

Thursday, 17th September, 1931

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

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(7th to 22nd September, 1931)

SECOND SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY
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LEGISLATIVE ASSEMBLY.

Thursday, 17th September, 1931.

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

QUESTIONS AND ANSWERS.

NATIONAL HEALTH INSURANCE SCHEME FOR INDIA.

447. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Do Government contemplate the appointment of a committee to investigate and formulate a scheme of National Health Insurance for India ?

Mr. J. A. Shillidy : The Royal Commission on Labour has recommended the appointment of a Committee to examine the possibility of a Health Insurance Scheme for industrial workers. This recommendation will receive consideration by Government, but there is no proposal for a general scheme of National Health Insurance.

UTILISATION OF THERMAL SPRINGS IN INDIA.

448. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : Are Government aware that there is 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 to the best advantage ? 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 Fasl-i-Husain : Yes, but there is no record of steps, if any, taken to utilise them. It is open to Local Governments to institute investigations of the kind the Honourable Member has in view.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

449. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : (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 on this subject to Rai Sahib Harbilas Sarda's question No. 234.

ABOLITION OF THE POST OF PUBLIC HEALTH COMMISSIONER WITH THE GOVERNMENT OF INDIA.

450. *Mr. B. Das (on behalf of Mr. K. C. Neogy) : 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 re-trenching his post as recommended by the Inchcape Committee ?

The Honourable Khan Bahadur Mian Sir Fazi-i-Husain : (a), (b) and (c). The attention of the Honourable Member is invited to the reply already given to Rai Sahib Harbilas Sarda's question No. 235 on the same subject.

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

451. *Mr. B. Das (on behalf of Mr. K. C. Neogy) : 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 Central or Local Governments, 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 Fazi-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.

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

452. *Mr. B. Das (on behalf of Mr. K. C. Neogy) : (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 be 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) Recommendations have been examined and proposals as to reconstitution framed.

(b) It has not been intended that this Honourable House be called upon to frame the constitution of the Body.

Mr. B. Das : May I ask what is the defect of this Honourable House that it should not have representation on this body ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : That will never happen.

Mr. B. Das : Is it the intention of Government to have Members of this House on that body ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Certainly. There is every intention of doing that.

FREQUENT CHANGE OF DIRECTOR OF THE HAFKINE INSTITUTE, BOMBAY.

453. ***Mr. B. Das** (on behalf of Mr. K. C. Neogy) : 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, will Government be pleased to explain

(i) why such frequent changes were permitted, and

(ii) if such changes are conducive to efficiency ?

(d) Are Government prepared in the interest of efficiency 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 Indian Research Fund Association to

which the Assembly has been voting a grant of 7½ lakhs of rupees a year, for several years past ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) to (d). The Honourable Member is referred to the reply which I have already given to Mr. Gaya Prasad Singh's question No. 158. With reference to the last sentence of the question, the correct position is that grants are made from the funds of the Indian Research Fund Association to individual research workers, who may or may not be on the staff of the Bacteriological Institutes, for specific enquiries which are carried on in these Institutes for laboratory convenience.

ENCOURAGEMENT OF ARCHAEOLOGICAL RESEARCH BY PRIVATE OR SEMI-GOVERNMENT INDIAN SOCIETIES.

454. ***Khan Bahadur H. M. Wilayatullah :** (a) Is it a fact that Dr. Hunter of the Morris College, Nagpur, put forward a scheme for archaeological research in the Central Provinces but that the Director General of Archaeology informed the Nagpur University that the scheme must remain in abeyance for the present ?

(b) If so, are Government prepared (i) to remove the ban placed by the Director, and (ii) to encourage archæological research by private or semi-Government Indian societies and associations ? If not, why not ?

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

(b) As the Honourable Member is aware, Government have introduced in this session a Bill to amend the Ancient Monuments Preservation Act, 1904. Under the proposed legislation, it will be open to universities, learned societies, and scholars outside the Archæological Department to conduct archæological research subject to suitable control.

PROHIBITION OF A LECTURE BY DR. HUNTER AT THE DELHI UNIVERSITY.

