18 more than two year's service. Three non-Hindus with less than one year's service were retained.
- (e) Some telegrams and memorials have been received. As the reductions were made in accordance with the orders of the Government of India it is not proposed to take any action on these representations.
- Mr. Lalchand Navalrai: Will the Honourable member please state whether it is a fact that men who have put in 16 years and 25 years service are being turned away on the ground of retrenchment?
- Mr. A. A. L. Parsons: I can not give a categorical answer, but as a general rule we have been discharging first people who have put in short service and then people who have put in longer service. There may be individual cases where men are approaching retirement, when much hardship would not be caused by discharging them.
- Mr. Lalchand Navalrai: May I take it that the railways will consider favourably those men who have put in long service? After their services have been done away with they should be provided in some other way as there would be no other source of income for them.
- Mr. A. A. L. Parsons: The difficulty there is that when you are retrenching in all departments of the railways, there is no other way of providing for them.

- Mr. Lalchand Navalrai: Does not the Honourable Member think that it will be very hard for men who have put in a long service and who have spent their whole life in service, if their services are dispensed with?
- Mr. A. A. L. Parsons: I entirely agree with the Honourable Member. I think it is his contention that people with short service should be the first to be discharged. That has been the general rule applied in the discharges that have been made. I cannot, however, say that on occasions some people with longer service may not have been discharged, because obviously they might be very close to retirement and you would not cause much hardship in their case.
- Mr. Lalchand Navairai: I know of some cases of the nature I refer to and they have applied to the railways for re-consideration. I hope the Honourable Member will see that their cases are considered.

(No reply was given.)

Inconvenient Timings of the Grand Trunk Express between Madras and Delhi.

- 837. *Mr. B. Sitaramaraju: (a) Is it a fact that according to the revised timings which have come into force from the 1st September, 1931, the Down Grand Trunk Express leaves Madras at 7-50 A.M. (as before) and arrives at Delhi at 11 A.M., that is, one hour and thirty-five minutes later than it used to arrive, and that the Up Grand Trunk Express leaves Delhi at 6-45 p.M., that is, an hour and fifty minutes earlier than before, and arrives at Madras at 7-50 p.M. (as before)? Will Government be pleased to state the reasons for the same?
- (b) Are Government aware that on account of these alterations the through journey between Madras and Delhi and vice versa has been prolonged by two hours with the result that through passengers have to put up with greater hardships and inconvenience than before?
- (c) Are Government aware that questions were put in the Legislative Assembly last March expressing dissatisfaction even with the old timings and suggesting improvements, and that as a result thereof Mr. Parsons definitely promised that he would keep an eye on the train with a view to accelerating the service?
- (d) Are Government aware that the revised timings have greatly disappointed the through travelling public and that the arrival and departure timings at and from Delhi are particularly inconvenient?
- (e) Are Government aware that, whereas there are a number of through mail and express trains connecting Bombay and Calcutta with Delhi and Peshawar, the Grand Trunk Express is the only train that connects Northern with Southern India!
- (f): Are Government aware that similar through trains, such as the Frontier Mail, the Bombay-Punjab Mail, the Calcutta-Punjab Mail, the Bombay-Calcutta Mail, etc., occupy much less time, distance for distance, in reaching their destinations?
- (g) Do Government propose to take the earliest opportunity of so revising the timings as to make the Grand Trunk Express cover the whole distance between Madras and Delhi in not more than 45 hours at the utmost

by adopting the timings suggested in paragraph (h) of Question No. 1002 put by Rao Bahadur M. C. Rajah in the Legislative Assembly on the 18th March, 1931, keeping the departure time from Delhi the same as before, namely, 8-35 p.m. ?

- Mr. A. A. L. Parsons: (a) Yes. The timings of the Grand Trunk Express had to be altered over the Great Indian Peninsula Railway, as owing to weak bridges the available types of locomotives suitable for hauling fast passenger trains could not be used on a section of the line. An attempt was made to use a light type of locomotive designed for working mixed trains on branch lines, but it was not found to give satisfactory results at high speeds. The speed of trains worked with these locomotives was, therefore, reduced to 40 miles per hour. Financial stringency has prevented the work of strengthening the bridges being proceeded with.
- (b) and (d). I recognise the inconvenience caused to through passengers by the longer time taken.
- (c) The reply to the first part is in the affirmative, and as regards the second part I may assure the Honourable Member that we continue to watch the running of this train.
 - (e) and (f). Yes.
- (g) The Railway Administrations concerned are aware that Government desire the acceleration of this service, and I am confident they will take the earliest opportunity of doing what is possible to improve the timings.

Frauds in Post Offices.

- 838. *Mr. Badri Lal Rastogi: (a) Will Government be pleased to state if it is a fact that the number of frauds in post offices have been increasing steadily of late and that the figures for the last year show rather a large increase ?
- (b) Will Government be pleased to state if it is not a fact that the frequency of inspections of offices and the frequency of visits of officers even to headquarter stations of a district has been diminished?
- (c) Will Government be pleased to state what steps have been taken by the Department to put down the increase in the number of frauds?
- (d) Will Government be pleased to state if it is not a fact that whenever the frequency of inspections has been curtailed, frauds have increased as a consequence ?
- (e) Will Government be pleased to state if they have reduced the number of inspections on grounds of economy while frauds have increased and they have issued circulars to the effect that inspections must be more thorough and so on ?
- (f) Are Government prepared to order that all post offices are inspected at least twice a year as before and that officers from the office of the Post Master General show their face to the public at least once a year in all the important post offices ?

- Sir Hubert Sams: (a) The facts are not as stated. Frauds were fewer in 1930-31 than in the previous year.
- (b) As a temporary and tentative measure of economy, after due consideration, it was ordered that the summary as distinguished from the detailed inspection of an office in the year may be dispensed with if no reason rendering it necessary exists. It has also been ordered that head office balances should be verified four instead of six times in the year.
- (c) The Honourable Member's attention is invited to the reply to part (a) of this question. No special steps have been taken.
- (d) There is no reason to believe that the case is as stated. The measure mentioned in the reply to (b) of this question actually synchronized with a decrease in the number of frauds.
- (e) The first part does not arise in view of the replies to the previous parts of the question. With respect to the second part, Government are not aware what Circulars are referred to by the Honourable Member. All inspections are required to be thorough.
- (f) For reasons already stated, Government do not consider that any special action as contemplated by the Honourable Member is called for. Government are not aware that the public are under a disability.

COMPLAINTS AGAINST SUPERINTENDENTS OF POST OFFICES.

- 839. *Mr. Badri Lal Rastogi: (a) Will Government be pleased to call for information from the Postmaster General of each Circle about the names of Postal Superintendents against whom frequent complaints of all sorts have been made and the steps taken either to correct or to punish them and lay the information on the table?
- (b) Are Government prepared to call for all the files relating to the same and see whether Postmaster Generals have dealt with the cases properly?
- Sir Hubert Sams: (a) and (b). Government see no occasion to take the general action desired by the Honourable Member.

WEIGHTS RECOGNISED BY THE INDIAN WEIGHTS AND MEASURES ACT.

- 840. *Mr. G. Morgan (on behalf of Mr. E. F. Sykes): (a) Are Government aware that wheat is taxed by the hundredweight and its statistics recorded in tons while the only weights recognised by the Indian Weights and Measures Act are the ser and the man?
 - (b) Are Government prepared to take steps to remove this anomaly ?

 The Honourable Sir George Rainy: (a) Yes.
- (b) Government are not aware of any anomaly and do not see any necessity to alter the unit of assessment to duty.

RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

841. Rai Bahadur Laia Brij Kishore: (a) Are Government aware that about 273 employees of the audit and accounts offices, United Provinces have been served with the formal notice of discharge as a

result of the contemplated scrapping of the separation scheme of audit and accounts?

- (b) Will Government be pleased to place before the House the whole correspondence that has passed between the Secretary of State and the Government of India on the subject?
- (c) Are Government aware that the scheme had been declared a success by the Auditor-General, Government of India, and the Secretary of State on several occasions; If so, what are the reasons which have led Government now to declare the scheme as scrapped?

The Honourable Sir George Schuster: With your permission, Sir, I will deal with questions Nos. 841 and 842 together.

The information is being collected and will be communicated to the Honourable Member when received.

RETRENCHMENTS TUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

- †842. *Rai Bahadur Lala Brij Kishore: (a) Are Government aware that over 500 memorials have been sent to the Viceroy and about 250 to the Auditor-General by the victims of the audit and accounts amalgamation scheme?
- (b) Are Government aware that two cablegrams have been sent to the Secretary of State by these persons requesting him to provide them in any other Departments or province?
- (c) What steps do Government contemplate to take to provide the axed men in other Departments or provinces ?

RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS OFFICES.

- 843. *Rai Bahadur Lala Brij Kishore: (a) Do Government contemplate to ask every Provincial Government to maintain a list of axed men and to instruct all the heads of Departments to stop all further recruitment till all the axed men are completely absorbed in their respective Departments?
- (b) Are Government aware that many of the axed men have allround experience and highest academic qualifications?

The Honourable Sir George Schuster: With your permission, Sir, I propose to answer questions Nos. 843 and 844 together.

Question No. 843 and (a) to (c) of question No. 844. Government are fully alive to the effects upon retrenched officers of loss of their employment and are actively engaged in considering whether compensation should be granted in excess of that provided in the rules. The possibility of finding alternative employment will be duly explored, but in the nature of the case it is unlikely that much will be achievable in this direction and improbable that any Government, since all are faced with the same problem, will be able to do more than consider its own servants.

Question No. 844. (d) The terms what will be allowed to retrenched men are still under consideration.

fFor answer to this question, see answer to question No. 841.

844. (e) All avenues are being explored for retrenchment and cuts, reductions and abolitions will be made wherever possible.

RETRENCHMENTS DUE TO AMALGAMATION OF AUDIT AND ACCOUNTS COFFICES.

- †844. *Rai Bahadur Lala Brij Kishore: (a) Are Government aware that the British Government in England leave no stone unturned to save the unemployed, and spend millions a year on unemployment insurance and subsidies?
- (b) Are Government prepared to see that the continuity of service of these axed men may not be broken and that over-age may not be regarded as a har for their employment in other Departments or provinces?
- (c) Do Government propose to see that these axed men should be given preference to the juniors in offices under the Auditor General or in other Departments?
- (d) Do Government propose to grant to these axed men suitable gratuity, one month's pay for each year of service, and all the leave earned, in case Government fail to provide them elsewhere?
- (e) Are Government aware that 3 lakhs a year could be saved from the Audit and Accounts Departments merely by the abolition of only a few of the highly or overpaid posts at the top without axing the lower paid staff?

LICENCES TO SUPPLY FOOD ON STATE RAILWAY SYSTEMS.

- 845 *Rai Bahadur Lala Brij Kishore: (a) Will Government be pleased to state on what principles the licence to cater food-stuffs and other articles is granted on the State railway systems?
 - (b) What revenue is derived from this source ?
 - (c) Are these licences auctioned every year ? If not, why not ?
- Mr. A. L. Parsons: (a) Contracts for catering and licences to sell articles are given to those who, in the opinion of the Railway Administration, can be trusted to give efficient service.
- (b) The information is not available, but where a licence fee is recovered the amount of the fee is generally small.
- (c) Licences are not auctioned, as to do so would tend to raise the price of the articles sold to the travelling public.

RETRENCHMENT ON STATE RAILWAYS.

- 846. *Rai Bahadur Lala Brij Kishore: Will Government be pleased to state:
 - (a) the number of staff thrown out of employment due to the recent economy campaign on each State Railway under the following categories:
 - (1) senior scale officers, (2) junior scale officers, (3) senior subordinates carrying a salary of over Rs. 250, (4) clerical staff, (5) low paid staff, and (6) workshop staff; and

[†]For answer to this question, see answer to question No. 848.

- (b) how much of this staff was from those nearing superannuation and how much from those with short service only?
- Mr. A. A. L. Parsons: (a) and (b). Statements showing the information available are being sent to the Honourable Member.

Duties of the Staff and Assistant Staff Superintendents on the East Indian Railway.

- 847. *Rai Bahadur Lala Brij Kishore: (a) What are the precise duties of the Staff and Assistant Staff Superintendent on the East Indian Railway and how do the same differ from the duties of the Personnel Officer on the North Western Railway?
- (b) Is it a fact that a responsible railway officer had recommended that there is no need for a senior scale officer to be appointed as Staff Superintendents in the Divisions?
- (c) Do Government propose to give effect to this recommendation and effect a saving? If not, will Government be pleased to state reasons for their decision?
- (d) Is it a fact that the same officer had recommended to make the principal sheds, yards and stations independent of D. S. office in matters of leave and passes of their staff and thereby effect a saving in the establishment branch of Divisional Offices ?
 - (e) When do Government propose to give effect to these proposals ?
- Mr. A. A. L. Parsons: I have called for certain information from the Agent, East Indian Railway, and will communicate with the Honourable Member on its receipt.

DUTIES OF THE GENERAL SECRETARY, INDIAN RAILWAY CONFERENCE ASSOCIATION AND HIS OFFICE.

- 848. Rai Bahadur Lala Brij Kishore: Will Government be pleased to state what are the precise duties of the General Secretary, Indian Railway Conference Association and his office?
- Mr. A. A. L. Parsons: The duty of the General Secretary, Indian Railway Conference Association, is to supervise the office of the Association which is constituted to frame regulations for the management of Traffic interchanged between railways represented in the Association. The Association also advises on other subjects relating to Indian railways which may be referred to them and acts as a Board of Conciliation. The Secretary of the Association also acts as Secretary of ten Sections and three Standing Committees which have been constituted by the Association to facilitate the disposal of its work. He issues all notices convening meetings of the Executive Council, Sections and Committees, questionnaires on behalf of the Committees, collects and collates data for them, supervises the printing of proceedings and reports and acts as a haison officer between the Committees to prevent overlapping. The Secretary is also ex-officio Directo: of Wagon Interchange and as such has full authority to regulate the movement and distribution of goods stock as between railways who have pooled their stock.

TRAIN EXAMINERS AT RAILWAY JUNCTIONS.

- 849. Rai Bahadur Lala Brij Kishore: Will Government be pleased to state if they have considered the feasibility of having neutral train examiners at each in-charge junction for the purpose of train examining and repairs instead of having separate staff of each of the Railway using the junction?
- Mr. A. A. L. Parsons: Yes. Neutral train examiners have been appointed by the Indian Railway Conference Association at 8 broad gauge junction stations. These examiners are not, however, responsible for carrying out repairs, and separate staffs are maintained for this work by each of the railways using the junction.

The Indian Railway Conference Association carried out an experiment in 1930 of making the neutral train examiner responsible for wagon repairs of all using railway's wagons at two junctions. The experiment has been discontinued and a report on the working of the scheme is being considered by the Indian Railway Conference Association at its forthcoming meeting. I understand the experiment was not successful.

ECONOMY IN THE PUBLICITY DEPARTMENTS OF RAILWAYS.

- 850. *Rai Bahadur Lala Brij Kishore: Will Government be pleased to state if any economies have been effected in the Publicity Departments of the railways and give the total amount of the same?
- Mr. A. A. L. Parsons: Yes, certainly. The Budget allotment for the Central Publicity Bureau in the current year was reduced to Rs. 5,85,000 compared with actual expenditure of Rs. 8,27,992 in 1930-31. Since this year's Budget was framed, a number of posts, both in the Central Publicity Bureau and in the Publicity Departments of railways, have either been abolished or left unfilled, the amounts spent on allowances had been cut down and the running of cinema cars on railways had been discontinued Further measures of this kind are in contemplation; but I cannot at present give an exact estimate of the total amount of savings which will result from them.

EMPLOYMENT OF AN EX-CONVICT IN THE POSTAL DEPARTMENT.

- 851. *Mr. B. N. Misra: (a) Will Government be pleased to state if ex-convicts are employed in the Postal Department?
- (b) Are Government aware that a Post Office employee of the Madras Circle who was convicted and imprisoned for embezzlement was re-employed in the Department?
- (c) If so, why was an exception made in his case and who was responsible for his re-employment?
- (d) Is it a fact that since his reinstatement a shortage in his stamp imprest was detected?
- Sir Hubert Sams: (a) The departmental orders are that an official convicted in a court of law need not be dismissed if the offence involves no dishonesty, or other moral turpitude and there are no circumstances rendering it impossible or inexpedient to retain him in the service.
 - (b) to (d). Enquiries are being made.....

PUNISHMENT OF A CLERK IN THE MADRAS GENERAL POST OFFICE.

- 852. *Mr. B. N. Misra: (a) Is it a fact that recently a clerk in the Madras General Post Office was punished by the Presidency Postmaster for giving timely information to the Deputy Post Master General of a plot being hatched by certain officials to commit a huge Savings Bank fraud? If so, why?
- (b) Are Government prepared to call for papers and reconsider the case ?
 - Sir Hubert Sams: (a) Government have no information.
- (b) Government see no reason to call for papers. The matter is within the competence of the Postmaster-General and, if any official has a grievance, it is open to him to represent it through the proper official channel.

INDEBTEDNESS OF OFFICIALS IN THE GENERAL POST OFFICE, MADRAS.

- 853. *Mr. B. N. Misra: (a) Is it a fact that there are a large number of officials in the General Post Office; Madras, who are heavily involved in debts and that attachment orders come pouring in ?
 - (b) Are Government prepared to make an inquiry into this matter?
 - Bir Hubert Sams: (a) and (b). An enquiry will be made.

Hours of Work of the Presidency Postmaster, Madras,

- 854. *Mr. B. N. Misra: (a) Will Government be pleased to state the daily hours of work of the Presidency Postmaster, Madras ?
- (b) Is it a fact that he attends office only for about two hours daily and is inaccessible even to his subordinate officers ?

Bir Hubert Sams: No fixed hours of duty are laid down for Presidency Postmasters.

(b) Government have no information. A copy of the question is being sent to the Postmaster-General, Madras.

HEADQUARTERS OF THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES. 12 12 V. H

- 855. *Mr. B. N. Misra: (a) Is it a fact that Delhi is regarded as the headquarters of the Secretariat and Simla as that of the attached offices ?
- (b) If so, will Government please state why one and the same station is not treated as the headquarters of both the Secretariat and the attached offices ?

The Honourable Sir James Crerar: (a) No. The headquarters of the Government of India and therefore of its Secretariat are Delhi and Simla. Some attached offices have their headquarters permanently located at Simla.

(b) The reason is that all attached offices are not required to move with the Government of India.

HOUSE RENT ALLOWANCE AND DELHI CAMP ALLOWANCE.

- 856.*Mr. B. N. Misra: (a) Is it a fact that the ministerial staff of the Secretariat are paid house-rent allowance in Simla?
- (b) If so, will Government please state why this allowance is not paid to the ministerial staff of the attached offices instead of the Delhi camp allowance?

The Honourable Eir James Crerar: With your permission, Sir, I propose to answer questions Nos. 856, 858, 859 and 863 together. The ministerial staff of the Secretariat, in pursuance of a pledge given in 1907, receive free quarters or in lieu thereof house-rent allowance in Simla. When they move down to Delhi such of them as cannot be provided with Government quarters in Delhi and in consequence have to send their families away are given a "separation" allowance for the extra expense entailed in maintaining two establishments and transporting their families to places other than Delhi. Those who draw the separation allowance are not granted any family travelling allowance. The attached offices do not all move with the Government of India. The establishments of such of them as do, do not get the separation allowance whose origin is different, but are granted a Delhi camp allowance, which is intended to compensate them for having to move between two stations and in addition are granted family travelling allowance. The scales of these allowances have been fixed with reference to the conditions obtaining in Delhi and Simla, respectively. In connection with the general campaign for economy the feasibility of reducing or modifying these allowances is under consideration but no decision has yet been arrived at.

ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMIA.

- 857.*Mr. B. N. Misra: (a) Is it a fact that the staffs of both the Secretariat and the attached offices have to live under the same circumstances and to move between the same stations?
- (b) If so, will Government please state why the staffs of both the Secretariat and the attached offices are not treated alike in the matter of compensatory allowances?

The Honourable Sir James Crerar: Some of the attached offices are located permanently either at Simla or Delhi and it is only in respect of those which move with the Government of India that it can be said that their staffs are subject to the same circumstances as those of the Secretariat. The latter are better off only in one respect in Simla, viz., the privilege of free quarters or house rent in lieu thereof. On the other hand at Delhi the establishments of attached offices are in one sense slightly better off since all of them get the Delhi camp allowance while only such of the Secretariat men as are compelled to send their families away get the "separation" allowance.

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ALLOWANCES OF STAFFS OF THE GECRETARIAT AND ATTACHED OFFICES IN DRLHI AND SIMLA.