455. ***Khan Bahadur H. M. Wilayatullah :** Is it a fact that in November, 1929, Dr. Hunter offered to deliver a lecture on Mohenjodaro and Harappa, under the auspices of the Delhi University, with the Chief Commissioner of Delhi in the Chair and that the lecture was stopped within a few hours before delivery ? If so, at whose instance, by whom and under what legal authority ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The answer to the first part of the question is in the affirmative. The lecture was cancelled by Dr. Hunter himself on receipt of a letter from the Director General of Archaeology in India reminding him of the undertakings he had given when he was granted special facilities for studying the material at Mohenjodaro and Harappa.

Dr. Ziauddin Ahmad : Is it the intention of Government to establish a monopoly in research and lectures ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Certainly not.

Dr. Ziauddin Ahmad : Then why was Dr. Hunter refused permission to publish his book and lectures ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Because the Government publication on the subject had every right to be presented

to the public before the subject was open to public discussion and public writing.

Dr. Ziauddin Ahmad : This is monopoly. Why should Government have precedence ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Because the Government had the whole material in their possession. If the Honourable Member or any of his friends come to Government and say " Will you let us see your material ? " and Government say, " You can, provided you publish nothing till the Government publication is out and the Honourable Member agrees to it ", he can't very well ask a friend to intervene on his behalf and say, " Let him go first to the market ".

Mr. K. Ahmed : It is the principle of copyright.

EMPLOYMENT OF DR. HUNTER ON ARCHÆOLOGICAL WORK IN INDIA.

456. ***Khan Bahadur H. M. Wilayatullah :** (a) Are Government aware that in 1930 the University of Oxford conferred a Doctorate in Philosophy on Dr. Hunter in appreciation of his work on Mohenjodaro and Herappa ?

(b) Are Government aware that Dr. Hunter is the author of the publication " Summerian Contracts " published by the Oxford University Press and that this publication has been favourably received in the *Journal of the Royal Asiatic Society*, the *Orientalistische IV Literaturzeitung*, the *Tablet*, the *Congregational Quarterly* and the *Expository Times* (America) ?

(c) Have Government ever considered the question of employing Dr. Hunter in some archæological post so that his knowledge and achievements should not be lost to India ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Calendar of the Oxford University shows that the degree of Doctor of Philosophy was conferred on Mr. Hunter in 1930.

(b) Government have seen the review of Dr. Hunter's book in the *Journal of the Royal Asiatic Society* for January 1931. They have not seen the other reviews referred to by the Honourable Member.

(c) An application from Dr. Hunter to be placed on special duty for the prosecution of his researches into the Indus Valley Script was received through the Government of the Central Provinces. The Government of India were unable to accede to this request, as they did not consider that they would be justified in defraying the expenditure involved.

CONGRESS REPORT ON INDIA'S FINANCIAL OBLIGATIONS.

457. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

(a) whether or not their attention has been directed to the publication of what is known as the Report of the Special Committee of the Karachi Congress on India's Financial Obligations ;

(b) if so, the conclusions that have been arrived at by them with respect to the findings of that Committee ; and

- (c) if not, whether they propose to consider the points raised by the Committee and arrive at a decision of their own regarding them ?

The Honourable Sir George Schuster : (a) Yes.

(b) and (c). Government do not propose to take any action.

INDIANS REPATRIATED FROM SOUTH AFRICA.

458. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) the number of Indians that were repatriated from South Africa by way of compulsory repatriation ;
- (b) the number that was repatriated from the same place by the scheme of voluntary repatriation ;
- (c) the number that has been repatriated from the same Colony through " Repatriation under the Assisted Scheme " from 1927 onwards ;
- (d) whether it has come to their knowledge that the repatriated emigrants are often put to inconceivable distress and difficulties on their return to India ; and
- (e) whether or not they have directly or indirectly encouraged and fostered the indentured immigration of Indians abroad ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The words " compulsory repatriation " are not understood.

(b) The number of Indians repatriated under the Indian Relief Act, 1914, up to the end of July, 1927, was 23,029.

(c) 7,997 up to the end of June, 1931.

(d) Reports that Indian emigrants generally do not feel happy on their return to India have come to the notice of Government.

(e) The attention of the Honourable Member is invited to the reply given by me earlier in this session to part (b) of Mr. Bhuput Singh's question No. 382.