- †858. *Mr. B. N. Misra: (a) Is it a fact that those members of the Secretariat staff who are not allotted Government quarters at their headquarters in Delhi are paid a "separation" allowance?
- (b) If so, will Government please state the circumstances under which such an allowance is paid at the headquarters station of the Secretariat ?
- (c) Is it a fact that no such allowance is paid to the staff of the attached offices, who are not provided with Government quarters at their headquarters in Simla! If not, why not!

ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

- **†859.** *Mr. B. N. Misra: (a) Is it a fact that the staff of the attached offices are paid a camp allowance in Delhi to compensate for the extra expenditure incurred by them consequent on their move from their headquarters ?
- (b) Is it a fact that this allowance is paid at 2|3rd of the rates of the camp allowance which was paid while the offices moved to Calcutta and since then has never been enhanced?
- (c) Is it a fact that a reduction of about 50 per cent, is being made in the rates of Delhi camp allowance! If so, on what grounds?
- (d) Do Government contemplate a similar reduction in the rates of Simla house-rent allowance? If not, why not?

HOUSE RENT AND HOUSE RENT ALLOWANCES AT SIMLA AND DELHI-

- 860. *Mr. B. N. Misra: (a) Is it a fact that the Secretariat staff have to pay house rent for the period of their stay in Delhi only, i.e., for about five months during the whole year?
- (b) Is it the general rule that all Government servants should be expected to pay house-rent up to 10 per cent. of their salary for the 12 months of the year ?
- (c) If the replies to parts (a) and (b) above are in the affirmative. will Government please state (i) why those of the Secretariat staff who are provided with Government quarters at Simla are not charged house-rent up to the maximum of 10 per cent. of their salary, and (ii) why those of the Secretariat staff who are not provided with Government quarters at Simla are paid anything more than the difference between the rates of the Simla house-rent allowance laid down by Government and one-tenth of their salary?

The Honourable Sir James Crerar: (a) Yes. House rent is charged for the actual period of allotment of the house.

(b) No. the rule is that Government servants provided with Government quarters have to pay the assessed rent of the quarters for the period of actual allotment subject to a maximum of 10 per cent. of their emoluments.

⁽c) The question does not arise.

For answer to this question, see answer to question No. 856.

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ALLOWANCES OF STAFFS OF THE SECRETARIAT AND ATTACHED OFFICES IN DELHI AND SIMLA.

- 861.*Mr. B. N. Misra: (a) Will Government please state the amounts spent annually per individual by way of:
 - (i) Simla house-rent allowance to the Secretariat Staff;
 - (ii) Separation allowance to the Secretariat staff; and
 - (iii) Delhi camp allowance to the attached offices staff?
- (b) Is it a fact that the amount spent per individual by way of Simla house-rent allowance to the Secretariat staff is far in excess of that spent on the Delhi camp allowance for the attached offices? If so, will Government please state whether the amount paid per individual per year in both the Secretariat and attached offices by way of these allowances is proposed to be equalized? If not, why not?
- The Honourable Sir James Crerar: (a) The amounts vary considerably from year to year according to the pay drawn by the individual and whether he resides with his family or not. I am not prepared to undertake to collect this information, but I shall be glad to send the Honourable Member information as to the rates of these allowances.
- (b) I am afaraid I am not in a position to answer the first part of this question for the reason I have just stated. As I have stated in reply to another of the Honourable Member's question, the question of reducing or modifying these allowances is under consideration.

RENT FREE ACCOMMODATION FOR STAFF OF ATTACHED OFFICES IN NEW DELHI.

- 862. *Mr. B. N. Misra: (a) Do Government propose to give rent-free accommodation to the attached and subordinate offices staff during their stay in New Delhi in lieu of the reduced camp allowance?
 - (b) What is the rate of the reduced camp allowance?
- (c) Is it a fact that the Government of India's duration of stay in New Delhi has never exceeded six months?

The Honourable Sir James Orerar: (a) Government have no such proposal under consideration.

- (b) The allowance has not yet been reduced.
- (c) Yes; so far as I am aware.

SIMLA HOUSE RENT ALLOWANCE OF SECRETARIAT EMPLOYEES.

- †863. *Mr. B. N. Misra: (a) Is it a fact that the Secretariat people get the Simla house-rent allowance or rent-free accommodation in Simla during the whole year?
- (b) Do Government propose to reduce the Simla house-rent allowance ? If not, why not?

[†] For answer to this question, see answer to question No. 856.

PARTIAL TREATMENT OF ATTACHED AND SUBORDINATE OFFICES.

- 864. *Mr. B. N. Misra: (a) Is it a fact that all the memorials and representations sent by the Attached and Subordinate Offices Association were turned down?
- (b) Are Government aware that there is a general discontent among the persons employed in the attached and subordinate offices over the attitude adopted by the Secretariat!
- (c) Will Government state their reasons for tréating partially a section of their own men in such a way?
- (d) Do Government propose to reduce the Simla house-rent allowance in the same proportion as the Delhi camp allowance is going to be? If not, why not?

The Honourable Sir James Crerar: (a) I understand the Honourable Member is referring to representations regarding allowances only. Some representations on the subject were received some time ago and were rejected.

(b) No.

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(v) and (d). I am unable to accept the statement that there is any partiality in the matter. As I have already stated the question of rereducing or modifying the allowances is under examination.

PAUCITY OF MUSSALMANS IN THE AUDITOR GENERAL'S DEPARTMENT.

- 865. *Mr. M. Maswood Ahmad: (a) Is it a fact that in the Department of the Auditor General no gazetted officer is a Mussalman, no permanent Superintendent is a Mussalman, and no Assistant Superintendent is a Mussalman?
- (b) Will Government be pleased to state the percentage of the different communities holding the posts mentioned in part (a) above?

The Honourable Sir George Schuster: (a) It is a fact that there is no Mussalman gazetted officer, Superintendent or Assistant Superintendent in the office of the Auditor General. A Mussalman apprentice was recruited last year for appointment to an Assistant Superintendent's post.

(b) The percentage of different communities in the posts mentioned in part (a) of the question is as follows:

	European. Per cent.	
Gazetter Officer	 12.5	87.5
Superintendents	 • •	100
Assistant Superintendents	 	100

COMMUNAL COMPOSITION OF POSTAL STAFF IN CERTAIN POSTAL DIVISIONS.

866. Mr. M. Maswood Almad: (a) Will Government be pleased to state whether the figures of communal composition of the R. M. S. staff in the D. and L. Divisions published on page 10 of the August 1931 issue of the Postal Advocate, Delhi, are correct?

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- (b) Will Government he pleased to state whether the figures of communal composition of R. M. S. porters in the D. Division published on the inner leaf of the title page of the August 1961 issue of the Postal Advocate, Delhi, are correct?
- (c) Will Government be pleased to state the correct figures if the figures referred to in parts (a) and (b) above are not correct?
- (d) Is it a fact that even in the Punjab and North-West Frontier circle, where Muslims form 55 per cent, of population, the posts of (a) Selection grade, (b) clerks, (c) sorters, and (d) porters and menials are held as under:

	Hindus.	Muslims	Total.
(1) Superintendents, R. M. S., L.	and D.	,	
Divisions	2	0	2
(2) Selection grade appointments	35	9	44
(3) Sorters	696	203	899
(4) Head Clerks, Accountant and	Head		
Record Clerks	6	.0	6
(5) Inspectors, R. M. S	17	7	24
(6) Porters in D. Division	157	35	192
Total	913	254	1,167
Percentage	79	21	100

(e) Do Government propose to take some effective steps to remove the inequality ${\bf f}$

Sir Hubert Sams: (a) to (e). Government have no information. With respect to (d) and (e), recruitment is not made on a population basis, while the orders regarding the adjustment of communal representation apply only to new recruitment and not to promotion or postings. Government are not aware that those orders are not being observed. A copy of the question is being sent to the Postmaster-General, Punjab and N. W. F.

Appointment of a Muslim as Assistant Director General of Posts and Telegraphs.

- 867. *Mr. M. Maswood Ahmad: (a) Is it a fact that there is no Muslim Assistant Director-General, Posts and Telegraphs, nor any Muslim Superintendent in the office of the Director-General of Posts and Telegraphs against two Assistant Directors-General and sixteen Superintendents of the other communities?
- (b) Do Government propose to consider the desirability of appointing at least one Muslim Assistant Director-General of Posts and Telegraphs?
- Mr. J. A. Shillidy: (a) There is at present no Muslim Assistant Director-General or Superintendent in the Director-General's office.
- (b) Posts of Assistant Directors-General are filled by selection from the most suitable eligible officers without regard to seniority or to communal considerations

INDEBTEDNESS OF THE POSTMASTER, DELHI.

- 868. *Mr. M. Maswood Ahmad: (a) Is it a fact that Mr. J. C O. Loughlin, Postmaster, Delhi, took a loan of rupees two thousand from the Postal Co-operative Credit Society, Delhi?
- (b) Is it a fact that no instalment of the said loan has yet been paid by the said Postmaster to the Society?
- (c) Are Government aware that the said Postmaster took loans from the following subordinates of his:
 - (1) Mr. Hira Lal, Head Clerk, Mails, Delhi, by signing a promissory note in favour of Hira Lal's father.
 - (2) Mr. Bhagwant Sing, B.A., Clerk P. O., Delhi, who appeared in the selection grade examination over the head of his senior graduates.
 - (3) Mr. Harnarain, Sub-Postmaster, Imperial Secretariat, North.
 - (4) Mr. Ram Chand, Sub-Postmaster, Dareeba, Delhi.
 - (5) Mr. Janki Ram, Sub-Postmaster, Chitli Kabar.
 - (6) Mr. Gurbakhsh Sing, Sub-Postmaster, Civil Lines, Delhi.
 - (7) Mr. Sri Ram, Sub-Postmaster, Mori Gate, Delhi.
 - (8) Mr. Dina Nath, postman—now Lower Divison Clerk, Delhi.
 - (9) Mr. Jawahir Lal, officiating Head Clerk, Correspondence, Delhi.
 - (d) If reply to part (c) be in the affirmative, will Government be pleased to state whether the conduct of the said Postmaster and the officials named in part (c) above was objectionable according to the Government Servants Conduct Rules, and, if so, what action do Government propose to take against all those officials?

Sir Hubert Sams: (a) Yes.

- (b) Government have no information. The business of the Society is conducted by the Society itself.
 - (c) and (d). An enquiry will be made.

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MUSSALMAN EMPLOYEES IN THE DISTRICT TRAFFIC SUPERINTENDENT'S OFFICE, DINAPORE.

- 870. *Mr. M. Maswood Ahmad: What was the percentage of Mussalman employees getting rupees thirty or upward in July, 1920, in District Traffic Superintendent's Office in Dinapore on the East Indian Railway and what is the corresponding figure of July, 1931?
- Mr. A. A. L. Parsons: With your permission, Sir, I propose to answer questions Nos. 870, 871 and 872 together. Government regret that they are not prepared to supply figures of communal representation regarding individual offices or classes of offices.

MUSSALMAN EMPLOYEES ON THE EAST INDIAN RAILWAY.

- †871. *Mr. M. Maswood Ahmad: What is the percentage in Dinapore Division and in other Divisions on the East Indian Railway, of Mussalman employees:
 - (a) in grades of Rs. 30 and upward up to Rs. 130;
 - (\bar{b}) in grades of Rs. 130—150;
 - (c) in grades of Rs. 150-250; and
 - (d) in grades of Rs. 250 and upward?

MUSSALMAN STATION MASTERS ON THE EAST INDIAN RAILWAY.

†872. *Mr. M. Maswood Ahmad: What is the percentage of Mussalman Station Masters in Dinapore Division on the East Indian Railway and what is the corresponding number in other Divisions on the East Indian Railway?

APPOINTMENT OF MUSSALMAN STATION MASTERS ON THE EAST INDIAN RAILWAY.

- 873. *Mr. M. Maswood Ahmad: (a) Is it a fact that handling money is paid to Station Masters for loading and unloading the goods?
- (b) Is it a fact that the following stations are first class stations in Dinapore Division as regards goods booking:
 - Bhabhua Road, Dehri on Sone, Daltonganj, Sone East Bank, Sasaram, Jehanabad, Taregna, Burhee, Warisaligunj, Jamooee, Barh, Bihta, Raghunathpore, Arrah, Buxar, Behia, Dumraon, and Tarighat.
- (c) Is it a fact that except on temporary relieving duty no Mussalman Station Master has ever been appointed at the stations mentioned in part (b)?
- (d) If the reply to part (c) be in the negative, will Government be pleased to state the names of Mussalman Station Masters apart from temporary relieving duties who have been appointed at the stations mentioned in part (b) with their length of service at that post?
- (e) If the reply to part (c) be in the affirmative, do Government propose to see that the claims of Mussalman Station Masters are not overlooked?
- Mr. A. A. L. Parsons: (a) Yes, at certain stations on some railways in cases in which the contract for loading and unloading goods is not given to labour contractors.
- (b) Government have no information as to the classification of stations adopted by Railways for goods traffic.
- (c), (d) and (e). Government have no information. They presume, however, that the Honourable Member suggests that discrimination is exercised against Muslim employees in the posting of Station Masters at the stations referred to, Government propose, therefore, to bring the Honourable Member's question and this answer to the notice of the Agent, East Indian Railway.

PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY

- gant . 874. *Pandit Satvendra Nath Sen (on behalf of Mr. S. C. Mitra) : (a) Is it a fact that a proposal to classify the appointment of the Arms Secretary's Personal Assistant as a Superintendent's appointment was eriginally rejected by the Home Department?
- (b) Is it a fact that the proposal was put up to the Home Department again when the present Army Secretary (then Deputy Army Secretary) was placed on special duty in that Department ?
- (c) If the answer to part (b) is in the affirmative, was the proposal sanctioned by him !
- (d) Is it also a fact that having first secured a gazetted status for the appointment of the Army Secretary's P. A., sanction of the Finance Department was obtained to grant of pay in the grade of Rs. 500-40-700 in favour of the Personal Assistant?
- Mr. G. M. Young: (a) No, Sir. The Army Department sent to the Home Department a proposal that this official should be given gazetted status. The Home Department replied that it was not usual to confer such status as personal distinction on an individual, but that it would seem appropriate to classify the appointment as a Superinterdent's appointment, which would automatically give it the gazetted status. This was done.
- (b) It is a fact that I was acting as Joint Secretary in the Home Department in 1926, when the case was referred to that Department by the Army Department.
- (c) I find, on reference to the records, that, in view of my connection with the Army Department, I referred the case to the Home Secretary, who passed orders on it. I had, however, the satisfaction of strongly supporting the proposal.
 - (d) Yes.

PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

- 875. *Pandit Satvendra Nath Sen (on behalf of Mr. S. C. Mitra): (a) Is it a fact that a proposal is now on foot to grant a charge allowance of Rs. 200 per mensem to the Personal Assistant to the Army Secretary in respect of the Medal Section ?
- (b) If the answer to part (a) is in the affirmative, what will be the total emoluments of the Personal Assistant to the Army Secretary and what were his total emoluments in 1926 ?
- (c) What are the present duties of the Personal Assistant to the Army Secretary 1
- Mr. G. M. Young: (a) No, Sir. I may inform the House that the office of the Medal Section of the Army Department is situated in Old Delhi for all the year round, while the Army Department itself migrates between Simla and New Delhi. It would therefore be physically impossible, even if it were otherwise desirable, for the Personal Assistant to the Army Secretary to hold charge of that Section.

(b) Does not arise.

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- (c) The Personal Assistant to Army Secretary combines the duties of Personal Assistant, with those of the Registrar of the Department.
- Mr. Gaya Prasad Singh: Is it not a fact, Sir, that the Personal Assistant to the Army Secretary has rendered meritorious services to Government and fully deserves the trust which the Army Secretary has reposed in him?
- Mr. G. M. Young: I am very glad to have that testimonial to my Personal Assistant, from the Honourable Member.

PROMOTION AND PAY OF THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

- 876. *Pandit Satyendra Nath Sen (on behalf of Mr. S. C. Mitra):
 (a) Is it a fact that the Personal Assistant to the Army Secretary was placed in charge of establishment while he was a junior time-scale Assistant? If so, why? Have there been any such instances in other Departments?
- (b) Is it a fact that the Personal Assistant has been promoted to a Superintendentship without being first promoted to the upper time-scale \$
- (c) How many such instances are there in other Departments? If there are none, why was an exception made in favour of the Personal Assistant to the Army Secretary?
 - Mr. G. M. Young: (a) The answer is in the negative.
- (b) No, Sir; as stated in my reply to question No. 874, the appointment is a special one and was graded as a Superintendentship, although it is not a Superintendentship in the regular line.
- (c) As explained in my reply to the Honourable Member's starred question No. 495 on the 17th September, there is no parallel to this appointment in other Departments. The latter portion of this question does not therefore arise

CORRESPONDENCE DEALING WITH ALLEGATIONS AGAINST THE PERSONAL ASSISTANT TO THE ARMY SECRETARY.

- 877. *Pandit Satyendra Nath Sen (on behalf of Mr. S. C. Mitra);
 (a) Will Government kindly place on the table of this House a complete copy of the correspondence that passed between the Army Secretary and a prominent Member of this House dealing with certain allegations against the Personal Assistant to the Army Secretary?
- (b) Is it a fact that extracts from that correspondence were circulated in the Army Headquarters and Army Department and, if so, what was the object underlying this action?
- Mr. G. M. Young: (a) The answer is in the negative. Three letters were received on the question of the recruitment of Muslim clerks to Army Headquarters, which the writer asserted to be for all practical purposes controlled by Hindu members of the establishment. The last of these letters also contained unfounded allegations against

the Personal Assistant and the other Hindu members of the establishment.

- (b) As the information contained in these letters had clearly been supplied by some person or persons employed in the Army Department, and as it was generally known that propaganda of this kind was going on, it was thought desirable to circulate the last of the three letters, with my reply, in order to make it clear to all concerned that the authorities in control of the Army Department and Army Headquarters establishments were not being influenced by this propaganda. The identity of the writer of the letters was not disclosed.
- Mr. Gaya Prasad Singh: Are Government prepared to disclose the name of the gentleman who wrote that letter to the Army Department?
 - Mr. G. M. Young: No, Sir.

DUTIES OF AN OFFICER ON SPECIAL DUTY IN THE ARMY DEPARTMENT.

- 878. *Pandit Satyendra Nath Sen (on behalf of Mr. S. C. Mitra):
 (a) Is it a fact that the officer on special duty in the Army Department is in charge of the Revision Section?
- (b) Is it a fact that in order to save himself from the retrenchment are he is taking over work which is not properly his own?
- (c) What was the number of cases dealt with by him as an officer of Revision Section in April last and what is their number now?
- (d) Is it a fact that formerly he was responsible for merely issuing amendments to only a few books of regulations and that now he has taken upon himself the task of approving and issuing amendments to all books of regulations (without any specific orders to this effect)?
- (e) Is it a fact that he approves all proposals put up by the Army Secretary's Personal Assistant the latest being that all persons should report to the latter in person on return from leave?

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

- (b) No. Sir.
- (c) The information is not available.
- (d) The appointment was made with the object that the holder of it should gradually take over the control and amendment of all forms, and, if possible, of all regulations also. The officer is also in charge of printing and stationery. The concentration of the above duties in a single officer has already resulted in large savings. In addition, the Officer on Special Duty has taken over most of the duties of the Establishment Officer, thus making possible the abolition of the latter appointment, a further consequential saving.
- (e) The answer to the first portion of this question is in the negative. The answer to the second portion is that the rule has been in force for a considerable time.

· Allotment of Quarters in New Delhi.

879. Mr. B. Das: (a) Will Government be pleased to state the details of allotment of accommodation for New Dehli for 1930-31 and

- 1931-32 for orthodox and un-orthodox quarters (with and without liens separately) for the Departments of the Government of India and their attached and subordinate offices?
- (b) How many applicants are there from each of the Departments for A, B, C and D classes, respectively, and how many were provided with accommodation?
- (c) Is it a fact that in some cases those who are actually allotted quarters do not live in them but sublet them to unauthorised persons?
- (d) If the answer to part (c) is in the affirmative, do Government propose to take any action?
- (e) Do Government propose to extend the same privileges to the migratory staff as are enjoyed by the non-migratory staff, viz., the privilege of remaining in the same quarter unless and until a quarter of a higher type to which he is entitled becomes available? If not, why not?
- Mr. J. A. Shillidy: (a) and (b). Government do not propose to have the information compiled as the amount of labour involved in doing so would be incommensurate with the benefit attained.
 - (c) Government have no information on the subject.
 - (d) Does not arise.
- (e) It is not proposed to extend the privilege mentioned to the migratory staff as the reasons for which it was given in the case of non-migratory staff do not hold good in the case of migratory staff.

RELEASE OF S. DHANNA SINGH, A PRISONER OF LYALLPUR.

880. *Bhai Parma Nand (on behalf of Sardar Sant Singh): Will Government be pleased to state why S. Dhanna Singh and his companions have not been released so far under the Gandhi-Irwin settlement?

The Honourable Sir James Crerar: They were not released at the time as the offence for which they were convicted was not connected with the civil disobedience movement and their cases did not therefore come within the terms of the settlement.

It is understood, however, that the Punjab Government as an act of grace have since remitted the sentences under section 401 of the Criminal Procedure Code.

CHARGE FOR EXCESS WATER AT THE CLERK'S QUARTERS, PHAGLI, SIMLA.

- 881. *Rao Bahadur M. C. Rajah: (a) Is it a fact that there are separate water meters attached to each of the Indian clerks quarters, Phagli, Simla?
- (b) Is it a fact that the water rates are not charged according to the readings of the meters attached to each quarter?
- (c) Is it a fact that there are Municipal meters attached to each group of six quarters, and, if so, is it a fact that the reading of the Municipal meter does not tally with the total readings of the separate meters attached to the six units in a block.
- -(d) Will Government be pleased to state whether the Municipality charges the Public Works Department for excess water according to their

meters, if so, what are the reasons for putting separate meters in each quarter ?

- Mr. J. A. Shillidy: (a), (b) and (c). Yes.
- (d) Yes. Originally, there were no separate meters in the quarters. This led to considerable discontent because some occupants (for example, those with large families) used more water than others, and so long as there were no meters, all had to pay alike.

CHARGE FOR EXCESS WATER AT GOVERNMENT QUARTERS IN SIMLA AND NEW DELHI.

- 882. *Rao Bahadur M. C. Rajah: (a) Are Government aware that the excess water rate bill for the period, 15th April, 1931, to 14th May, 1931, has been sent to the tenants in Phagli in the month of September, 1931 without giving the tenants any intimation as to the excess water used by them during that month?
- (b) Will Government be pleased to state the number of gallons of water allowed free for a month to each tenant in A, B and C type quarters in Phagli, Simla, as well as in the unorthodox quarters in New Delhi ?
- (c) Are Government aware that the tenants of Government quarters in Simla and New Delhi are not intimated as to the excess water used by them during a month? If so, do Government propose to have a chart attached to each water meter in Government quarters in Simla and New Delhi in which the monthly meter readings will be put down for the information of the tenants as is done for electric meter reading?

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

(b) The figures are, approximately, as follows:

Phagli, Simla.—A. 65 gallons, daily.

B. 55 gallons, daily.

C. 52 gallons, daily.

New Delhi.—No free allowance is given to tenants of unorthodox quarters. They are charged Rs. 1-8-0 per mensem, and are allowed to use up to 4,000 gallons per mensem without further payment. After this they are billed at a rate of 6 annas per thousand gallons.

(2) In Delhi, intimation is given when the bills are sent out. In Simla, no intimation is given, but the information may be obtained by any one who is interested on applying to the Phagli Public Works Office.

The system suggested could be introduced, but would involve additional work and expense.

UNSTARRED QUESTIONS AND ANSWERS.

MUSLIM RAJPUT POPULATION OF EACH PROVINCE.

71. Kunwar Hajee Ismail Ali Khan: Will Government kindly state what is the Muslim Rajput population (male and female) of each province in India according to this latest census?

The Henourable Sir James Crerar: I regret the information is not pet available.

REDUCTION IN NUMBER OF CLASS I OFFICERS OF THE SURVEY OF INDIA.

72. Kunwar Hajee Ismail Ali Khan: With reference to Maulvi Muhammad Yakub's starred question No. 1577 (d), dated 3rd September, 1924, will Government kindly state what reduction has been made up till now in the number of Class I officers of the Survey of India?

The Honourable Khan Bahadur Mian Sir Fazil-i-Rusain: The sanctioned cadre of Class I of the Survey of India consists of 63 officers. The number actually employed at present is only 49. Recruitment from the Indian Army has been in abeyance since 1923 and the number of Royal Engineer officers has also been gradually decreasing. The question of reduction is receiving the attention of Government in connection with the proposals for retrenchment.

THE ADMINISTRATION OF ADEN.

- 73. Mr. S. G. Jog: (a) Will Government make an announcement of their future policy of administration in Aden ?
- (b) Are Government aware that questions with reference to the Aden administration were put in the Bombay Council?
- (c) What steps do Government propose to take to improve the present state of administration?
- Mr. E. B. Howell: (a) and (c). The Hononurable Member is referred to the answer given by me to question No. 595 put by Sir Cowasji Jehangir in this Assembly.
 - (b) Yes.

TRAINS FROM AMRAOTI TO NAGPUR.

- 74. Mr. S. G. Jog: (a) Will Government state as to how many trains run between Badnera and Nagpur on the Great Indian Peninsula Railway?
- (b) Have Government considered the question of running the same trains from Amraoti to Nagpur?
- (c) Are Government aware that the Railway has been put to a loss by the present arrangement?
- (d) Are Government aware that because the trains do not run from Amraoti the passenger traffic is diverted considerably by motor buses?
- (e) Do Government propose to take steps to run the trains from Amraoti ?
 - Mr. A. A. L. Parsons: (a) Four passenger trains in each direction.
 - (b) Government can take no part in the preparation of time tables.
- (c). (d) and (e). I would refer the Honourable Member to the reply I gave to part (c) of his question No. 972 on the 16th March 1931. The Agent, Great Indian Peninsula Railway, has since reported that the third class single journey fare between Badnera and Amraoti had been

reduced from Re. 0-2-0 to Re. 0-1-6 and return tickets at Re. 0-2-0 were introduced with effect from 1st October 1928, and that the train services on the section had also been intensified from time to time. These measures, it is stated, have proved effective to retain traffic against road competition.

TENNIS COURT FOR GOVERNMENT OF INDIA CLERKS AT PHAGLI.

- 75. Mr. 8. C. Mitra: (a) Is it a fact that there is a Government tennis court in Phagli for the Government of India alerks? If so, what is the annual rent charged from the clerks for the use of the court?
- (h) Will Government be pleased to lay on the table a statement of the tennis courts attached to the different officers' bungalows— with names of the officers—and the rent paid by them for the Simla season for the use of those courts?
- Mr. J. A. Shillidy: (a) Yes. The annual rent is Rs. 110 per season. This is a concessional rent. The full rent for the summer is Rs. 299 and for the year Rs. 513.
- (b) Covernment are not prepared to undertake the labour of preparing the statement asked for. It might be mentioned, however, that in no case is the rent of a tennis court attached to an officer's house, as low as what is charged for the Phagli court, nor is any officer given any concession.

Appointment of Joint Secretary, Department of Education, Health and Lands

- 76. Mr. S. C. Mitra: (a) What are the duties attached to the post of Joint Secretary in the Department of Education, Health and Lands and what is the justification for keeping this post? Was the post of Additional Deputy Secretary created for the very work which originally used to be done by the Joint Secretary?
 - (b) What is the establishment attached to this post?
- (c) How many times has the present Joint Secretary gone overseas during the last three years and on what purpose? For how many months has he been away during that period and what arrangements were made to carry on his work in his absence? Does not the work suffer in any way?
- (d) What are the arrangements made now when he is away? Cannot the same arrangements be kept throughout the year? If not, why not?
- The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: (a) The duties performed by Joint Secretary and Additional Deputy Secretary in this Department and the reasons which necessitated the creation of these posts are fully explained in paragraphs 54 and 56 of the proceedings of the Standing Finance Committee, dated the 23rd January, 1931, and 14th February, 1930, respectively. Copies of these proceedings are available in the Library of the House.

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(b) I stenographer and 2 poons.

- (c) The Honourable Member is presumably referring to Mr. G. S. Bajpai. A statement containing the information desired by him is annexed. The answer to the last part of the question is in the negative.
- (d) The Additional Deputy Secretary is officiating as Joint Secretary. The post of Additional Deputy Secretary has been converted temporarily into that of Additional Under Secretary as a measure of economy. The question of the strength of the Secretariat establishment is being considered by the General Purposes Sub-Committee of the Retrenchment Advisory Committee.

Absen	Year.	f India	of the Joint Secretary, Department of Edu Purpose and period of deputation.	cation, Health and Lands. Arrangements made during his absence.
1929	••		To Geneva in connection with the meeting of the Leage of Nations. 30th July, 1929 to 29th November, 1929 (4 months).	ciated as Joint Secre-
1930		••	To Geneva in connection with the meeting of the League of Nations, and then to London in connection with the Imperial Conference and the Indian Round Table Conference. 16th August, 1930 to 11th February, 1931 (5 months and 27 days).	The Additional Deputy Secretary officiated as Joint Secretary.
1981		34	To London to assist at the Round Table Conference. From 16th August, 1931.	The Additional Deputy Secretary is officiating as Joint Secretary.

CONVEYANCE ALLOWANCE PAID TO GOVERNMENT OF INDIA STAFF AT DELHI.

- 77. Mr. S. C. Mitra: (a) What is the rate of conveyance allowance granted to the staff of the Government of India while at Delhi? Why and for what purpose was it sanctioned?
- (b) Do Government contemplate to reduce this allowance in the case of the low paid clerks as well as in the case of high salaried officers? If so, what is the percentage of reduction of this allowance in the case of both the classes of officers?
- (c) Have Government considered the question as to whether this allowance is really necessary in the case of gazetted officers drawing hand-some salaries?

The Honurable Sir James Crerar: (a) Conveyance allowance is granted to those who apply for, but are not provided with, accommodation, at or near the place of their work. It is meant to compensate for the expense entailed in transporting an officer to office from a distance. The rate was Rs. 32, but has recently been reduced to Rs. 28 for those drawing less than Rs. 500 per mensem. For those drawing more than that amount the rate was Rs. 100 which has been reduced to Rs. 50 per mensem.

(b) and (c). In connection with the general economy campaign the feasibility of further reducing this allowance is under consideration.

ABOLITION OF THE SEPARATION ALLOWANCE OF THE GOVERNMENT OF INDIA SECRETARIAT STAFF.

- 78. Mr. S. C. Mitra: (a) Is it a fact that the Government of India are contemplating to abolish the separation allowance of the Secretariat staff attogether?
- (b) What is this allowance and when and why was it sanctioned? Have the grounds for which it was granted ceased to exist or are they still present?
- (c) Has the allowance been generally availed of by the low paid staff of the Secretariat who fail to get Government quarters in New Delhi?
- (d) If the answers to parts (a) and (c) be in the affirmative, do Government propose to continue the allowance?
- The Honourable Sir James Crerar: (a), (b) and (d). I would refer the Honourable Member to the reply given by me on 17th September, 1931, to parts (a) (i), (e) and (f) of Mr. Anwar-ul-Azim's unstarred question No. 70.
- (c) I am unable to give any definite reply without detailed investigation which would involve a great deal of time and labour.

PAY AND ALLOWANCES OF I. C. S. OFFICERS.

- 79. Mr. S. C. Mitra: (a) What is the time-scale of pay of the L. C. S.?
- (b) What allowances are admissible to officers of the I. C. S.—both Indians and Europeans—as also the concessions enjoyed by them under the Lee Commission's recommendations?
- (c) What were the grounds for which these concessions were allowed? Have not these grounds since disappeared? If so, do Government propose to withdraw the allowances and make a percentage cut in their salaries?
- (d) What special allowances or special pays are attached to the posts of Secretaries, Joint, Deputy and Under Secretaries in the various Departments of the Government of India Secretariat?
- (e) Is there any special reason for continuing these allowances when the allowances of the subordinate staff are being curtailed?
- (f) Do Government contemplate to abolish these special pays? If not, why not?
- The Honourable Sir James Crerar: (a) I would refer the Honourable Member to Schedule I to the Superior Civil Services Rules, a copy of which will be found in the Library.
- (b) Government have no information as regards the allowances granted to Indian Civil Service officers by Local Governments under their own powers. In regard to the main Lee concessions I would refer the Honourable Member to rules 4, 8 and 12 of the Superior Civil Services Rules and Rule 45-A of the Fundamental Rules.
- (c) I would refer the Honourable Member to Chapters VI and VII of the Report of the Lee Commission.

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- (d) Secretaries and Joint Secretaries to the Government of India do not receive any special pay in addition to the fixed pay of Rs. 4,000 and Rs. 3,000 a month, respectively. Indian Civil Service Deputy Secretaries and Under Secretaries to the Government of India draw a special pay of Rs. 400 and Rs. 300 a month, respectively, in addition to grade pay subject to a maximum in the former case of Rs. 2,250 in all, exclusive of overseas pay.
- (e) and (f). An examination of the pay of all posts carrying a special rate of pay in the Government of India Secretariat is being carried out in connection with the present retrenchment campaign.

PAY OF ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.

- 80. Mr. S. C. Mitra: (a) Will Government be pleased to state (i) the number of accountants and their scale of pay, and (i) the number of clerks and their scale of pay at present employed in the office of the Military Accountant General?
- (b) Is it a fact that the scale of pay and the increments of accountants employed in the Office of the Military Accountant General are higher than those of the 1st Division assistants employed in the Imperial Secretariat ?

The Honourable Sir George Schuster: (a) (i) and (ii). A statement containing the required information is laid on the table.

Number. Scale of pay. Category of staff. 18 Rs. 210-20-410-30-500. Accountants Clerks who have passed the Subordinate Accounts Service Examination of the Mili-58 Rs. 115-10-225. tary Accounts Department Clerks who have not passed the Subordinate Accounts Service Examination of the 11 Ra. 55-6-115-5-170-5-Military Accounts Department 200. Rs. 90-4-130-4-170. 15 Routine Grade Clerks—permanent . . Rs. 75. Routine Grade Clerks-officiating ...

- (b) There are two classes of First Division Secretariat Assistants:
 - (i) Assistants—Upper time scale. Scale of pay—Rs, 375—25—500.
 - (ii) Assistants—Lower time scale. Scale of pay—Rs. 200—15—500.

It will be seen that the accountants employed in the office of the Military Accountant General are on a scale which is considerably lower than that of First Division Secretariat Assistants who are in the Upper Time Scale but slightly higher than that of Assistants in the Lower Time Scale.

ALLOWANCES PAID TO ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.

81. Mr. S. C. Mitra: (a) Is it a fact that the accountants employed in the Office of the Military Accountant General get, in addition to their L234LAD

- time-scale of pay, (i) local allowance ranging from Rs. 50 to Rs. 80 a month; (ii) duty allowance of 20 per cent. on their pay; and (iii) Simla house rent?
- (b) Is it not a fact that the Military Accountant General's Office is only an Attached Office?
- (c) Is it a fact that the 1st Division assistants in the Imperial Secretariat get only Simla house rent and no local or duty allowances in addition to their substantive pay? If so, will Government be pleased to state the circumstances and the reasons for the grant of local and duty allowances to the accountants of the Military Accountant General's Office?
- The Honourable Sir George Schuster: (a) (i), (ii) and (iii). The answer is in the affirmative except that the rate of local allowance for accountants ranges from Rs. 70 to Rs. 80 a month
- (b) The Military Accountant General's office is an attached office, which in some respects functions as a Section of the Military Finance Department. The work carried out in the Military Accountant General's office is of a different nature to that carried out in Secretariat offices but is of a very responsible nature. It is not possible to make a comparison of responsibility.
- (c) It is a fact that First Division assistants in the Imperial Secretariat draw no local or duty allowances in addition to their substantive pay. The Secretariat scale of pay is a consolidated rate based on the conditions prevailing at the Headquarters of the Government of India. The accountants employed in the Military Accountant General's office belong to an "all-India" Department. Under their terms of service they are liable for general service in India and Field Service in or out of India, and are transferred to the head office only for limited periods. In addition to their pay on the general time-scale they are granted a local allowance to cover the high cost of living in Simla and a duty allowance in view of the more responsible duties which they have to perform in the Headquarter office in comparison with those in subordinate offices.

ALLOWANCES PAID TO ACCOUNTANTS IN THE OFFICE OF THE MILITARY ACCOUNTANT GENERAL.

- 82. Mr. S. C. Mitra: (a) Will Government be pleased to state the actuals of the amounts paid to the accountants of the Military Accountant General's Office in 1930-31 towards (i) local allowance; and (ii) duty allowance?
- (b) Will Government be pleased to state whether they propose to abolish the local and duty allowances of the accountants employed in the Military Accountant General's Office? If so, when? If not, why not?
- (e) Is it a fact that duty allowances are granted to the superior service efficers and the subordinate service efficers employed in the Office of the Military Accountant General and that officers of similar status employed in the Secretariat offices of the Government of India get no such allowances? If 1,80, will Government be pleased to state whether, and if so, when they propose to abolish these allowances?

The Honourable Sir George Schuster: (a) (i) Lecal allowence Rs. 15,539.

- (ii) Duty allowance Rs. 15,146.
- (b) Local and duty allowances were granted to accountants in the Military Accountant General's office after carefully considering the circumstances necessitating their grant and as the grounds on which they were granted still exist the Government of India do not propose to abolish them.
- (c) The answer to the first part of the question is in the affirmative. Both in the case of officers employed in the Secretariat and the office of the Military Accountant General the rates of pay and allowances have been fixed after careful consideration and with due regard to the nature of the duties which the officers are called upon to perform and their responsibilities and it is not proposed to abolish the duty allowances at present sanctioned.

With regard to the general question of local and duty allowances it is possible that the present rules will have to be reviewed if they are affected by any proposal made by the Retrenchment Committee.

PAYMENT FOR THE CARRIAGE OF MAILS BETWEEN INDIA AND ENGLAND.

- 83. Mr. S. C. Mitra: (a) What is the amount paid to the steamer company that carries mails to and from England?
 - (b) Do the Government in England bear any share ?
 - (c) If so, how much?
- **Sir Hubert Sams:** (a) to (c). The Honourable Member's attention is invited to the concluding sentences of parts (a) and (b) of the reply, given to his starred question No. 603 on the 21st September, 1931.

Carriage of Mails to and from the Straits Settlements.

- 84. Mr. S. C. Mitra: (a) With what company have Government made a contract for carrying the mails to and from the Straits Settlement?
 - (b) What is the amount paid to the company?
 - (c) Do the Straits Settlement authorities pay any share 4
- (d) Is it a fact that under the contract the company has to carry the mails in steamers which run at an ascertained speed?
 - (e) Does the said company carry the mails in such steamers ?
- Sir Hubert Sams: (a) and (b). The Honourable Member's attention is invited to parts (a), (b) and (d) of the reply given to his starred question No. 603 on the 21st September, 1931.
 - (c) No.
 - (d) and (e). Yes.

PROCEDURE FOR ADMISSION TO THE POSTAL DEPARTMENT CO-OPERATIVE CREDIT SOCIETY.

85. Mr. S. O. Mitra: Are Government aware that the Government of Bengal have decided that a member of gazetted rank may join the Writers' Building Co-operative Society but will not participate in a loan?

Do Government propose to follow a similar procedure in the Post Office Department?

fir Hubert Sams: Government have no information. The adoption of the principle suggested is already being examined by me.

RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

- 86. Mr. C. S. Ranga Iyer: (a) Will Government please state whether it is a fact that the Cordite Factory at Aravankadu is the only factory in India manufacturing cordite for the use of the Military Department and was at the time of the war employing as many as 1,200 men; if not, what are the facts? Has the factory come under retrenchment? If so, how has the retrenchment been effected?
- (b) Will Government please state whether it is a fact that owing to retrenchment 116 workmen, of whom 13 men have put in service of between 10 and 20 years and 79 men of under 10 years of service, have been discharged without any gratuity being paid to them?
- (c) Will Government please state whether it is a fact that although many of these men have been working on the daily wage system and described as temporary establishment, they have been working in the factory for long periods of time?
- Mr. G. M. Young: (a) The answer to the first portion is in the affirmative. A number of temporary employees in this factory, as in other Ordnance and Clothing Factories, have been discharged, at least one month's notice being given in all cases.
- (b) The figures given by the Honourable Member are correct, except that 23, and not 13, of these men have service of between 10 and 20 years. 24 of the discharged men have been given small gratuities from the Fine Fund. The question of granting further gratuities is under consideration.
 - (c) Yes.

RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

- 87. Mr. C. S. Ranga Iyer: (a) Will Government please state whether it is a fact that there has not been in the Cordite Factory at Aravan-kadu any system of provident fund or gratuity? If so, why?
- (b) Will Government please state whether it is a fact that a Fines Fund was instituted in November, 1930, according to which gratuities so far as the funds permit may be granted out of the said funds to such of the workmen as are discharged owing to sickness or old age after long and approved service?
 - (c) Will Government please state whether it is a fact that therein was provided only a maximum gratuity of six months' pay to a workman who has put in not less than 20 years of service or Rs. 720 whichever is less?
 - (d) Will Government please state whether it is a fact that it was also provided therein that if the state of the Fines Fund would not permit of payment according to the full scale, the scale might be further reduced; if not, what are the facts?

- (e) Will Government please state whether it is a fact that fines not being frequent or heavy in this factory, there is only Rs. 875 or thereabout in the Fines Fund; if not, what are the facts?
- Mr. G. M. Young: (a) A contributory provident fund was instituted in all Ordnance and Clothing Factories on the 1st April, 1931.
- (b) No. The Fine Fund has been in existence for many years. Revised rules for the grant of gratuities from this Fund were published in November 1930. The object of these rules is as stated by the Honourable Member.
 - (c) and (d). Yes.
- (e) Yes. The balance of Rs. 375 has been distributed among 24 of the discharged men.

RETRENCHMENT AT THE CORDITE FACTORY AT ARAVANKADU.

- 88. Mr. C. S. Ranga Iyer: (a) Will Government please state whether it is a fact that men of long service were suddenly discharged at the end of their career, in the Cordite Factory at Aravankadu?
- (b) Will Government please state whether they are aware that there was no saving to support them in their old age and no provident fund or gratuity to come to their rescue?
- (c) Will Government please state whether it is a fact that they submitted a memorial to the Master General of Ordnance Factories in India pointing out the above facts?
- (d) Will Government please state whether it is a fact that the Union in their memorial to the Master General of Ordnance Factories in India prayed that the discharged men may be treated in the same manner as the employees on the South Indian Railway, when they were retrenched about three years ago by the grant of one month's pay for every year of service? Was this prayer granted; if not, why not?
- (e) Will Government please state whether it is a fact that in reply to the Union's memorial, the Master General of Ordnance stated that gratuities would be paid so far as the Fines Fund permitted? If not, what are the facts?
- (f) Will Government please state whether it is a fact that he also stated that the grant from army funds will be made to pay a gratuity to men who are 50 years old and over, on the following scale: 20—30 years of service 3 months' pay; 30—35 years of service 6 months' pay? If not, what are the facts?
- Mr. G. M. Young: (a) No. They were all given a month's notice of discharge.
- (b) Government have already instituted a contributory provident fund. The question of the grant of gratuities to the retrenched personnel is under consideration.
 - (c) Yes.
- (d) Yes. The memorial is receiving sympathetic consideration, but Government are unlikely to agree to so high a scale of gratuities as is suggested.

(c) and (f). Yes. The Master General of the Orduance in India also stated that when sufficient funds were not available in the Fine Fund, a gratuity may be granted from Army funds to a discharged man of over 50 years of age.

MONTHLY AND DAILY RATES OF PAY AT THE CORDITE FACTORY AT ARAVANKADU.

- 89. Mr. C. S. Ranga Iyer: (a) Will Government please state whether it is a fact that distinction has been made between monthly paid and daily rated men in the Cordite Factory at Aravankadu! If so, what are the distinctions and why are they made!
- (b) Will Government please state whether it is a fact that although they enjoy now a scheme of provident fund, casual and privilege leave, still they are called temporary? If so, why?
- Mr. G. M. Young: (a) Distinction has been made only in matters of leave and pension. Monthly paid men get leave under the Civil Service Regulations and pension after 35 years' service, subject to certain conditions being fulfilled. They are entitled to one month's notice of discharge under the Civil Service Regulations.

Daily-rated men get leave under separate rules and ordinarily are not eligible for pension. They are not entitled to any notice of discharge.

(b) Yes, because of the fluctuating nature of their work which depends on the extent of orders placed on the Factory.

GRATUITIES FOR RETRENCHED MEN AT THE CORDITE FACTORY AT ARAVANKADU.

- 90. Mr. C. S. Ranga Iyer: (a) Will Government please state whether it is a fact that the gratuity intended to be paid out of the fines fund in the Cordite Factory at Aravankadu was meant to cover only cases where an occasional case might arise in normal times!
- (b) Will Government please state whether it is a fact that the Labour Union has applied to Government that special funds must be found in making reparations, and gratuity be paid to the retreuched men at least equivalent to a month's pay for every year of service as is done on State Railways, out of the army funds; if the answer is in the affirmative, do Government propose to sanction this special fund; if not, why not?

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

(b) Yes, but as already stated Government are unlikely to agree to the suggested scale.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): You will remember, Sir, that in the statement I made on Friday last about this week's business I said that it might be necessary for me to ask you to direct that the House should sit on Friday of this week. That necessity, Sir, has now arisen. If you make that direction, the business which we shall put down will be in the first place business on to-day's list, not concluded when we rise

this evening, and, secondly, the motion to take into consideration the Press Bill as reported by the Select Committee. I believe. Sir, that Members are in the main agreeable to taking this motion on Friday, but I am of course aware that, if any Member takes objection, we shall not be able to proceed with that motion on Friday unless you, Sir, suspend the Standing Orders. I should like to make it clear that Government will not ask you to do this unless it appears that we have the feeling of the House with us.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): What will be the position on Friday? I have no objection to the Bill being taken up on Friday, but the business which will not be concluded to-day will be taken up on Friday, and after disposal of that business there will be very little time left for this Bill.

The Honourable Sir George Rainy: I should like to explain that we shall put the Press Bill first on the paper.

Mr. B. Das (Orissa Division: Non-Muhammadan): I will agree to this course provided we are not asked to work on Saturday.

Mr. President: The position has been clearly explained by the Honourable the Leader of the House. Government are putting this item on the Agenda Paper on Friday. Whether it will be considered or not will depend upon the suspension of the Standing Orders by the Chair. The Chair will only suspend the Standing Orders and enable the Press Bill to be brought forward two days earlier if there is a consensus of opinion in the House to that effect.

THE FOREIGN RELATIONS BILL-contd.

Mr. President: The House will now resume discussion on the motion that the Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesy's Government and the Government of foreign States, be taken into consideration.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur cum Orissa: Muhammadan): Sir, to continue my speech on my motion for circulation. Many of our friends and relatives have left their homes to settle permanently in various parts of the world, i.e., in Africa, Ceylon, and other foreign States. There are others who have left their mother country temporarily to earn their living in those countries. The rights and welfare of these are by no means subjects about which we can afford to be indifferent. So many times their rights as Indians have been seriously molested by the foreign Governments.

Sir, if this Bill becomes an Act, it will deprive us of one of our most effective means of protest against the ill-treatment of our countrymen at the hands of foreign Governments. Besides, the interests of the Indian Mussalmans are very much allied to those of their brethren in Hedjaz, Turkey, Afghanistan, Africa, etc., and they can never remain indifferent to the sorrows and troubles of their co-religionists in those foreign countries. This Bill is a serious encroachment upon the liberties of the Muslims of India and seeks to prevent them from voicing the discontents of their brethren or from censuring and protesting against the maltreatment meted out to them by the Government of those countries.

Sir, the Statement of Objects and Reasons says:
"The English common law punishes such libels on the ground that they imperil the Penceful relations of His Majesty with foreign States."

[Mr. M. Maswood Ahmad.]

But I find in clause 2 of the Bill, the wording is:

"unfriendly relations between His Majesty's Government and the Government of foreign State.

Again, at the time of introducing the Bill the Honourable the Foreign Secretary said :

"No matter how malicious, how gratuitous, or how false those attacks might be, or how disastrons the consequences of them might be to the country concerned, the Government of India was impotent."

Then he said:

44 Against such consequences the rulers of these States have a right to be protected.

Now, Sir, I think foreign States includes Indian States also.....

(Neveral Honourable Members: "No, no. That has been made clear by the Foreign Secretary.")

Some of my lawyer friends told me that it goes so far. If a man goes to Mecca and comes back from that place and says that he had troubles there and the Government of Mecca was not good and did not treat him well, then under this Bill that man can be proceeded with. So, we cannot say a single word against any one.

Sir, the Bill which is before the House intends to gag the Press for expressing its true and unbiassed opinion on foreign matters, while the one which was discussed a few days ago prohibited the fair criticisms on affairs connected with this country. It is impossible even to imagine how a Press can be called a free and independent Press when legislation denying it the privilege of expressing its views is brought forward both for foreign as well as Indian matters. Sir, the Government move is very nice according to their point of view. Government have divided the old Bill into two parts and want to divide the opposition in this way. Sir, it has always been seen that a free Press is an eve-sore and an inconvenient factor for the Government of India and they are bent on forging new weapons for their armoury to put the free activities of the Press in India to an end. I do not know when such a state of affairs will be over and the Government will recover its senses. We are told that the Foreign Relations Bill has been devised merely to prevent libels against the heads of foreign States, but I say with all the force at my command that this is not the true object of this malicious Bill. It is simply intended to check the free and fair criticism which I believe is no offence at all. To libel against the head of a foreign State is altogether a separate thing from that of expressing true opinions. The Foreign Secretary has given so many instances in this connection, but I say that it is not a true picture of the real affairs. For the sake of argument only, let it be granted for a moment that there are a very few papers which are bent upon such activities, and if the Government so desire, they can always take such action as they consider necessary under the ordinary law of the country. In that case it is all the more unnecessary for Government to place this legislation permanently on the Statute-book.

With these words, Sir, I move the motion standing in my name.

Mr. President Motion moved:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st Japuary, 1932."

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir. as I have given notice of a similar motion and as I wish the Honourable the Foreign Secretary to see that the Bill as it is drafted is not in accordance with the English law, in other words, it goes against the spirit of the English law, I wish to offer a few observations in a friendly spirit. If the Honourable the Foreign Secretary will turn to Russell on Crimes he will find that so far as foreign potentates and Heads of States are concerned, the English law punishes a British subject only in three cases and in no other, namely, when one compasses or counsels murder of a foreign Sovereign or the head of a foreign State, secondly, if there is a conspiracy to commit murder of the head of a foreign State: and thirdly, cases of libel upon a foreign State which would correspond to cases of defamation of the head of a foreign State. These are the only three cases known to the common law of England in which the tribunal would punish the delinquent. I get these facts from Russell on "Crimes and Misdemeanours ", Volume I, page 299 and page 793, ct seq. That being the case I do not think it is quite correct to state that the Bill in hand is intended to bring Indian law into conformity with English law. As regards the previous history of the Indian law, the Honourable the Foreign Secretary said that his distinguished predecessor, Sir Denys Bray. had introduced in this House in 1928 a similar Bill intended to amend section 505 of the Indian Penal Code. May I just remind the Honourable the Foreign Secretary that even that short Bill of 1928 was more in conformity with English law than the Bill which he wants this House to take into consideration to-day. As Honourable Members may not have a copy of that Bill before them. I venture to read the operative clause of that Pill. It says that in section 505 of the Indian Penal Code after clause (c) the following clause shall be inserted, namely:

"with intent to promote or which is likely to promote unfriendly relations between His Majesty's Government and the Government of any foreign State."

The Honourable the Foreign Secretary has referred to the stubborn opposition this Bill encountered upon its introduction in this House, and I feel that though we may not be numerically strong we shall not be lacking in the stubbornness of the opposition which we shall offer to the Bill as it is drafted to-day, as it was offered in the year 1928. If Honourable Members will turn to clause 2 of the present Bill, which is the operative clause, they will find that it reads as follows:

"Whoever makes, publishes or circulates any statement, rumour or report with intent to promote, or which is likely to promote, or whereof the making, publishing or circulating is likely to promote, unfriendly relations between His Majesty's Government and the Government of any foreign State shall be punishable with imprisonment which may extend to two years or with fine or with both."

My lega! friends will at once see that the criminality, or the mens rea in this case does not depend upon the offence but upon the effect it is likely to produce upon any foreign State. The crux of the criminality of this offence therefore must vary in each case. We may have the head of a foreign State who may be more sensitive to criticism than the head of another State and it is the resultant effect upon the foreign State that will determine the criminality of the offender. Sir, I submit that is a serious defect in the Bill. If you really wish to punish a person for libelling the head of a foreign State then you have no difficulty in defining your offence. In 1923, an Act was passed, popularly known as the Princes' Protection Act, the language of which seems to me to be more in conformity with the spirit of English law than the language of the Bill in hand. In this Bill

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which was certified by Lord Reading and which I may point out was thrown out upon its introduction in this House, showing how jealous guardians of popular rights are the Members of this House and have been in previous Assemblies, the language was couched in the following terms:

Whoever edits, prints or publishes or is the author of any book, newspaper or other document which brings or is intended to bring into hatred or contempt or excites or is intended to excite disaffection towards any Prince, or Chief of a State in India or the government or administration established in any such State shall be punishable with imprisonment which may extend to five years or with fine or with both.

What is laid down here is that the offender shall not intentionally commit an offence, excite disaffection or do the various other things which constitute the offence. It is a sufficient notice to the offender that he must nessess the mens rea or the criminal intention of a particular character and he must avoid any reference to the Prince which would have the effect of causing disaffection or bringing into hatred or contempt. I can well understand the meaning of the words "hatred, contempt or disaffection", and if you tell the conductor of a newspaper in India that you shall not, by your language, bring into hatred or contempt the head of a foreign State to the same extent that you shall not bring into hatred or contempt the head of an Indian State, there would not be a close analogy between the present Bill and the Princes' Protection Act of 1923, but there would be a closer analogy between the Indian law and English law, but as I have submitted, clause 2, which is the operative clause of the Bill, is so widely worded that it takes no note of your intention or of your knowledge. It concentrates upon the effect it is likely to produce upon the aggrieved party. You may have a noble intention. You may be inspired by the most patriotic of motives, but if the effect is to produce or there is any likelihood of producing an unfriendly relation, apart from your intention and knowledge, it will imperil your liberty. That, I submit, is a vicious principle. Sir, only last Sunday I was reading the Statesman newspaper, and curiously I find the following passages in that newspaper, it is dated 20th September, 1931, on page 19. Let me read a very short passage to Honourable Members. It says:

"Over two thousand years ago Aristotle drew the classic features of the tyrant and there is little in his terrible sketch to which Mussolini does not conform:

To build up one's personal power by ruthless and unqualified repression,

To slay or banish the best citizens of the commonwealth,

To render dangerous by espionage all freedom of intercourse,

To forbid all association for intellectual or social purposes,

To devise vast enterprises, whether of peace or war,

To keep the people occupied,

To inspire the rich and poor with a distrust of each other, and confidence in himself, siding always, when choice must be made, with the stronger.

Is there any element in this portrait which is not recognizable as a picture of the present Italian regime?"

Then, after saying very many nasty things about Mussolini and painting his picture black (Laughter), we find the following closing lines:

"Tyranny such as Mussolini's softens the moral fibre of a people."

(Mr. K. Ahmed: "Hear, hear.")

Sir, if there is one man in this world who will feel dissatisfied with the Government of India upon reading this castigation of himself, it is Mussolini. (Hear, hear.) Are the Government of India prepared to prosecute the writer of this article? (Mr. S. C. Mitra: "This is Anglo-Indian Press.") Further, Sir, my Honourable friend's predecessor in office, Sir Henry Dobbs, on that very page, writes, and what does he write? He wrote an article in the London Daily Telegraph, and he says that the world is now full of tyrants. (An Honourable Member: "Full of what?") Tyrants. I will read to you some more extracts:

"Non-hereditary tyranny is of its essence unstable, since it depends on one man's life and energy. His death or weakness may at any moment leave his country without a head and throw it into chaos, which must affect its neighbours and cause storms over the whole surface of world-politics.

Let us turn to a rapid survey of the 'Ten Tyrannies', taking them from West to East. They are Portugal, Italy, Poland, Hungary, Russia, Turkey, Arabia, Irak, Persia and Afghanistan.''

I am quite sure, Sir, that the heads of these States will be extremely angry with my Honourable friend's predecessor in office for having characterised them as tyrants and giving a column and a half to showing what sort of tyrants they were. If, therefore, you judge the criminalty of a crime by the susceptibilities of the person against whom criticism is directed, you punish the man not for what he has done but for remotely wounding the susceptibilities of another person of which he may know nothing. A fair criticism of the ruler and the ruled, a fair criticism of the oppression and tyranny of people, herein lies the birthright of every man and every citizen (Hear, hear); and if a newspaper is to be mulcted for such criticism—whether it be of a neighbouring Indian State or of a foreigner beyond the seas is immaterial—I submit the liberties of the Press in India would be seriously encroached upon and the Press would be placed in a position of great jeopardy if you were to make them the victim of the fancies and whims of foreign potentates,—and it is this that this Bill proposes to do.

Sir, I have shown to Honourable Members that this Bill is not in accordance with the English law. I have shown to Honourable Members that this Bill is not in accordance with the provisions of the law which they themselves enacted relating to Indian States. I have shown, Sir, that this Bill would place an embargo upon fair criticism and would place the keepers printers of newspapers in this country and Government. the abject mercy of the executive The Secretary the Foreign knew what was passing through the minds of the Honourable Members on this side of the House, and in the very opening words of his speech he said, "Don't you for a moment think that my Bill is going to deal with Indian States ". My Honourable friend presumably has not consulted his legal advisers as to what would be its legal effect. I quite admit that that is the personal view of the Foreign Secretary, and it is entitled to great weight. But may I remind him as to what is laid down in the Foreign Jurisdiction Act, section 16? The expression "a foreign country" means any country or place out of His Majesty's Dominions', and does the Foreign Secretary not know that it is under the Foreign Jurisdiction Act that he extends the British Indian laws to Berar, which is a leasehold from His Exalted Highness the Nizam of Hyderabad? Sir, so far as this Bill is concerned, it may possibly extend to the Indian States unless you make it clear that it does not. Are the

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Indian States foreign territories or not! My Honourable friend nods his head that they are not. I say you have here the Foreign Jurisdiction Act (An Honourable Member: "And also the judgments of the Indian States are judgements of a foreign court.") and you have heard, as my Honourable firend pointed out, that all the judgments of the Indian States are the judgments of a foreign court. You cannot by a mere ipse dixit say that the Indian States would be excluded; and until you have excluded them by not merely a remote implication, but by an Act in terms excluding them from the purview of this Act, the position remains as I have stated. My llonourable friend who spoke last said that he had consulted lawyers and that they are of opinion that this Bill would be construed in a court of law as not only extending to foreigners outside the frontiers of India, but also to foreign States within the confines of India. You have therefore to make it plain that it is intended to apply only to foreign States outside the borders of India. I have therefore shown. Sir, that this Bill is very seriously defective. It is not a hasty production. It was on the brain of two Foreign Secretaries, Sir Denys Bray and my Honourable friend Mr. Howell. They have been cogitating over the terms of a Bill of this character. The Bill of 1928 was thrown out by this House because it was a seriously defective Bill, and we then pointed out that if you really wish to circumscribe the liberty of the Press in this country, you have to make good your claim that you are only coping with the mischief and that the scope of the Bill should not be too wide to let in an unwary innocent. Sir Denys Bray was not able to frame a piece of legislation which would satisfy the Assembly of 1928. After three years or more we have the present Bill, and as I have pointed out it is honeycombed with defects,—defects from beginning to end; and I am surprised that this small mouse has come out of this colossal mountain after three years of labour. Surely, Sir, I should have expected the Foreign Secretary to read up the proceedings of 1928 and the criticisms that were directed against that Bill, and he would have immediately told his legal advisers that what he really wants is to punish a libel or conspiracy to commit murder or murder upon foreign States or upon heads of foreign States and by doing so we shall be holding fast the sheet-anchor of English law. He could say. "Here is the English law clear on this point and we wish to arm ourselves with a similar power so that we may not perchance come to open hostility with a neighbouring State on account of a libel uttered by one of our subjects". I am quite sure that if the Bill had been drafted in that way and innited to that extent, there would have been no opposition from these Benches. But the Bill as it is, if I may be permitted to say so concentrates and localises all the defects of the previous Bills, all the defects that a Bill of the Imperial Legislature can possibly contain, and it would leave entirely to the executive Government to decide whether a man should be punished or not. The Foreign Secretary said that under the Princes' Protection Act of 1923, no person shall be proceeded against unless a complaint is made against him by the Governor General in Council, and quite unconsciously I hope, he said that we have made the same provision in this Bill.

Mr. E. B. Howell (Foreign Secretary): I did not say that.