NEWSPAPERS UTILISED BY THE EAST INDIAN RAILWAY FOR THE PUBLICATION OF NOTICES AND ADVERTISEMENTS.

459. ***Mr. Nabakumar Sing Dudhoria :** Will Government be pleased to state :

- (a) the names of all newspapers and periodicals which the East Indian Railway Administration have availed themselves of in this country in publishing their notices and advertisements in 1929-30 and during the current year ; and
- (b) the amount that each of such newspapers and periodicals has been paid in 1929-30 by the Railway Administration for such services ?

Mr. A. A. L. Parsons : (a) and (b). The information asked for is not readily available and Government do not propose to ask for its compilation, which would involve a very considerable amount of clerical work.

REPRESENTATION OF BENGAL LANDHOLDERS AT THE ROUND TABLE CONFERENCE.

460. ***Mr. Nabakumar Sing Dudhuria** : Will Government be pleased to state :

- (a) whether or not the names of some gentlemen from Calcutta were proposed to the Government of India by the Government of Bengal for the next Round Table Conference ;
- (b) if the answer to part (a) is in the affirmative, whether any of those names were accepted by the Government of India and recommended to His Majesty's Government ;
- (c) whether the Government of India was impressed by the Government of Bengal with the necessity for special representation of the Bengal landholders on the next Round Table Conference ;
- (d) if the answer to part (c) is in the affirmative, the result of the Bengal Government's representation ;
- (e) whether any representation, on behalf of the Bengal landed interests to get well-represented on the forthcoming Round Table Conference, which was voiced by the British Indian Association of Calcutta, came to the Government of India ; and
- (f) if the answer to part (e) is in the affirmative, the result of such representation ?

The Honourable Sir George Rainy : (a) to (f). I would refer the Honourable Member to the reply which I gave on the 26th January, 1931, to Mr. Bhuput Sing's unstarred question No. 18.

DETERIORATION OF PASSENGER CARRIAGES ON THE EAST INDIAN RAILWAY.

461. ***Mr. Nabakumar Sing Dudhuria** : Will Government be pleased to state whether their attention has been drawn to the rapid deterioration that has gone on with respect to carriages of passenger trains on the East Indian Railway system for want of their timely overhauling ?

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

PURCHASE OF THE ASSAM-BENGAL RAILWAY.

462. ***Mr. S. C. Mitra** : (a) Will Government be pleased to state whether the Government of India have come to any final decision in regard to the purchase of the Assam-Bengal Railway by the State at the termination of the present contract with the Company ?

(b) Is it a fact that the time for giving due notice to the Assam-Bengal Railway Company for the purchase of the Railway by the State has already lapsed ?

(c) If the answer to the above be in the affirmative, will Government be pleased to state the reason for their delay in giving the notice terminating their present contract ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply given by me on the 17th February last to Mr. Anwar-ul-Azim's

question No. 530. In accordance with the Resolution adopted by the Assembly on the 18th July, 1930, negotiations were undertaken with the Assam-Bengal Railway to obtain for Government an extension of their option to terminate the Company's contract on 31st December, 1931, but the Company were not prepared to grant the option. As, for the reasons which were fully explained in the course of the debate on the Resolution which I have mentioned, the purchase of the Assam Bengal Railway under the terms of their contract was not feasible, notice of intention to purchase the line was not given.

PURCHASE OF THE ASSAM-BENGAL RAILWAY.

463. *Mr. S. C. Mitra : (a) Will Government be pleased to state what steps do they propose to take for acquiring the Assam-Bengal Railway for State-management at the end of the term of their present contract ?

(b) Is it a fact that notice was not served on the Company in time to give the Company a chance for refusing under the terms of the present contract to hand over the Railway to the State till the expiry of another term ? If so, how do Government propose to overcome the difficulty ?

Mr. A. A. L. Parsons : (a) The next opportunity for acquiring the Assam Bengal Railway under the terms of the Company's contract occurs on the 31st December, 1941.

(b) I am not sure that I understand the Honourable Member's question, but, as I have explained in my reply to the previous question, notice was not served on the Company by Government of their intention to terminate the Company's contract on the 31st December, 1931.

Mr. Gaya Prasad Singh : Sir, may I take it that the Assam-Bengal Railway will not be taken over by the State till 1941 ?

Mr. A. A. L. Parsons : The next opportunity under the terms of the contract occurs in 1941. I am not able to prophesy whether outside the contract negotiations with the Company might not be undertaken before that year.

Dr. Ziauddin Ahmad : Is it not a fact that, when this question was referred to the Assembly last time, the Assembly granted an extension for only one year ?

Mr. A. A. L. Parsons : As I have already explained in my answer, the recommendation of the Assembly was that we should negotiate with the Company for an extension, but our negotiations were not successful, since the Company were not prepared to agree.

Dr. Ziauddin Ahmad : Is it not a fact that the Government had originally proposed an extension for 10 years, but that the Assembly definitely refused that suggestion and gave permission to extend it for only one year, and that without coming back to the Assembly, you have yourself extended the contract for another 10 years ? Is that not an insult to the Assembly ?

Mr. A. A. L. Parsons : There has been no question of Government extending the contract. As we were not able to give notice of purchase, the contract automatically remained in force.

Dr. Ziauddin Ahmad : Why was this question not referred to the Assembly during the Delhi Session, and why did you begin to act practically against the decision of the Assembly ?

Mr. A. A. L. Parsons : The matter was referred to the Assembly, and, on the advice of the Assembly, we negotiated with the Company with a view to getting an extension of our option to purchase. The negotiations were unsuccessful, since the Company refused to give us the extended option proposed.

Dr. Ziauddin Ahmad : I am sorry I did not follow your answer. Will you repeat it ?

Mr. A. A. L. Parsons : The Assembly recommended that negotiations should be entered into with the Company to obtain an extension of the option to purchase. In accordance with that Resolution the Government entered into those negotiations, but the negotiations were not successful. The Company refused to give us the option, and we had no means of forcing them to do so.

Dr. Ziauddin Ahmad : If the Company refused the option, then the evident alternative was for the Government to purchase the line. Why then was the matter of the purchase delayed ?

Mr. A. A. L. Parsons : The Honourable Member's recollection of what happened in the Assembly does not coincide with mine. It was recognized that the purchase of this railway at the present time would be a very bad bargain, and that Government had not got the money for it. We were obliged therefore to let the opportunity to purchase go.

Dr. Ziauddin Ahmad : If the Government begins to take action against the decision of the Assembly, then we are no better than debating societies. Is not that so ?

Mr. A. A. L. Parsons : Government took no action against any decision of the Assembly in this matter.

Mr. K. Ahmed : In view of the fact that on the last Budget this Assembly disallowed 6 crores of rupees, how is it that the Member of the Railway Department could have been expected to say that it was more advisable to purchase the Railway than to extend the term for another 10 years ?

PURCHASE OF THE BENGAL AND NORTH WESTERN RAILWAY.

464. **Mr. S. C. Mitra :** (a) Is it a fact that the time for giving notice to the Bengal and North Western Railway Company for the purchase of the Railway by the State at the end of their present contract has lapsed ? If not, will Government be pleased to state the latest date by which such notice must be given to the Company for terminating their present contract and to acquire the Railway by the State ?

(b) Is it a fact that under the existing contract with the Company there is a clause giving the Company the power to work the line for another term of years if the notice is not given to the Company by a certain date ?

(c) If so, will Government be pleased to state whether they propose to remind the Bengal and North Western Railway Purchase Committee to

give their decisions in time, so that the date of the notice to the Company for terminating their contract may not lapse ? If not, why not ?

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

(ii) The 31st December, 1931.

(b) Yes.

(c) The Report of the Committee was laid on the table of the House on the 9th September, and a Resolution on the subject will be placed before the Assembly in the course of the present Session.

CREATION OF AN ADVISORY BOARD FOR INLAND STEAM NAVIGATION COMPANIES.

465. ***Mr. S. C. Mitra :** (a) Is it a fact that Government have decided to create an Advisory Board for the inland steam navigation companies ?

(b) If so, will Government be pleased to state when they propose to create the Board ?

(c) Will Government be pleased to state whether this House will be given representation on this Board ? If so, in what proportion to the representation of other bodies or individuals ?