Sir Hari Singh Gour: Oh, very well. Well, in a case of the Princes' Protection Act no prosecution is to be launched except on the complaint

of the Governor General in Council. A prosecution under this Bill might be initiated,—mark the words in clause 3,—" by the Governor General in Council, the Local Government or some officer empowered by the Governor General in Council in this behalf ". I know, Sir, what these officers are. These officers may be a District Magistrate or a District Collector. District Superintendent of Police, or he may be some sub-sub-Director of the C. I. D. Thus you take carte blanche to prosecute anybody and you give carte blanche to any officer of Government to launch this prosecution. Sir, the other day I was 1 ading a very interesting book written by the present Chief Justice of England, Lord Hewart. The title of that book is "New Despotism", and he was there pointing out how the executive have encroached upon the power of Parliament. Sir, some of us may well write another companion volume of "New Despotism" in India. of how the executive have encroached upon the domain of the Legislature by giving themselves ample and plenary powers and depriving the Legislature and the judiciary of their legitimate functions. This is one of those cases in which any officer of the Government may launch a prosecution on a likelihood. Who is to be the judge of that likelihood? I ask the Foreign Secretary to tell me what he means by "anything which is likely to promote unfriendly relations". I ask the question, who is to be the judge of this likelihood? The officer launching the prosecution, and he will say to the court, "I think that the statement of this accused is likely to imperil the relations of the Government of India with the head of a foreign State". If I had the liberty of calling that head of the foreign State, he might say, "Oh, I enjoyed the reading of that article, it was such a humorous article. I do not in the slightest degree apprehend that there will be any breach in the friendly relations between myself and the Government of India ". You ask your officers, you ask your Judges to consider what are likely to be the feelings of a foreign potentate, and that is to be the whole judgment. I do not know if the Foreign Department have devised some scheme of thought reading so that they might be able to choose an expert thought reader who might come into court and say, "I know what is passing through the convolutions of the brain of the head of that particular State ".

Mr. C. Brooke Elliott (Madras: European): Does the Honourable and learned Member suggest that that would be evidence in a court of law?

Sir Hari Singh Gour: Expert evidence. Well, Sir, if such a thing were done I could understand it. But the Bill as it is framed leaves the question of likelihood, which means the state of mentality of the head of a foreign State, to be judged without recourse to that foreign State, without examining the head of that foreign State, without asking him what he thinks about it, but merely because that is a likelihood which passes through the brain of one of the accredited officers of the Government of India. I ask the Foreign Secretary, can he justify a Bill of this character? Can he say that a Bill of this character could possibly have been passed and placed on the Statute-book of India in 1928? And whatever may be the change in the complexion of the Legislative Assembly in 1931, be sure that this Assembly is jealous of the rights of the people and would not allow a Bill of such a retrograde character to find its way upon the Statute-book.

I do not wish to labour this point but I would ask the Honourable the Foreign Secretary, if he is anxious to improve this Bill, to obtain the

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gratuitous services of volunteers on this side who will be able to help him and make this Bill more workable than his own Department has been able to do. I wish that some one of my Honourable friends had given notice of a motion to refer this Bill to a Select Committee; and if the Honourable the Foreign Secretary will accept that motion, he will get the co-operation and assistance of Members on this side of the House to put this impossible Bill into shape and make it a workable piece of Indian legislation, something upon the lines of the English law and something upon the lines of the laws of other countries to which the Honourable the Foreign Secretary had made passing allusion in his extremely interesting and eloquent Sir, I do not wish to labour this point any further, as I have said; but I cannot help feeling that there is a dissonance between the Statement of Objects and Reasons which he has appended to the Bill and the draft Bill itself. I would ask Honourable Members of this House to turn to the Statement of Objects and Reasons and they will see that while he has correctly stated what the English common law is, and while he wishes to reproduce the stereotyped English common law in the Statutebook of India, when he drafted or had drafted or got drafted section 2 of the Bill, the draft entirely overlooked the provisions of the English law and the Statement of Objects and Reasons, by which that clause is purported to be justified. If Honourable Members will turn to the Statement of Objects and Reasons, they will find this:

"It is a recognised principle of international law that States in their relations with other States are responsible for acts committed by persons within their jurisdiction. In accordance with this principle, most modern systems of law have made provision for the punishment of libels against the heads of foreign States."

Sir Lancelot Graham (Secretary, Legislative Department): Read the next sentence.

Sir Hari Singh Gour: Yes.;

"The English common law punishes such libels on the ground that they imperil the peaceful relations of His Majesty with foreign States."

Any more to be read?

Sir Lancelot Graham: That is just what I wanted.

Sir Hari Singh Gour: This statement is a perfectly correct enunciation of the English common law, of the international law, namely, that the law of the world is to punish libels, which means defamation, as defined in section 500 or rather section 499 of the Indian Penal Code. But you have given a go-bye to the very principle you said you were going to enact in section 2 of your Bill. Is there a word of libel, is there the very savouring of libel, is there any statement which in the remotest degree could establish a kinship with libel? I therefore submit that the Statement of Objects and Beasons must have been written by some one different to the gentleman who drafted this Bill. The two seem to be so absolutely antagonistic that I cannot believe that the two should have flown from the same pen. Honourable Members will see that I am not misrepresenting them. See the opening lines of the last sentence of the Statement of Objects and Reasons:

"4 The Bill is intended to bring the Indian law into line with the English common law."

Nothing could be clearer. You cannot get away from the fact that, what you want to do is to extend the provisions of the English common law to.

this country and you have said that the English common law punishes libels upon foreign States. Therefore, you by your own statement should have provided for the punishment of libels in the operative clause of this Bill. But you have done nothing of the kind, and I am astounded that any draftsman in the Government of India should justify the provisions of clause 2 as being in consonance with the Statement of Objects and Reasons by which that clause purports to be justified. I say, Sir, therefore, that it is impossible for this House to take into consideration this extremely defective Bill, and the least we can do and the least we are prepared to do—and I make an offer to the Honourable the Foreign Secretary—is, if he is prepared to accept our motion, to go to the Select Committee. He will be doubly blessed. He will lose no unnecessary time and at the same time he will get from the Opposition Benches that cooperation and constructive criticism without which he and his Department have been unable to fashion a workable Bill during the last three years.

Sir, I cannot sit down without referring to the appeal which the Foreign Secretary has made. He was good enough to give me in confidence copies of certain judgments. I have read them and I feel strongly, as strongly as he does, that he must put down this libel upon foreign States without remorse and without compunction. But at same time if the Honourable the Foreign Secretary will give us an opportunity to define the law and to limit it to the mischief which it is intended to safeguard, we shall be perfectly willing to help him. He might say that the session is now drawing to a close and if the Select Committee is to meet, it is not likely to finish its labours within the next few days when we shall be occupied with another Bill of a similar retrograde character. He might therefore ask, if this mischief is to continue between now and our assembling at Delhi. what provision do we make to arm the Government of India with power to prevent a recrudescence of this mischief. My reply to that is two fold. If the Foreign Secretary wishes that he should have a workable Bill, I can offer no other alternative. If he had asked us in the January Session that he wanted to provide for a piece of legislation dealing with libels upon foreign States, we should have assisted him at that time and if he has come at the fag end of the session to ask for our co-operation, it is not our fault, but his, in that he has not given us sufficient time to reframe or redraft the whole Bill and the whole Bill will have to be redrafted so as to bring it into conformity with English common law. Meanwhile the Honourable the Foreign Secretary knows that there is such a thing as an ordinance. He has issued an ordinance and that ordinance was as badly worded as this. This shows with what care the Honourable the Foreign Secretary frames ordinances to circumscribe the liberties of the people. If there is one thing which this part of the House strongly resents more than any other, it is the promulgation of loosely worded ordinances which are afterwards brought up before this House to be permanently placed upon the shrine of their Statute-book. This is loose language with which you have come up before us, exactly as you did in connection with the Press Bill. Loosely worded sections, some of them meaningless, a great many of them ambiguous, were drafted and hurled at us on the ground that the whole country was in danger unless we passed it. That is the situation into which we have been launched by the Honourable the Foreign Secretary. Our responsibility is to help the Government so far as the Government seem to be right, and to resist them when we know that they are. wrong. This is one of those occasions when Members of all interests and

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in all parts of the House who have any responsibility to their constituencies will foregather to resist a serious encroachment upon the liberty of the Press. I oppose the consideration at this stage.

The Honourable Sir C. P. Ramaswami Aiyar (Law Member): Mr. President, I suppose I ought to rise in fear and trembling as the champion of that mouse which according to the Honourable the Leader of the Opposition the mountain has laboured to produce. My Honourable friend was very strong in his characterisation of the language of this Bill, and he drew a very lurid contrast between the Bill and the Statement of Objects and Reasons. He was good enough to assure the House that if the co-operation and the assistance of Honourable Members on the other side of the House were secured, this hopelessly formless measure would be put into proper form. I think I am in a position to say this: that Members on this side of the House always welcome the co-operation especially of such trained lawyers as the Honourable the Leader of the Opposition in regard to a legal matter; and I think on behalf of my colleagues I can say that the Government do not intend to oppose any Resolution designed to place this matter for consideration before a Select Committee.

Having said that, I think it yet remains for me to justify ourselves in view of the sweeping denunciations which emanated from the Honourable the Leader of the Opposition, both with regard to the content and the form of this Bill. He was especially strong on the Foreign Jurisdiction Act. I am afraid he did less than justice to himself with regard to the comments that he made on the application of the Foreign Jurisdiction Act. May I, with the permission of the House, talk shop for a moment especially as that procedure was not originated by me but is a feeble imitation of the procedure of my Honourable friend. In the Statement of Objects and Reasons of the Foreign Jurisdiction Act, what is stated?

"Whoreas by treaty, capitulation, grant, usage, sufferance and other lawful means. Her Majesty the Queen has jurisdiction within diverse foreign countries and it is expedient to consolidate the Acts relating to Her Majesty's exercise of jurisdiction out of her dominions,—(mark the words)—the object of the Foreign Jurisdiction Act is to enable Her Majesty to exercise jurisdiction over certain categories of subjects and persons who are outside the technical ambit of Her Majesty's jurisdiction."

That having been stated, what does the Act propose to do? When a foreign country is not subject to any Government from whom Her Majesty might obtain jurisdiction Her Majesty may by virtue of this Act have jurisdiction, etc., etc. The particular matter to which advertence was drawn by my Honourable friend arises out of section 16 of the Foreign Jurisdiction Act. In this Act the expression "foreign country" means any country or place out of Her Majesty's Dominions. What does that mean? For the purpose of the Act, for the limited purpose of the Foreign Jurisdiction Act, certain places outside British India, including the territories and dominions of the Indian princes, may be dealt with as if they were foreign countries ordinarily so-called and known. In other words, as my Honourable friend, that very expert lawyer, will realise, for the purpose of a particular Act a procedure is adumbrated which would have operation for the purposes of that Act and that limited purpose. But I do not wish to go into those technical matters any further.

Let me place before you clause 2 of the Bill. What does it say? "Whoever makes, publishes, etc., unfriendly relations between his Majesty's Government and the Government of any foreign State...." I am

making a very few observations arising from what fell from my Honourable friend relating to the possible applicability of this Bill, unless it is amended and improved by the co-operation of the other side, to the Indian States. My point is this: that under no circumstances can the Bill as framed or drafted have any the remotest reference to Indian States. The reason is this: whatever the relations between the Indian States and the paramount power may be, by virtue of treaty or usage, there is no doubt that the suzerainty of India, British and Indian India, is vested in His Majesty the King Emperor....

Sir Hari Singh Gour: Does the Nizam admit that ?

The Honourable Sir C. P. Ramaswami Aiyar: And the Nizam has had an answer. I do not wish to pursue that matter, because my Honourable friend will realise that this is not a matter which demands further discussion on the floor of this House and it is also not expedient to bring those matters for discussion here. I knew that my friend allowed that expression to escape him and if a rejoinder escaped me, let us both forget the answer and the question. After having said that, I shall now proceed. Whatever the exact details of the relations between the Indian States and the paramount power may be, the relation of suzerainty does exist. That existing, there is no question that no unfriendly relations can arise in the sense in which that expression is used here. "Unfriendly relations" is ordinarily understood as between two powers, great or small, between whom the doctrines of public international law apply; and it is well known that although for certain purposes of international law the relations with Indian States are assimilated to those with foreign countries, yet the doctrines of public international law, in so far as independent international entities are concerned, such as the right of declaring war or peace, the right of making separate treaties, do not apply to the Indian States. I do not wish to pursue this matter further; but as a humble student of international law and speaking subject to correction by my friend or those who have bestowed greater attention to this subject, I venture to assert with some emphasis that this Bill will not bring within its connotation the Indian States.

I next proceed to deal with the divergences, the startling divergences, between the Statement of Objects and Reasons and the Bill. On this let me say just one thing and conclude. I take it that my Honourable friend will realise that the American law is a law enacted by a freedom-loving race, bred up in the highest and the most sublimated forms of liberty. What is the American law on this subject ?

Sir Hari Singh Gour: What is the Statement of Objects and Reasons—English Law?

The Honourable Sir C. P. Ramaswami Aiyar: My humble endeavour is to show that the American law is the English law, the English law is the Statement of Objects and Reasons, and the Statement of Objects and Reasons is the Bill. My Honourable friend may nod his head, but I venture to differ from him.....

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): It is not so.

The Honourable Sir C. P. Ramaswami Aiyar: It is easy for my friend opposite to say it is not so, but my very humble endeavour is to show that it is so. Let me proceed. The words "seditious libel" are used in L234LAD

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a kind of special sense under the English law, but the gist, the kernel of the matter is this, "Any conduct in one of our citizens, or in a foreigner within our borders is punishable—which tends to involve our Government in difficulty with a foreign power". That is the statement of the law on the subject as enunciated in Bishop's Criminal Law, which my Honourable friend would be the first to admit is a leading text book and the recognised text-book in American Federal and State Courts....

Sir Hari Singh Gour: The language used is "tend", but does it mean likely!

The Honourable Sir C. P. Ramaswami Aiyar: My Honourable friend would have heard that discussion elsewhere, and I take it he will continue that discussion here. Let us have that matter thrashed out if necessary in Select Committee. But at the present moment I am concerned with the fundamental legal position, which is this, that in America "Any conduct in one of our citizens, or in a foreigner within our borders is punishable which tends to involve our Government in difficulty with a foreign power" And mark the words that follow, "The offence, with us, would be against the United States, not the State; and should be indictable in the United States courts without the aid of a Statute but such is not common professional understanding. Under the English unwritten law it is so ". And then-" endeavours to create a revolt against a government in amity with ours, libelling a foreign prince or other person in official station abroad' or if necessary against the law of nations. Thus, therefore the American law with which I start is that endeavours to embarrass, the relations between America and a foreign power, to libel the head of a foreign State which would have the result of such an embarrassment are within the common law, and my Honourable friend will realise that the English common law is assimilated bodily under the American common law excepting the extent to which it is modified by the innumerable statutes which diversify and adorn the American Statute-book.

Then my Honourable friend referred to Russell and made some scathing remarks, but at page 299 of Russell, which again is the standard treatise on the subject,—I do not desire to quote Law Reports and textbooks more than absolutely necessary in this House,—but let me just point out one passage:

"Upon the ground that malicious and scurrilous reflections upon foreign sovereigns or their representatives may tend to involve this country in disputes, animosities and warfare, it has been held that publications tending to degrade and defame such persons are indictable."

And Russell uses the word "tending", and therefore it is permissible for the humble Indian Legislature also to indulge in the luxury of using the word "tending":

"Thus an information was filed, by the command of the Crown, for a libel on the French Ambassador at the British Court, consisting principally of angry reflections on his public conduct and fitness, and charging him with ignorance in his official capacity....."

an attack upon a French Ambessador for being unfit for his office was held to come within the ambit of the common law of England for the reason that such attacks, if encouraged, would embroil the two countries. Mr. President, I do not desire to embark on a further discussion on this matter. All that I desire to point out is that the Statement of Objects and Reasons

is a summary of the English law, and that has been admitted by my Honourable friend. The Bill says this—'likely to promote unfriendly relations'. The words "seditious libel" are not used, but what we do is that we go further and deeper into the matter and point out that the mischief sought to be eradicated and to be combated is the promoting of unfriendly relations. I submit that this is in essence what my Honourable friend wants to achieve, and I therefore suggest that he will be satisfied with the assurance which I am in a position to give, namely, that Government have no objection to take the Bill to the Select Committee where my friend will have ample opportunity for bringing to bear upon this Bill all that capacity for draftsmanship and for accurate expression which I have no doubt will be utilised for the benefit and advantage of this Bill and the House.

Mr. President: I should like to ask, before the discussion proceeds further, whether the intention of Honourable Members is to continue the debate on the circulation motion or whether it should be withdrawn and a motion for Select Committee may be put.....

Several Honourable Members: Circulation, Sir.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, both my friends Sir Hari Singh Gour and the Honourable the Law Member have not dealt with the question as to the necessity for the circulation of the Bill. There cannot be the least doubt that the Bill is a most important measure creating a new offence, according to the case of the Government itself, unknown to the Penal Code of the country. Nor can there be the least doubt that it is likely to affect the liberty of the Press in so far as comments on foreign affairs are concerned. If you look at the history of the measure, you will find that this measure or practically the same measure was attempted to be brought forward in 1928, and it met with strenuous opposition in this House, so that in the end it had to be dropped. Does that show that this is a non-controversial and simple measure to be rushed through the House in this fashion? My friend the Foreign Secretary has treated it as an absolutely non-controversial, innocent measure which has to be only placed before the House to be passed, forgetting its previous history, forgetting that the Assembly had refused to pass such a measure before. So far as the English law is concerned, I must say that I am very much surprised to hear from the Honourable the Law Member that what is sought to be enacted here is the same as the English law. It is nothing of the kind whatever. I shall refer him to Sir James FitzJames Stephen's "Digest of the Criminal Law". Sir James FitzJames Stephen is not unknown to India. He was one of the greatest authorities on criminal jurisprudence that England has ever produced, and mind you, he was one of the severest criminal judges that sat on the English Bench. You will find that in Article 133 of the "Digest" at page 96—you will excuse me if I have to refer to this book—this is what he says:

"Foreign Affairs. Every one is guilty of misdemeanour who publishes any libel tending to degrade, revile, or expose to hatred or contempt any foreign prince, or potentate, ambassador, or other foreign dignitary with intent (not merely 'likely to') to disturb the peace and friendship between the United Kingdom and the country to which such person belongs."

Now, there is a vast difference between the law of libel and the law as it is sought to be enacted here. Here it is promoting unfriendly feelings. Libel is something definite, some allegation against some particular person

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which is likely to degrade or to bring that person into contempt. moting unfriendly relations" is as vague as it can possibly be. Where is the analogy between the two? And might I draw the attention of the Honourable the Law Member that "intention" is something different from what is likely to happen? It is the mens rea; it is the criminal intention that is to be punished, that is the gist of the English law. The man must vublish the libel with a particular intent. that publishes something and that is likely to bring about certain Magistrate or of a anv other result in the opinion authority. No. He must have that intent, that must be his object in publishing the libel. Is there not a vast difference between the two things? A man may be perfectly innocent, he may say something, for instance, about Mussolini, or the king or potentate of a neighbouring state or power, perfectly innocent, he might have meant good to him, he might have pointed out that he is putting himself in a difficulty with his own subjects by certain measures, and he may be perfectly right. His intention may be perfectly innocent, but under this Bill he will be punishable.

Mr. C. Brooke Elliott: Stephen's Digest is not an enactment of Parliament. It is only a digest.

Sir Abdur Rahim: I never said it is an enactment. I used the word enactment in connection with this Bill which is sought to be placed on the Statute-book. I do not think my Honourable friend has followed me properly. Therefore, anything which is published, which in the opinion of a Magistrate—the Magistrate may not be a lawyer; most of the Magistrates in this country are not lawyers, they are partly executive authorities and partly judicial, something of a mixture unknown to other countries—if in his opinion any publication, however innocent the intention, however meritorious the intention, is likely to promote unfriendly relations, he is liable to be brought under this enactment. Will my Honourable friend the Law Member point out any English law which has a provision to that effect ? What is this English law? It is an old, obsolete thing. The last prosecution was in 1803, and so far as I can find, there have been only four cases, one in 1764, one in 1778, of another I forget the exact date, and the last one was in 1803. What is the state of things all over the civilised world? Every newspaper has comments every day on foreign affairs. Do you mean to say that these papers are liable to be prosecuted for libel or for disturbing the relations of His Majesty's Government with foreign powers? Most certainly not. This is so not only in England but all over the Continent.

Now, Sir, the Honourable the Foreign Secretary has given us many assurances. But may I tell him that these assurances are of no use whatever in the interpretation of a statute. If he will just ask his colleague the Law Member he will tell him at once that these assurances are of no use whatever. He or the Law Member or the entire Government Benches may give us any assurances they like in the course of this debate, but every lawyer knows that that is of no use in interpreting a statute. for instance, we are told that this statute will not apply to Indian States. Well, we have heard two conflicting opinions, one from Sir Hari Singh Gour, undoubtedly a very well read lawyer, and a very able lawyer of great distinction, and another from an equally distinguished lawyer, the Law Member,—they do not agree. Are we going to decide who is right !

Most certainly not. I am afraid even between these two such distinguished lawyers the ordinary Magistrate will have to decide, and how is he to decide? He will have to look into the statute itself. What is there? He will be confronted with the Foreign Jurisdiction Act with regard to foreign judgments, and all that, and I am absolutely sure that he will find it most difficult to decide whether it does or does not apply to Indian States. Another thing. Whether you are dealing with Indian States, or not, what about mandated territories? May I ask the Honourable the Foreign Secretary to enlighten us on that point? Is the Honourable the Law Member himself in a position to enlighten us whether a mendated State is a foreign State or not? I wonder if any such question has come up before any court. It is a most difficult question for any one to decide. a legal puzzle which I am sure will take days of argument before it can be decided if this Bill is rushed through. Then, does not the Foreign Secretary know that 77 millions of Indians have got vital religious interests in those mandated territories? Palestine, Iraq, Mesopotamia,—these are mandated territories. (An Honourable Member: "Tanganyika.") I mandated territories. do not know what is the condition of Hedjaz at present; probably my Honourable friend knows better than we do whether it is a mandated territory or not. But supposing it is a foreign State, can any one deny that 77 millions of Muhammadans of India have got most vital religious interests there, much more vital than anywhere else? What are you doing here? Do you not remember the episode which happened the other day, and the agitation that was there in the country? And even now, the minds of numerous Mussalmans are not at rest as regards what has been done to the ancient tombs and monuments of Hedjaz. How vitally interested are these 77 millions in Hedjaz, and will they be debarred from commenting on what happens there? Then the Honourable the Foreign Secretary assured us that any fair comment will not be brought within the purview of this measure. Has he provided anything for it? Look at the English law which he wanted to reproduce. I shall refer again to Stephen's "Digrest":

"Nothing is an offence against this Article, which is a fair criticism on a matter of public interest as defined in Article 392."

I will now give the gist of Article 392. It is rather long:

"The publication of a libel is not a misdemeanour if the defamatory matter consists of comments upon the persons who submit themselves or upon things submitted by their authors or owners to public criticism provided that such comments are fair.

A fair comment is a comment which is either true or which if false expresses the real opinion of its author but such opinion having been formed with a reasonable degree of care and on reasonable grounds."

If a comment is true, it is exempted. Does this Bill seek to exempt that? Most certainly not. I am afraid the Honourable the Law Member did not look into the English law carefully, he will pardon my saying so, when he said that this Bill is substantially the same. I do not think I should be justified in adverting to American law which you may take it is more or less a reproduction of English law. Now, Sir, there is great necessity for circulating a measure of this far reaching effect. that ought to be obvious. On the merits of the Bill, I say that it especially affects the interests of 77 millions of Mussalso many foreign mans in India who have such vital interests in countries and they should be heard. You have to hear what the people have to say. After all the Select Committee means only four or five or half a dozen Members of this House. You ought to hear the general

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public and also how it affects the press. I do not know if any attempt was made to consult public opinion on this matter at all. It could not have been. I should like the Government to realise the serious consequences that will follow if public opinion is not taken with them. My friend the Honourable the Foreign Secretary has said that foreign relations are a reserved subject. I do not know what he implied by that. The reasonable and proper implication of that is that if the legislature is precluded from controlling foreign relations of this country, then it is all the more reason why public opinion should be allowed free play upon the foreign relations that are entered into on behalf of India. say that is all the more reason why public opinion should be heard and should be given a chance. Surely His Majesty's Government in Britain ought to know at least what is the public opinion in this country. I have spoken of mandated territories. Take another instance, South Africa. Is that a foreign State? Are we not to discuss the affairs of South Africa, Uganda and all those places where so many Indians have settled. These are questions which are discussed every day in this House. Then if you look at the scope of this Bill, that is another reason why, I submit, it ought to go for circulation before any attempt is made to pass it in this House.

There is yet another matter. The Treasury Benches seem to have ignored the existing provisions of the Indian Penal Code. We have got as many as three sections in the Indian Penal Code dealing with the question of foreign relations. We have also the Foreign Enlistment Act, an English Act which is also applicable to India. If that is so, where is the necessity of hurrying a measure like this. If there is any lacuna at all, let the public be consulted. Let the matter sidered properly in all its aspects and then if you find it necessary to pass a measure of this kind, you can come up to the legislature with a proper Bill. So far as this Bill is concerned, as has been pointed out by Sir Hari Singh Gour, it is defective from beginning to end. The Select Committee can do nothing to a Bill of this kind. It ought to be recast altogether. There has to be a separate measure altogether, a measure for libel, if you want, but not this Bill. There is no question of libel here at all. I submit this is not a matter which ought to be dealt with by the Sciect Committee. It must go for circulation and as a Muhammadan I say that, unless you consult Muhammadan opinion among others throughout India, you ought not to place this Bill on the Statute-book.

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

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Khan Bahadur H. M. Wilayatullah (Central Provinces: Muhammadan): Sir, this Bill which has been introduced by the Honourable the Foreign Secretary constitutes an inroad on the liberty of the Press (Hear, hear), and it is very much directed I think in its application against the Mussalmans. (Cries of "No, no" from the Oficial Benches.) For that reason there is a considerable feeling all over the country, and

I find myself compelled to say a few words in regard to the Bill. So far as the principle of the Bill is concerned, I have no quarrel. Nobody will deny that it is highly reprehensible that the people of one country should meddle with the affairs of another country which is on friendly terms with it, and anyone who gets mixed up, and participates in mischievous movements of a subversive character must always be condemned. A man who makes a libel upon another person must bear the consequences of his act : and similarly a man who libels and uses scurrilous language against the head of another State ought not to escape the consequences of his act simply because the laws and regulations of that country cannot reach him. But there are other matters, Sir, which are involved. The Bill goes far beyond libel. The scope of the Bill has not been defined anywhere, and I think that in its application it may be used also in cases where it ought not to be used. After all, people feel for their co-religionists or for their fellow-countrymen or for humanity in general in other countries. And if you look into history, you will find that there was a great deal of talk about the Congo people, about the Armenians, about the Greeks and about the Sick Man of Europe. At that time England was at peace with Turkey. This solicitude of Government to keep intact their friendly relations with other countries by curbing the tendencies of its own people who show sympathy with the people of other countries seems to me to be of recent origin. However, I do not find fault with the Bill on that account. But I must point out that quite recently we heard that the Holy Shrines in a particular country were in great danger and there was considerable agitation in this country on that account. The Khilafat question is still unsettled. The head of a foreign State may assume the role of Khalifu without being appointed as such by all the Mussalmans. I think we have then to go into the merits and demerits of such a claim necessarily, and I do not think it will be sufficient to say that because the foreign relations of the Government of India are brought to a breaking point on account of the attitude of the people, we should remain quiet. I think we ought to be enabled to go into the merits and demerits of such cases. Sir, pilgrimages to Mecca and Medina and Kerbala are obligatory on us. Now, if unfair restrictions are imposed upon the pilgrims, or if there are any troubles created, is it possible that the people of country, and particularly the Mussalmans, will remain quiet ! I think if this Bill is passed, there will be considerable feeling all over the country, and I do not think that the Bill should be passed in its present form. It requires drastic changes. If it is necessary, in order to maintain friendly relations with other States, that there should be some provision of law. let it be so, but let it be clearly for libellous and seurrilous language used against the head of a State. It should not be so general in its form as it is, and I think in its application it will be very unpopular, and there will be a great hue and cry in the country. Therefore I recommend the proposal that the Bill should be circulated for the purpose of eliciting opinion, and that all important Mussalman bodies, particularly Anjumans and other political organizations, should be consulted before this Bill is passed into law.

Mr. C. Brooke Elliott: Sir, I read in the Book this morning, "Be swift to hear, slow to speak". That is why I am speaking. Sir, I suppose nothing provides more genuine fun for the layman than to hear two or three lawyers arguing the pros and cons of Proposition—which I shall assume is associated usually with this side—and of Opposition,

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associated with that side. (Laughter.) Sir, the duty of the Opposition is to oppose; but, Sir, I reserve to myself, sitting here between the Benches of the Proposition—gentlemen who propose, and the Opposition, the shy lady who seems strangely reluctant to accept the overtures even of such a charming suitor as the Honourable Member in charge of this Bill: and 1, Sir, truly enjoy this engaging spectacle. Now, Sir, may I just as a layman forget that I am a lawyer. Some of my friends say that they also wish to forget that fact. So may I just get down to the bedrock principle of the English common law i Sir, the English common law and the American common law give the most perfect freedom to the Press. Will anybody question that? Not even my learned and silent friend here (pointing to Mr. K. Ahmed). (Laughter.) So I take it that that proposition is not going to be quarrelled with by the The next point is that we are all agreed that obnoxious Opposition. statements of the kind outlined in the two cases, with copies of which we have been provided, obviously are a disgrace to the advanced civilization of India. Does anybody dispute that proposition !.....No...... Then, Sir, if we consider how much all of us in this House are already in delightful agreement, and then set out to find out the grounds of disagreement, if any, we shall see that these disagreements have almost disappeared. Now, Sir, what is the sound sense of the common law of England? May I just point out first, that the English law is full of interesting anomalies. "Treason" is punishable under a specific statute of Edward the Third, before any Honourable Member present, probably, was born. That was put into a statute because it seemed good to Englishmen of that century; but many other offences in England are misdemeanours at common law because, to use the trite phrase, they are not done by decent people who will not so misdemean themselves. And, Sir, the difference between the Indian Penal Code and the English law is that sometimes you have a statute in England and a corresponding section of the Penal Code, a special statute in India, and then you can put statute versus statute; then you can compare like with like. But the beauty of the English common law, as a famous American, I think, once said, lies largely in this that it is sound tradition, compounded of the wisdom and experience of the past. That man, by the way, said that the two best things ever exported from England to America were the English Bible and the English common law,—and, Sir, I always suggest a third, the third best thing, I think, ever exported from England was cricket (Laughter). Well, Sir, what is the fundamental proposition in this Bill as regards the Press? And here let me say at once that I do not suppose there is anybody in this House in whose veins so much ink flows as in my own. Is there anybody in this House whose grandfather, a merchant in Calcutta, founded a newspaper 100 years ago f From him comes what I might call the Brooke of ink in my blood. Again another grandfather of mine, a doctor, about 90 years ago founded the Ceylon Observer. And I am proud to count amongst my Indian friends an eminent Indian editor, Mr. Rangaswami Iyengar of the Hindu, to whose journal I have had the honour to contribute, and who is now busily engaged in hammering out a square deal at a round table in England. I recall again with pleasure that the very first cheque I ever earned in my life was a cheque for an article which I had written when

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I first arrived in Ceylon as a briefless barrister. (Mr. B. R. Puri: "Was it honoured?") My article was, Sir! (Laughter.) Now, Sir, lest anybody should think that I am a newspaper proprietor or an editor or anything of the kind, let me at once make the confession that I have not got a journalistic rag to my back. I am just an amateur scribbler,

but a keen one! And, Sir, if I may make one other journalistic allusion, I am going to make an attempt—a big attempt I am afraid and perhaps beyond my powers but I am going to try and lift this part of the debate from The Statesman. to statesmanship. This Bill is a problem of statesmanship and do let us get away high up in the hills of debate and not dwell in the dusty and arid plains of journalistic controversy. To go back, Sir, I ask what is the true principle of the English common law as regards a Bill like this? As usual, it is simple common sense. The law says, you may write what you like; but if you choose to write articles, however honest they may be in your opinion and however true,—the greater the truth, often the greater the libel !- but if you choose to write articles about Sovereigns or Foreign Potentates ruling across the waters, or across the land frontiers, and the safety of your own State is thereby put in danger, it does not matter tuppence whether you are honest or true or anything else in what you write; because the old maxim comes in, salus populi suprema lex. I think everybody knows the meaning of that. In case any one does not,—in the galleries of the House possibly—I would say that it means that the highest form of law is the safety, honour, and welfare of the nation. And, Sir, if once that principle is grasped, —it does not matter whether you like it personally or not—but if once that principle is grasped, the law says that if you want to attack the King of Ruritania, for example, across the frontier, you may do it as long as it is not going to endanger the friendly relations between our country and his. But if you are going to write or compose anythingadmirable as it may be—such as a lampoon, a cartoon, or some vile and scurrilous article, or possibly even a very trenchant clever political article, you cannot be permitted to write and publish it in your own country if it is intended, or likely—quite apart from intent—to cause international trouble. In other words a journalist must be patriotic in such matters, and is there a true journalist who is not patriotic ?.....As there is no answer I take it there is no such journalist,—and so every journalist must put his patriotism before his pen and his pocket. That, rightly or wrongly, is common sense, the real common law principle; and accordingly the Americans, who cannot improve in this respect on the English common law, use that striking and succinct phrase which was read to the House by Sir C. P. Ramaswami Aiyar; to which phrase I have not heard one syllable of criticism directed as yet. And, Sir, when you remember that eagle with outstretched wings which is always hovering over American liberty, you may take it that with regard to the law of the United States, that eagle of liberty is always hovering above the heads or in front of the eyes of American Legislators. Surely we ought to be very slow in criticising that country for having accepted such a law against the so-called liberty of the Press. But, Sir. let us bring this matter down from high international politics to suburban ones. Let me imagine that I am living in one of those nice suburban villas somewhere in Upper Tooting with a little fence round the garden,—fence is

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only a small word for frontier, and suppose a neighbour is living in the house on the other side of the fence; and suppose that when I go off to office hurriedly in the morning to catch the 9-15 train to Town, my neighbour's small boy runs down the path on his side of the fence hurling abuse at me. That, Sir, would not be very pleasant for me, and it certainly would not be very neighbourly. What can I do ? I just take no notice; and go off to my work again as usual next morning. small boy naturally thinks now that as I did not do anything painful to him yesterday he can increase his volley of abuse to-day, and he brings his little sister or his little brother and they abuse me even more scurrilously than vesterday. This kind of thing feeds on itself, and in the end what will happen? I should be forced to go to the father of these children next door and say, "I very strongly object to your children hurling abuse at me, and asking me to clear out of my house as they say they want somebody nicer than myself to come into it "; and I should say with some asperity to the father, "Can't you keep your ill-mannered children in order?". Imagine my surprise if the father replied to me, "I am very sorry, Sir. but I really cannot interfere; as I have no control whatever over my children ". Well, what happens after that? The next time the abusive little urchin comes out, I thrash him; and his father and I go to law. Now. Sir. there is a sound principle, which is in the Bible, it is in the Qoran, and I am sure it is in the sacred books of the Hindus-"Do unto others as ye would that they should do unto you". Sum it up in one word-reciprocity, (which has nothing of course to do with atrocity). And now, translate my little fable from England to India and her frontiers, and, if similar trouble arises you don't go to law; you go to war. And that is just the difference between international relations and suburban relations. Now, would not any Honourable Member living in the next house resent bitterly my child hurling volleys of abuse at him across the fence in that way? Of course And it is obvious that when you get down to the bedrock of English common law, you will always find that it is upon a solid basis of common sense. Common sense is not the sole prerogative of the English public as I stated plainly the other day. There is plenty of common sense in India if one does not cloud the real issue with words. As Lord Esher used to say, a thing is often as clear as daylight until you cloud it with words. I hope there is now no intellectual fog with regard to the points I claim to have established. I have invited courteous interruption and criticism, but it has not been forthcoming. I claim, therefore, that I have established my proposition that no gentleman would ever allow his child to treat me in this way. Then, Sir, why should the Government of India allow her children, only a few little rascals, to hurl abuse and risk war? I have read the substance of those articles, for which the authors have been recently convicted. I do not know how many Members have read those cases carefully. The full articles were not transcribed in the judgments because the Magistrate in each case, I think, said he would not soil the paper upon which he was writing by giving those articles further publicity in detail. But each judgment shows what the poisonous nature of those articles was. They were despicable articles, which abviously degrade the Press in India, and my sole desire in this,

incidentally and in the Press Bill, is to co-operate with everybody in this House,-proposition and opposition, whether happily married or temporarily divorced,—to co-operate in anything that will ennoble the Press of India and not degrade it. Very often I have heard talk which I venture to decry about the so called "Anglo-Indian" Press. I stand for a much pleasanter classification. I am not going to call it an "A-I" Press but an A-1 Press. But if you prefer to call it the "A-I" Press, I would prefer to call it the All-India Press and not the Anglo-Indian Press. There may be also a C-3 Press; and the only way in which an honest man and a decent man judges the Press of a country is on its merits. Sir, we have much that is splendid in our Indian Press; as I have observed in Madras. I do not always see eye to eye with the Hindu in all things, and we have mutually agreed that, if I do not see eye to eye with them, any article I contribute may be courteously rejected. I can only say that it has never happened yet, possibly because I do not write very much in connection with politics. But I stand here to-day, as strongly and stoutly as anybody in this House, to champion the true freedom of the Press. But while I am always ready to license the Press here or anywhere else for liberty, I am wholly against giving liberty to the Press for licence. Does anybody question that proposition ?...... No......Then, Sir, we are all happily agreed again on the principle. As I said, Sir, I have been hoping and expecting this agreement, and apparently I am merely echoing the sound sentiments of my Honourable friends all round the House on this point.

Now, Sir, I will go a little further. But may I say just one word about the speech of my Honourable friend Mr. Howell seated over there ? We were told by him that the curtains of diplomacy were going to be withdrawn a little, as they sometimes are literally in this House, and we were to be allowed for a short time to learn a little of the hidden mysteries of the foreign relations of the Empire, as conducted by the Foreign Office in London with the help of the Foreign Department in India. Personally I was very grateful for the clear and sparkling exposition given by the Honourable Mr. Howell to the House. He said he was not a lawyer. But if he comes into the profession we will all welcome him, merely hoping he will practise in another Presidency from that in which we have elected to practise as he would be a formidable competitor! Sir, that speech was very clear; it was very frank; and the Foreign Secretary put all his cards on the table—a very pleasant thing to do when you have got such a nice hand. With four aces, four kings, four queens, and one knave, there is not much harm in putting your hand down on the table. And I feel that he made a legislative grand slam straight off! Sir, it was an enlightening speech, both in substance and in form, and the sooner we get round a square table or a round table in Select Committee and put our heads together, to discuss the details of this Bill, the better. If the words of the Bill are not quite all right, or if they are not in accordance with the English common law, which (as at present advised) I still think they are, then no doubt amendment and improvement can be made. But before I sit down I want, if I may, to do something that I do not often do, and that is to take refuge for a moment in the written word-littera scripta manet. I do so only because of the appeal made by Mr. Howell in his speech, and because I do not wish to go one hair's breadth beyond the limits of judicious debate which

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he invited us to observe strictly. It may be asked with a certain amount of very good reason why powerful foreign States should need support from the Government of India to protect them from the malice of distant and very often obscure journals. I suggest to Honourable Members throughout the House that young nations are like young Governments and young people; and, Sir, it may not be long before a translation of a few yards across the floor of this House will see a young Government in power in India; and then I think that they will find that one of the best arrows in their legislative quiver will be the arrow of this Bill, set ready in the bow to be shot at offenders if, unhappily, it should be necessary. Sir, these young nations and young Governments are like young people; and therefore are more ambitious and, very naturally, rather more resentful of hostile criticism than older nations. In their swiftly accelerated march towards progress they are rightly proud of the achievement that has been already attained; they are rightly ambitious for the still greater achievement to come; and when people are proud, high-spirited, and ambitious, they are often inclined to be hypersensitive as well. I would also remind my Honourable friends that just at the moment when a nation has come through the troubled waters of political revolution, neighbouring nations should remember sympathy the difficulties that have been surmounted. Outsiders who desire counter-revolution need ammunition. Any ammunition is good enough at a pinch for such people but if the ammunition bears a foreign brand it is all the more welcome, because it is deemed likely to have higher powers of penetration.

May I here quote from a despatch recently sent to the Times in London from one of the most senior of its special correspondents, who recently returned to India after visiting a certain friendly adjacent State, and who was, I believe, the first British journalist to enter those territories after a lapse of 2 very critical years? Sir, I welcome this evidence, as a lawyer, because it is the only direct evidence that has come into my possession and I desire to share it with my Honourable friends including my Honourable and learned friend Sir Abdur Rahim, who, as a former High Court Judge, will appreciate such direct and cogent evidence. It is also that of a highly qualified expert; though it is not quite of the nature of that peculiar expert testimony, namely, of thoughtreading, which Sir Hari Singh Gour mentioned, apparently forgetful that such a curious form of expert as thought-reading evidence is outside the provisions of the Evidence Act. I wish now to draw special attention to some of the striking conclusions arrived at by that gifted and trained observer. He left by car from a certain city that I will call P-leaving the other seven letters to be guessed by cross-word experts. In due course he entered a country we will label A and reached the capital, expressed by the letter K. As the result of his trip to this land of my fancy, his most abiding impression was the intense concentration by the people of that friendly State on the promotion of internal trade, internal security, and internal progress of every sort. He said in one of his despatches to the Times, "The very phrase external relations' spells embarrassment to a country the boundaries of which are spanned by racial affinities on either side". That seems to me to be a very pregnant sentence with implications which I need not implicate, or rather

explicate, further. He continues: "Is it small wonder then that for the moment the first desire of that Government is to draw its curtain of mountains closer around the country and go about its affairs untroubled by complications with the outer world ?", Again, Sir, I repeat that question and ask whether any one will quarrel with him? Now in view of this evidence and that expert opinion which is so relevant and admissible, I want to suggest to Honourable Members throughout the House that if those neighbours of ours, with whom our King Emperor is on terms of peace and amity, desire to pursue their peaceful way untroubled by complications with the outer world, should it not be a point of honour with every one of us in India to assist them to the fullest attainment of their high ideals? I do not think, Sir, anybody will seriously question that. We in India for our part must inevitably be the gainers in the end for, I believe, in helping to make for peace on the other side of our frontiers we shall go a long way towards taking out a most valuable political insurance policy for peace, not only in our own time and in the time of the present Government, but also in times of Indian Governments

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): I wish to associate myself in this debate on the Bill which is entitled as drafted, "A Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States ". Sir, my apology for speaking on this Bill is two-fold. One is that the interpretation of this Bill and the rendering of certain words contained in it have entered into this debate. On this point it is no doubt that three great lawyers of India have spoken. I am conscious I cannot get into the shoes of these three lawyers, Honourable Members of this House. But as a humble lawyer myself. I feel that I should put forward my views and my interpretation of this Bill before this House for consideration. (Hear, hear.) It will be observed that Sir Hari Singh Gour, who is a very competent and able lawyer of India, has put forward his interpretation showing that there is a great difference between the Statement of Objects and Reasons and the Bill itself. He has condemned the Bill as having been drafted in haste. He has condemned it as having been drafted by two men, one not knowing what the other was doing. Then a difference of opinion arose on the wording of the clauses between the two great lawyers, I mean the Honourable Sir C. P. Ramaswami Aiyar and our friend, Sir Abdur Rahim. As I have said that I have got two reasons to speak on this Bill, I must say what the second is. The other is that I know the history of this Bill personally. this is not a new measure that is being brought before us today. I was in the third Assembly when a Bill, I think exactly in the same words as this Bill, was attempted to be introduced by Sir Denys Bray. And what happened to that Bill? The history is plain. The point is that that Bill came at a time when that unfortunate and notorious Public Safety Bill was on the anvil of this House; and everybody knows what the fate of that Bill came to be. Public opinion was against the Bill. There was a very strong public opinion, and I must also say that the House on this side then was very strongly constituted—composed of very able politicians; and they were all against that Bill. I must say that now we are at a disadvantage in that our Benches are thinly attended; but it must not be forgotten how that Bill went off and how this Bill was brought in. This was only an ancillary Bill to that Public Safety one and when that Public Safety Bill

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was before this House the public opinion being so very strongly against it Government were compelled to drop it. What then became of this ancillary Bill we did not even hear; it went off into the air.

What happened then? An ordinance was made. We know how these ordinances are made and how easily they are promulgated. We had an experience of it even yesterday. The House gave their votes in favour of an adjournment of the House for discussing a motion regarding the Gold and Sterling Standard Pronouncement brought forward by Sir Cowasji Jehangir and leave was given that it would be taken up at 4 o'clock. But what happened? Immediately, rather miraculously, we got an ordinance, an order from the Governor General to say that it should not be debated. Ordinances are passed like that. We know that ordinances are not based on public opinion. If therefore ordinances are passed and public opinion is gagged like this and you get Press Bills and Bills like this through, I submit it cannot be said that India has a good Government.

When the settlement was arrived at between Mahatma Gandhi and Lord Irwin that ordinance was done away with. Now what is it that is sought to be done? The settlement is still there; Mahatma Gandhi and all others, even Lord Irwin, are sitting there in London to decide our fate; and yet here a Bill comes from the Foreign Secretary who says "Pass it here: do not wait for what they are doing there in London". I say that is not right.

Mr. K. Ahmed: What reference has that to this Bill ?

Lalchand Navalrai: I did not hear you, but I thought a security had been taken from you to keep silence. Proceeding with the subject, I must say that what is being asked for now is that this House should pass this Bill. In other words, the country should give sanction to this Bill. At what time is that being asked? Without circulation, without public opinion being consulted and without those affected being asked whether this is a good or a bad Bill. It is wrong to get through it especially when you see in this very House so many interpretations are being put on it. I say, do not make haste. It will be indecent haste if you do so. Wait for public opinion. I am strongly for the circulation of this Bill. I know that in this session this or any other Bill can be passed as a matter of course in favour of the Government. Our Benches are thinly attended; we have not get a majority. The reasons are that some Honourable Members have gone to the Round Table Conference and the others have gone away on account of illness or some such reason; at any rate our Leader has gone for that reason.....

Mr. K. Ahmed: Whose fault is that?

Mr. Lelchand Navalrai: Nobody's; yours only. I submit that there ought to be no difference of opinion with regard to circulation. cannot understand that if this Bill is not passed now something very horrible is going to happen between the foreign Governments and this Government and therefore this Bill must be passed this very moment. I say, there seems to be no such fear. But even if such a contingency arises, do not worry us; your ordinance can be repeated. But let it be repeated on the Government's own responsibility. Why do you ask our sanction when you don't allow the country to be consulted !

Do it in your own way as you have been doing all along. Whatever ordinances you pass we cannot fight them. Their provisions are acted upon immediately. Therefore do not ask for our sanction at this moment.

On this point I do not think I need go further than ask the Foreign Secretary to take a leaf from the book of his the then Leader, now the Honourable the Home Member for whom I have so much reverence, I mean Sir James Crerar. He has approved of the principle of circulation and he laid down a fundamental principle that important Bills should be circulated. I think the Foreign Secretary should consult him and ask whether there has been any change in that fundamental principle. Fundamental principles never change. I will read the exact words of the Honourable the Home Member—from Vol. V (1927) of the Legislative Assembly Debates—page 4417. I do not want to make any lengthy quotation as I might be pulled up by the President, but I shall only quote a short passage:

Thakurdas in a powerful speech has just urged upon the House and the Government should exercise caution in the matter. I confess that note of caution seemed to me to be a wise counsel. I think that before the House proceeds to consider this Bill in greater detail it ought to pass the motion which I move for further eliciting opinion thereon. Legislation, however well-intentioned, if it is hasty, is not likely in the end to promote the purpose for which it is intended. Legislation which is passed without due consideration may have consequences very remote from those which were intended. I am not opposed to the main principle of the Honourable Member's Bill on its merits, but I do appeal to the House to show that spirit of caution which is enjoined by Sir Purshotamdas Thakurdas. I ask the House to agree that this motion for the purpose of further eliciting opinion upon the Bill be passed."

It is the same caution that I am asking the Honourable the Foreign Secretary to take. It may be asked on what Bill was this principle stated? This was given on the Restraint of Child Marriage Bill. I purposely say this in order to convince the House that this Bill is more important than the one in which the aforesaid principle was stated. I therefore submit that a strong case has been made out for circulation.

So far as the merits of the Bill are concerned, I am not at present objecting to the principle of the Bill but I must say that the Bill, as it has been drafted, is very vaguely worded. The phraseology is such that it can be misconstrued and several different interpretations can be put upon it. Therefore, I fully endorse the opinion of my friend Sir Hari Singh Gour that the objects of the Bill are entirely different from what the Bill itself intends to achieve. It is referring to libel and other things, whereas the phraseology used in the Bill refers to "unfriendly relations". Now, what is "unfriendly relations"? Disaffection can come under unfriendly relations, but certain things which are published may be of such a nature as may or may not create disaffection, and yet they may be twisted and turned so as to bring them under unfriendly relations. Then again there might be a case of a simple abuse in some of the writing, and that also can be brought under the category of unfriendly relations. Therefore, I say that this Bill is very vaguely worded.

Not only that, but there are also some other defects in the Bill. May I ask which Magistrate will try these cases? Has any provision been made to that effect in this Bill? Has any procedure been provided for the Magistrates to follow? I do not find any procedure at all. I am of

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course anticipating a question from my lawyer friends, and I am prepared to reply to that too. Clause 2 of the Bill only say this:

"Whoever makes, publishes, or circulates any statement, rumour or report with intent to promote, or which is likely to promote, or whereof the making, publishing or circulating is likely to promote unfriendly relations between His Majesty's Government and the Government of any foreign State shall be punishable with imprisonment which may extend to two years, or with fine, or with both."

Now, the clause provides punishment for two years, no doubt, and at the same time it provides one caution in paragraph 3, that no court shall try this case without the sanction of the Governor General in Council. That is quite true, but the Bill does not say which Magistrate will try these cases......

- Mr. B. R. Puri (West Punjab: Non-Muhammadan): Is my friend aware that there is such a thing as the Criminal Procedure Code?
- Mr. Lalchand Navalrai: The Honourable Member is evidently referring to the definition of the word "offence" and also the procedure that is laid down there. Please allow me to finish my arguments.....
- Mr. K. Ahmed: Is it not the sphere of the district court lawyers to appear?
- Mr. Lalchand Navalrai: In this Bill the procedure to be followed by the trying Magistrate is not specified. It is true that there are certain provisions in the Criminal Procedure Code which would guide this Bill, but may I ask if in other Bills which have been passed special provisions of procedure to be followed by particular Magistrates have not been embodied? Look at the Safety Bill itself. Look at the Press Bill.....

Sardar Sant Singh (West Punjab: Sikh): There is a special provision in Schedule II of the Criminal Procedure Code for all enactments not falling within......

Mr. Lalchand Navalrai: What I am pointing out is that the special procedure in this Bill should have been provided. That is the first point.

The second point is, if you are going to entrust these powers to First Class Magistrates, they are likely to be misused and abused. As I said the other day young civilians become First Class Magistrates in a short time, and you are going to give such wide powers to such young and inexperienced people to twist and turn.....

- Mr. C. Brooke Elliott: Did not the Honourable Member characterise them just now as being "First Class" Magistrates!
- Mr. Lalchand Navalrai: I said the other day that a young civilian who works for a short time as a junior Magistrate is soon promoted as a First Class Magistrate before he acquires the necessary experience; so I say if you give these powers to such young and inexperienced officers, they are likely to be abused very much, and therefore in the absence of any special provision for the class of Magistrates and the special procedure to be followed I should call this measure as a bald Bill. The Magistrates will be under the impression that they have to try the cases coming under this measure not in a judicial manner, but executively. I therefore submit that this Bill should be entirely recast; it should be sent out for public opinion, and when it comes back again, the House can consider it.

One word more, Sir, and I have done. It was said that there is no provision in the Penal Code which can serve the purposes which this Bill aims at. May I draw the attention of the Honourable House to section 108-A of the Indian Penal Code which is a new provision added to the Code. Formerly there was no provision in the I. P. C. providing for abetments that were committed in India for offences being done outside India. The new section which has been incorporated in the Indian Penal Code reads thus:

"A person abets an offence within the meaning of this Code, who,.....in British India, abets the commission of any act without and beyond British India which would constitute an offence if committed in British India."

At any rate this is a point of law which has to be considered very carefully by the Honourable the Law Member and other lawyer Members of this House. I therefore strongly recommend that the Bill be sent out for circulation, and I would appeal to the Honourable the Foreign Secretary to consider the matter over again, and that he should not attempt to rush this measure through in the teeth of opposition from this side of the House.

(United Provinces Ziauddin Ahmad Southern Divisions: Muhammadan Rural): Sir, the present Bill is practically the annexe of the Press Bill, and for some reasons known only to the Treasury Benches, which are not clear to us, this measure has been separated from the Press Bill. This Bill however goes further than the Press Bill in three different respects. In the first place, the Press Bill is only for one year, whereas this Bill is a permanent enactment. Secondly, the Press Bill prescribes only a penalty of confiscation of surety, whereas here the penalties of imprisonment and fine are imposed. It is practically an addition to the Indian Penal Code, that is to say, you create a new penal offence. Thirdly, it differs from the Press Bill in that under the Press Bill only publication is considered to be an offence, whereas under this, the circulation of any statement, rumour, or report is also considered to be an offence. Therefore, in these three respects, the present Bill goes much further than the Press Bill. I do maintain, following the speeches that have been made on this side, that the enactment of this nature at Simla, without giving any opportunity to the public to express their opinions thereon, is really a legalised form of ordinance. Any enactment framed by Government votes alone is in reality not an Act, but an ordinance. You know very well that some of the Members on this side of the House have gone to the Round Table Conference. There are some Members who cannot stand the height of this station and cannot possibly come to Simla. Therefore, it is rather unfair on the part of the Treasury Benches to take advantage of the thinness of the Opposition and pass an important measure of this kind by votes commanded by the Government. You not only introduce this measure before the Assembly, but you press that it should be made into law at once.

Sir, my Honourable friend Mr. Brooke Elliott—unfortunately he is not here—said, here is one side, the Government Benches, and here is the Opposition on the other side, suggesting that he is neutral. I would like to see if he will assume this neutrality and give proof of his statement in the course of this or any other motion. He also said that he was a great champion of the freedom of the Press. This is a statement which

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we would very much like to see materialise in the course of the debate which will come up in a few days. But the point which is really important for me, which I want specially to mention, is this, that we admit that there are certain troubles. But the remedy suggested from the Government side is much more than is justified by the trouble. It is a truism that whenever a medical man is himself ill, then he is not the proper authority to prescribe medicine for himself; the medicine must be prescribed by somebody else. Mr. Arthur Moore, the Leader of the European Group, the other day mentioned the difficult position in which the Europeans in Bengal are placed. I entirely sympathise with him and the whole House will really go and help him in this difficulty, but when he comes forward to make a suggestion himself, he is really acting like a sick doctor prescribing medicine for himself. He suggested the other day that we ought to introduce the Frontier Crimes Regulation in Bengal. My Honourable friend does not know what the Frontier Crimes Regulations are. By these Regulations.....

Mr. Arthur Moore (Bengal: European): On a point of personal explanation, Sir. All that I said was that the European Association of Chittagong passed a Resolution to that effect.

Dr. Ziauddin Ahmad: That is the point I want to make out, that the prescription which they prescribe as a remedy is really no remedy at all, and it goes much further and makes the whole case worse. The Frontier Crimes Regulations are no remedy for the troubles in which he is placed in spite of the fact that the whole House whole-heartedly sympathise with him in those troubles.

Mr. Arthur Moore: On a point of order, Sir. May I ask if this is relevant to the Bill under discussion?

Mr. President: I think he is quite in order.

Dr. Ziauddin Ahmad: By Frontier Crimes Regulations wives are interchanged, civil suits worth several lakhs are instituted on 8 annas stamp and the debtor is sent to jail before the hearing of the case. This is no remedy to Mr. Arthur Moore's complaints.

It was pointed out to us that the reasons for introducing this enactment are the two articles written by the Zemindar; and this is the only argument that has been brought forward in support of this Bill. I have read those articles, and I myself have no sympathy with them. But is this the remedy which they are going to propose in order to overcome this particular difficulty? In order to meet one small difficulty they are going to rouse the whole country into a commotion.

Sir, this House is prohibited from discussing foreign affairs. We cannot propose any Resolution and we cannot ask any questions about the foreign policy of the Government of India. We know how the chess game of Afghanistan has been played, and we were debarred from discussing the question on the floor of this House. This Bill says that not only the Assembly should be debarred but the whole country should be prohibited from discussing verbally or in the Press any question concerning the foreign affairs not only of this country but of Great Britain. This is a large order and is likely to lead to a very difficult situation. The Government may, without consulting the country, commit it to a war and the poor tax-payer will have to bear its cost. It may be the

outcome of the mistakes committed by the Foreign Office, but the whole country will have to pay for their mistakes. This privilege is unfortunately denied to us, and we are asked to legislate that in future no person should be permitted to discuss any question about foreign affairs.

The Honourable the Foreign Secretary gave us an important argument. He said that India will be placed among the more civilised countries of the world if we pass this particular law. I say, if this is the only test of civilisation, I would rather remain uncivilised and not pass this enactment without giving any opportunity to the people who are affected by it to express their opinions. There are some more important matters in which we are treated in an uncivilised manner, for example, whipping. Whipping is a punishment administered in India alone, and I do not think it is a punishment given in any civilised country. If my Honourable friend the Mover of this Bill is anxious about the civilisation of this country, then I will request him to come forward first with a motion that whipping should be disallowed in this country.

Sir. this Bill will undoubtedly affect every Indian who is interested in foreign affairs. There are Indians in America, there are Indians in Japan and other countries, and if any of us discusses the position of the Indians there and the horrible treatment that they may be receiving, he will at once be penalised and will be prohibited from doing it. In this way this Bill will practically affect every Indian, and all communities. But in one particular respect it will affect the Mussalman community more than any other community. The Hindu community have got all their shrines in this country. The Mussalmans on the other hand have got most of their shrines in foreign countries and not in India and so they are naturally interested in the affairs of foreign countries. This interest is often misunderstood. Some people who really carry on a propaganda against the Mussalmans, call this interest a pan-Islamic movement. Pan-Islamism is really a creation of the British mind. It does not exist among the Mussalmans, and it has been intentionally created in order to prejudice other people against the Mussalmans. We have in fact real and genuine interest in the shrines and other things which are sacred in our religion. (Interruption by Mr. K. Ahmed.) I would request you, Mr. President, to allow Mr. Kabiruddin to deliver his whole speech at one time and not by interruptions. I shall take one illustra-Take the case of Ibn Saud. There are some Mussalmans who honestly believe that the soul of the saint always hovers round and recognises its grave and it is for that reason that they go to the graves with genuine religious sentiments. Others take the opposite view. They consider that the soul after leaving the body ceases to have interest in this world and hence offering prayers near the grave are equivalent to idolatory. The latter is the view of Ibn Saud, and for that reason he has removed tombs from the shrines in Arabia. This action is honestly resented by those Mussalmans who hold the other opinion and some of the hajis who had gone there and wanted to sit near the graves in meditation were lashed by the servants of Ibn Saud and they had to leave the place in great disgust. After this enactment it will be impossible for any of these people to say anything about their sad experiences in that country.

Mr. K. Ahmed: Certainly not.

Dr. Ziauddin Ahmad: I next refer to Jerusalem. There is an honest conviction in the minds of Mussalmans about the sanctity of the wailing wall, and an equally honest conviction in the mind of the Jews, and it is really a matter of religious importance to the Mussalmans not to remain silent on this question. The Honourable the Mover of this motion might perhaps say, "You had better draw our attention to this and we will do the needful". That is not the experience of those who do not sit on the Treasury Benches. We know that the Government will not move unless there is agitation in the country. Had the correct and honest repersentation by a single individual been enough for Government to take action the present situation would never have arisen. Sir, I know something of the Muslim community, and if a measure of this kind is passed without consulting them, there will be a first-rate agitation in the whole country. It is not wisdom, it will be bad policy and a lack of statesmanship to create such a position at a time when our attention is directed to more important issues. This is a question in which the Muslims are not orly politically but religiously interested and they consider the issue as dear as their life, an issue for which they will lose anything in order to achieve their religious beliefs. I beseech once more the Members of the Treasury Benches not to press this Bill in this session. I request them to give an opportunity to the Muslim community and the country to express their opinion and submit their genuine grievances. Those who have first-hand information ought to have an opportunity to relate their experiences. This is a matter in which the Mussalmans and the whole Indian public are extremely interested. If this Bill is pressed on the House. I will refrain from taking any further part in the discussion, nor shall I move that the Bill be referred to a Select Committee. With these words I support the inction for circulation.

The Honourable Sir George Rainy (Member for Commerce Railways): I do not intervene in this discussion with any controversial intention. Indeed I should be temerarious to do so, for when eminent lawyers are on the war path, if a layman comes between these fell and mighty opposites, he is apt to receive rather more than he likes or expects. But as I listened to the discussion, it seemed to me that the difference between the two sides of the House was somewhat less than it appeared to be at first sight. There is, I think, general agreement that articles have appeared in some Indian newspapers which might have very dangerous consequences and which I think the House generally feels ought not to be allowed to continue. There is, I think, therefore, general agreement as to the underlying principle and Government attach importance to the affirmation by this House of that principle. On the other hand it has been represented to Government from the non-official Benches that this is a very important measure, that when we are dealing with the freedom of the Press, caution is necessary and Government have shown that they appreciate the fairness of that demand by saying, as my Honourable colleague, the Law Member, did this morning, that we would offer no opposition to referring the Bill to a Select Committee. But since my

Honourable colleague spoke, it has been represented by more than one Member that that does not quite meet what they have in their minds. What they feel is that this is an occasion on which public opinion ought to be elicited, and in particular the opinion of

one of the great communities of India who are perhaps peculiarly interested in our relations with some foreign powers. It occurred to me, Mr. President, that the gulf between the two sides might be bridged without any sacrifice of principle on either side. What I should be prepared to say on behalf of the Government is this,—that if the Bill is referred to a Select Committee, we should be quite prepared to circulate it by executive order, and the Committee would meet when the opinions had been received, and in the ordinary course their report would be submitted to the House next session.

Dr. Ziauddin Ahmad: Why do you press for a Select Committee? Why not circulate at once?

The Honourable Sir George Rainy: I mention this, Sir, in the hope that it may abbreviate the discussion and may prove to be a solution which will commend itself to the House generally.

Sir Abdur Rahim: May I ask, Sir, one question! If we agree to a Select Committee, should we not be committing ourselves to the principle of the Bill!

The Honourable Sir George Rainy: There is no question about that, but the point I tried to make in that connection was that there is agreement as regards a great underlying principle, that here is something which badly requires to be controlled.

Maulyi Sayyid Murtuza Saheb Bahadur (South Madras: Muhammadan): Sir, a very strong case has been made out by the Leader of our Party. Sir Abdur Rahim, and other speakers on this side for the motion for circulation, and I do not propose to take much time of the House. But I shall try to put before the House a short history of this measure. It was in April last, Sir, that Lord Irwin promulgated Ordinance No. V of 1931. The reason was this. Ex-King Amanullah had published a letter in the paper Afghanistan which was translated and published in another paper Zamindar. Prior to this, this Government had been on friendly terms and in international amity with the Kings of Afghanistan. Amir Abdur Rahaman Khan, Amir Habibullah Khan. Amir Amanullah Khan—they were all friends of this Government. It was not felt necessary to promulgate any Ordinance or a measure of this kind in their time. So far as King Habibullah Khan was concerned, he was eulogised in London itself for the services he rendered to the Indian Government by maintaining order in his own territory and also on the North-West Frontier during the time of the war. Even at that time, no necessity for such a measure as this was felt, but the necessity was felt simply because a letter of ex-King Amanullah Khan making allegations against the present ruler, Shah Nadir Khan, was published, and that letter was published again in Afghanistan, which I have not seen myself, and some comments were made by Afghanistan and Zamindar, and these have been brought to book! Sir, we are not in sympathy with those persons in their dealings. We feel it necessary that friendly relations between this kingdom and foreign rulers should be kept up and kept up very strongly. But at the same time we cannot put up with a measure of this kind, which is calculated to curb the freedom, the liberty of the Press. Such a measure no one can be a party to. (Hear, hear.) Here, Sir, our simple request is that it should be circulated [Maulvi Sayyid Murtuza Saheb Bahadur.]

for eliciting public opinion. Ever since the days we were at school and college, we heard that the English Government was attaching much importance to public opinion. So we feel it an injustice that such a measure should be rushed through and in such a way as not to have previously been circulated for eliciting public opinion. With these words, Sir, I support the motion.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur cum Orissa: Muhammadau): Sir, I want to make it clear, after the assurance given by the Honourable the Leader of the House that the Select Committee will sit in Delhi and that by executive order this Bill will be circulated, that I do not want to press my motion and I beg leave of the House to withdraw the motion.

Dr. Ziauddin Ahmad: I also pave notice of a similar motion, and I do not wish to withdraw it.....

Mr. President: That is not the point. I will have to ask the opinion of the House whether they are prepared to grant leave to the Honourable the Mover of the amendment to withdraw his motion for circulation. I have to put that question to the House. The question is:

"That leave be granted to the Honourable Member to withdraw his motion for circulation."

As many as are of that opinion will say, "Aye". (Several Honourable Members: "Aye"). Those of the contrary opinion will say, "No". (Several Honourable Members: "No.") Leave to withdraw the motion is not granted.

Mr. E. Studd (Bengal: European): Sir. I am not sure whether a humble business-man ought to have the temerity to take part in this debate which it seems to me is largely a battle between the conflicting opinions of legal luminaries whose names are famed all over India. But, Sir, what is the poor business-man to do when lawyers proceed to give him opposite opinions? I confess that some of the legal points which they tried to argue were completely above my head. But it does seem to me that if we can get down to bedrock, this, Sir, is really, a simple matter. Apart from points of law, I have listened carefully to the various speeches that have been made against this measure urging circulation and so on, but I do not think I have heard one Member express opposition to the principle which is contained in the Bill, namely, that it should be possible to punish papers which publish articles and news matter which are likely to result in unfriendly relations with foreign powers. Some Members have expressed the fear that the powers in the Bill are too wide. I have not heard anybody suggest that it is the intention of Government to use them for any other purpose than the definite and specific one of the preservation of friendy relations. It has only been suggested that the Bill is so wide that it may be misunderstood or misinterpreted by Magistrates. Sir, I submit that if that is the main bone of contention, there is no reason why the Select Committee should not be able to put in the necessary provisos in the Bill to make sure that it is not so abused. Therefore, Sir, it does not seem to me that the opposition have made out a very strong case.

Sir, there is one thing which I fully expected to hear. Knowing what an anathema the word "Ordinance" is to my Honourable friends on the other side of the House, I fully expected to hear some of them referring to the Ordinance which is at present in force which this Bill is meant to replace. I thought that if they were going to oppose this Bill, they would do it on the ground that this so-called iniquitous Ordinance had already been in force for nearly six months, that it had been grossly abused, and that it was therefore absolutely improper that it should be continued. Not one word has been said against that Ordinance; and I doubt if there has ever been an Ordinance under which fewer cases have been brought than under this one. As far as I know, there have been only four or six cases, and I do not think anybody has any fault to find with those cases or with the judgments that have been given in those cases. I know a number of Honourable Members have read the judgments in two particular cases. I am perfectly certain that no one who has read those judgments can possibly say that they are anything but just, or can possibly maintain that some law is not necessary to deal with an evil of that kind.

Now, Sir, it has been urged that this is an important measure and that it should not be rushed through without the country having a chance to express its opinion. It seems to me that it has already had a chance, in an indirect way at any rate, of expressing an opinion on this Bill, for it has had this Ordinance actually in operation for nearly six months. I certainly have not heard of any objections. Honourable Members on the other side have not spoken of any objections to this Ordinance and I think it is a fair inference to draw that that being so, the general principle of this Bill is not opposed and has the general acceptance of the country.

Now, Sir, I do not propose to keep the House any longer. The debate has gone on for a long time, but I do appeal to Members to realise that it is a necessary measure and that it should be passed into law, modified if necessary, so that they may be satisfied that their fears are without foundation. I do appeal to this House to realise that it is necessary to curb the evil which is not only a disgrace to the Indian Press but a disgrace to the Indian nation.

- Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): Sir, I move that the closure be now put.
- Mr. S. G. Jog (Berar Representative): Sir, it is very unfortunate that a Bill brought before this House with a view to provide against the publication of statements which are likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States has in the present resulted in creating unfriendly relations between one important community in India and the Government. How far the Bill will have the effect of preventing the creation of unfriendly relations is therefore very doubtful. But for the present we are seeing this result that there is a division created between one important group in the House and the Government. This is the first time that this new Bill and this new legislation is being introduced and it is but fair that the Government should not rush it through. I am in entire sympathy with the speakers who have proposed that the Bill sould be circulated for public opinion. It is the first principle of legislation that no legislation of a revolutionary character or

[Mr. S. G. Jog.]

which introduces an innovation should be hurried through without ascertaining public opinion. As observed by my Honourable friend, nothing will be lost by circulating it and waiting for two or three months more. There is no immediate danger which is likely to happen and nothing will be lost by waiting for two months. There are also some misconceptions about the Bill. I must congratulate the Honourable the Mover on his clear explanation of the position. It was thought for some time that even the Indian States came within the purview of the Bill. But at the ourset he made it clear that they did not come within the purview of the Bill. One more thing he has made clear. Unfortunately this Bill has taken a communal turn and my Muslim friends are somehow or other taking it as an attack against them or against the States of which the rulers are Mus-The Honourable the Mover has made it clear while making his speech that the Bill is not designed against any particular foreign ruler. It is a general thing and all the foreign rulers are included in it, but somehow or other my Muhammadan friends have taken this peculiar attitude, which has resulted in creating a lot of stir in the House. The Bill is in very general terms. It wants to create friendly relations between British India and the foreign States. At the same time it does not stand in the way of any healthy criticism of the actions of those Governments. The Honourable the Mover admitted in his statement that there is no doubt it creates a sort of restraint on writings, but I think some such restraint is essential. But the Bill, as it stands now, and specially clause 2, is extremely wide and vague; and although the Honourable the Mover has justified his Bill by saying that it is a very mild and innocent one and is not so obnoxious or mischievous as the Press Bill,—and he may take some credit for that,—still the wording of clause 2 is extremely vague and it requires large modification and improvement. I therefore agree with the recommendation that has been made that the Bill should be circulated for public opinion.

Mr. Muhammad Muazzam Sahib Bakadur (North Madras: Muhammadan): Sir, I have listened very carefully to the remarks which have fallen from my Honourable friend, Mr. Studd. I gather that he intended to say that the principle of the Bill had not been attacked by the Opposition. I maintain, Sir, that Dr. Gour in his scholarly speech this morning has made it clear to the House that what was sought to be enacted in this Bill is not the English common law but something else. That is one reason why I say that the principle of the Bill has been attacked. It has been attacked and very ably attacked by my Honourable friend.

The next reason which I would put forward against the principle of the Bill is this. Is there, I ask, any enactment or any legislation in any neighbouring country analogous to what is sought to be enacted in this House now ! I can well understand that a Bill has been introduced in this House which aims at curtailing the liberty of the Press. Are we to go on with this Bill when another legislation put forwawrd before this House is pending? I do not know if the matter is still sub judice because we have already got the report of the Select Committee before us. Now that was the first attempt in this House to gag the Press. It has been followed with hardly an interval of one week by another Bill whose object primarily is to stifle the Press. It seems to me that Simla is particularly suitable for the introduction of Bills which are intended to stifle the Press. The mist here is so very thick that it almost makes the whole mountain disappear and these Bills will probably make the Press disappear altogether from this

country. The effect of this Bill is not only to enact what is not the existing common law in England or for the matter of that in any country, but it goes much further in the way it is framed. Sir, you will note that section 2 of the Bill, which is the really operative section, reads thus: "Whoever makes a statement, whoever publishes a statement, whoever circulates a statement, rumour or report" and so on. It is not distinctly stated whether it should be actually libellous or not. Under the existing law what is punished is not slander but libel and that against the ruler of a foreign State. Here what is sought to be done is this. Section 2 which is an all-comprehensive section, is so worded as to include anything and everything. If tomorrow I make an allegation against the ruler of Afghanistan or I circulate something which may be perfectly harmless, I will be liable to be punished under that section and probably sentenced to two years imprisonment, rigorous or simple, depending on the discretion of the Magistrate.

Then, Sir, it is said that legislation on this subject has to be passed very soon as the period of the Ordinance promulgated by H. E. the Viceroy in April last is about to expire. I believe it is lapsing on the 5th of next month. But I ask the Honourable Mr. Howell, has the Viceroy not got power to pass another Ordinance of the same type extending over another period of six months, and will it not be possible to pass this measure, which is sought to be passed in such a hurry at Simla, at the Delhi Session, circulating it meanwhile for eliciting opinion thereon? It is a matter which cuts at the very root of the Indian Press. If there is anything in this country which Indians respect and enjoy, it is the freedom of the Press, and if, on the eve of reforms, the liberty of the Press which we value so dearly is to be curtailed in this way, if the Press is to be stifled to the degree to which it is sought to be stifled, I really do not know what the effect of that is going to be. We have to reciprocate the good faith of those who have framed such legislation. My friend, Mr. Brooke Elliott, very wisely alluded in his remarks saying that reciprocity was the thing which was really wanted. He told us that you should do unto others as you would wish to be done by them. But I ask, is the Englishman in India observing that principle? Is he practising that rule? If really he had any regard for that principle and if he had adhered to it, I dare say, I venture to say, that no complications would enter into the deliberations in this House and every measure brought forward by the Treasury Benches would have our hearty acceptance. I therefore commend this motion for circulation.

Mr. C. Brooke Elliott: If the Honourable Member would put my text into the text of the Bill, I should have no objection.

Several Honourable Members: The question may now be put. The motion was adopted.

Mr. E. B. Howell: I have no wish to make any reply, Sir.

Mr. President: The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st January, 1932."

The Assembly divided:

Abdoola Haroon, Seth Haji. Abdur Rahim, Sir. Anwar-ul-Azim, Mr. Muhammad. Azhar Ali, Mr. Muhammad. L234LAD AYES-35.

Badi-uz-Zaman, Maulvi.
Chetty, Mr. R. K. Shanmukham.
Chinoy, Mr. Rahimtoola M.
Fazal Haq Piracha, Shaikh.

AYES-contd.

Gour, Sir Hari Singh.

Ibrahim Ali Khan, Lt. Nawub Muhammad.

Jadhav, Mr. B. V.

Jehangir, Sir Cowasji.

Jog, Mr. S. G.

Kyaw Myint, U

Lalchand Navalrai, Mr.

Misra, Mr. B. N.

Mitra, Mr. S. C.

Mody, Mr. H. P.

Muazzam Sahib Bahadur Mr. Muhammad.

Murtuza Saheb Bahadur, Maulri Sayyid.

Pandian, Mr. B. Rajaram.

Patil, Rao Bahadur B. L.

Rajun Bakhsh Shah, Khan Bahadur Makhdum Syed.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Rai Sahib Harbilas.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Talib Mehdi Khan, Nawab Major Malik.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Ziauddin Ahmad, Dr.
Zulfiqar Ali Khan, Sir.

NOES-58.

Khan Allah Baksh Tiwana. Khan Bahadur Malik. Anklesaria, Mr. N. N. Azizuddin Ahmad Bilgrami, Qazi. Bajpai, Mr. R. S. Banerji, Mr. Rajnarayan. Bhuput Sing, Mr. Brij Kishore, Rai Bahadur Lala. Crerar, The Honourable Sir James. Dalal, Dr. R. D. DeSouza, Dr. F. X. Dudhoria, Mr. Nabakumar Sing. Dyer, Mr. J. F. Elliott, Mr. C. B. Fazl-i-Husain, The Honourable Khan Bahadur Mian Sir. Fox, Mr. H. B. French, Mr. J. C. Graham, Sir Lancelot. Griffiths, Mr. G. L. Heatheote, Mr. L. V. Hezlett, Mr. J. Howell, Mr. E. B. Ishwarsingji, Nawab Naharsingji... Ismail Ali Khan, Kunwar Hajee. Jawahar Singh, Sardar Bahadur Sardar. Knight, Mr. H. F. Se 134 19 3 Lal. Mr. S. Lalchand, Rao Bahadur Captain. Leach, Mr. F. B.

Montgomery, Mr. H. Moore, Mr. Arthur. Morgan, Mr. G. Mukherjee, Rai Bahadur S. C. Pandit. Rao Bahadur S. R. Parsons, Mr. A. A. L. Puri, Mr. Goswami M. R. Raghubir Singh, Kunwar. Rainy, The Honourable Sir George. Rajah, Rao Bahadur M. C. Rama Rao, Rai Bahadur U. Rastogi, Mr. Badri Lat. Row, Mr. K. Sanjiva. Rov. Mr. S. N. Sahi, Mr. Ram Prasad Narayan. Sams, Sir Hubert. Schuster. The Hononrable Sir George. Scott, Mr. J. Ramsay. Sher Muhammad Khau Gakhar, Captain. Shillidy, Mr. J. A. Singh, Kumar Gupteshwar Presad. Studd. Mr. E. Suhrawardy, Sir Abdullah, Snichen Rai. Raf Baladur. Sykes, Mt. E. F. Tait, Mr. John. Todd, Mr. A. H. A. . Th Yakub, Sir Muhammad. Yamin Khan, Mr. Muhammad.

The motion was negatived.

Mr. President: I now cal' upon Mr. Maswood Ahmad to move his next amendment, for reference to Select Committee.

Young, Mr. G. M.

Mr. M. Maswood Ahmad: Sir, I beg to move:

"That the Bill be referred to a Select Committee consisting of Mr. E. B. Howell, Sir Lancelot Graham, Sir Muhammad Yakub, Khan Bahadur Wilayatullah, Kunwar Hajee Ismail Ali Khau, Mr. R. K. Shanmukham Chetty, Mr. Muhammad Yamin Khan, Sir Abdulla Suhrawardy, Dr. Ziauddin Ahmad, Sir Hari Singh Gour, Mr. Muhammad Muazzam Sahib Bahadur, Lala Hariraj Swarup, Mr. Brooke Elliott, Mr. Gaya Prasad Singh, Mr. B. R. Puri, Mr. Jagan Nath Aggarwal, Mr. Murtuza Sahib Bahadur, Seth Haji Abdulla Haroon, Mr. Lalchand Navalrai and the Mover and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Muhammad Muassam Sahib Bahadur: I would suggest, Sir, that Mr. Jog's name be included in the list.

Mr. President: One more name has been suggested for addition, Mr. Jog. I should like to know whether the Mover is agreeable.

Mr. M. Maswood Ahmad: I have no objection.

Mr. S. C. Mitra: May I know whether the rest of the House cannot be added?

Dr. Ziauddin Ahmad: Sir, as I do not agree with the principle of the Bill. I wish to withdraw my name from the Select Committee.

Maulvi Sayyad Murtusa Sahib Bahadur: I am also not willing to serve on the Select Committee.

Khan Bahadur H. M. Wilayatullah: Sir, I have not been in a fit state of health to serve on the Select Committee.

An Honourable Member: The Select Committee will meet only in Delbi. Do you expect to be ill then also ?

Mr. President: The Select Committee will meet in Simla. I want to know if the Honourable Member is willing to serve on the Select Committee or he is not.

Khan Bahadur H. M. Wilayatullah: I do not wish to serve on the Select Committee.

Mr. Muhammad Muazzam Sahib Bahadur: I request, Sir, that my name be withdrawn from the list.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): I propose that the name of Mr. K. Ahmed be added to the list.

Mr. President: Do you object, Mr. Maswood Ahmad ?

Mr. M. Maswood Ahmad: I don't object, Sir.

Mr. President: The question is:

"That the Bill be referred to a Select Committee consisting of:

Mr. Howell.

Sir Lancelot Graham,

Sir Muhammad Yakub,

Kunwar Hajee Ismail Ali Khan,

Mr. Shanmukham Chetty,

Mr. Muhammad Yamin Khan,

Sir Abdullah Suhrawardy,

Sir Hari Singh Gour,

Lala Hari Raj Swarup,

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[Mr. President.]

Mr. Brooke Elliott,

Mr. Gaya Prasad Singh,

Mr. Lukhand Navalrai,

Mr. B. R. Puri,

Mr. Jagan Nath Aggarwal,

Haji Abdulla Haroon,

Mr. K. Ahmed,

Mr. S. G. Jog, and the Mover."

The motion was adopted.

Mr. President: I should like to know whether the House wishes to proceed with the next Bill.

Sales Color

Several Honourable Members: No. Sir; it is now too late.

The Honourable Sir George Rainy: I do not think the next Bill will take very long.

Mr. President: There are several amendments. If there were no amendments to the next Bill I would have taken it up now

The Honourable Sir George Rainy: You might allow the Bill to be formally moved. I would remind the House that if we do not get through our business, we may have to sit longer at the end of the Session.

Mr. President: Yesterday the House had to be adjourned for want of a quorum.

Several Honourable Members: Adjourn, adjourn.

Mr. President: Is it the general feeling that the next Bill should be placed before the House by the Mover?

Several Honourable Members: No, Sir; it is now too late.

Mr. President: Those who are in favour of adjourning the House will please rise in their seats.

(A large number of Members stood up.)

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th September, 1931.