The Honourable Sir George Rainy : The attention of the Honourable Member is invited to the provisions of section 54-B. of the Inland Steam-vessels Act, 1917, under which the power to make rules for the appointment of Committees to advise the owners, agents and charterers of inland steam-vessels on questions affecting the interests of passengers and shippers of goods is vested in the Local Government. The question of the Government of India creating an Advisory Board for inland steam navigation companies does not, therefore, arise.

UNSATISFACTORY ACCOMMODATION FOR THE STAFF OF THE RAILWAY MAIL SERVICE AT HOWRAH STATION.

466. ***Mr. S. C. Mitra :** (a) Are Government aware that the office of the Howrah Station R. M. S. is located in a very filthy and insanitary room ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the reasons why the staff of that office has been kept so long in that insanitary condition ?

(c) If the answer to part (a) be in the negative, do Government propose to inquire into the matter and remedy the grievances of the staff of that office by locating the office in a bigger and a better ventilated room ?

(d) Is it a fact that the room is too small to accommodate all the staff in that office and a temporary extension of it has been made by a tarpaulin ? If so, are Government aware of the insanitary condition in which the staff of that office is made to work in that temporary shed in this rain ?

Sir Hubert Sams : With your permission, Sir, I propose to reply to questions Nos. 466 and 467 together.

The matters referred to are within the competence of the Post-master-General. Inspections are made in the ordinary course of duties

and Government have no information that the inspection of the Railway Mail Service offices has been overlooked.

UNSATISFACTORY ACCOMMODATION FOR THE STAFF OF THE RAILWAY MAIL SERVICE AT HOWRAH STATION.

†467. *Mr. S. C. Mitra : (a) Will Government be pleased to state whether the Director General of Posts and Telegraphs or the Postmaster General of Bengal, ever inspected the office accommodation given to the Howrah station R. M. S. office ; if not, do they propose to inspect it for verifying the insanitary condition of the office accommodation given to the staff of that office ?

(b) Do Government propose to direct the Director General of Posts and Telegraphs and the Postmasters General in the different provinces to inspect the R. M. S. offices located in the stations over the different Railways ?

BOUNTIES PAID TO THE TATA IRON AND STEEL COMPANY BY GOVERNMENT.

468. *Mr. Bhuput Singh : Will Government be pleased to state the total amount that the Tata Iron and Steel Co., Ltd., have received from the Government of India by way of bounty during the last ten years ?

The Honourable Sir George Rainy : Rs. 2,08,70,400.

INDIAN LABOUR IN MALAYA.

469. *Mr. Bhuput Singh : Will Government be pleased to state :

(a) whether they are aware of the existence of a committee known as the Indian Immigration Committee in Malaya ;

(b) if so, the constituents of that Committee ;

(c) the nature of functions that the Committee is supposed to discharge ;

(d) whether it is not a fact that 50 cents and 40 cents for men and women respectively working in accessible areas and 58 cents and 46 cents for those working in inaccessible areas fixed by the Indian Immigration Committee in 1929 for labourers in Malaya, are the lowest minimum wages and were arrived at after mature deliberations on the part of that body ;

(e) whether they are aware that every plantation in Malaya provides for location of drink shops near the lines of labourers on the plea that shops are kept close by so that the labour force may remain quite steady there ;

(f) whether it is a fact that of late the Labour Department in Malaya have repatriated a number of labourers to India on the ground of trade depression ; and

(g) the ordinary amenities and benefits that labour enjoys in the plantations and mines in Malaya ?

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

†For answer to this question, see answer to question No. 466.

(b) The Committee is composed of five official and eleven non-official members. The official members are (1) Controller of Labour (Chairman), (2) Deputy Controller of Labour, Malaya, Penang (Vice-Chairman and Secretary), (3) General Manager, Federated Malay States Railways, (4) Director of Public Works, and (5) Principal Medical Officer, Federated Malay States. Of the 11 non-official members, 9 are Europeans and 2 are Indians.

(c) The Committee is concerned with the management of the Indian Immigration Fund, the imposition of quarterly rates of assessment to the Fund, the fixation of standard rates of wages and other kindred matters relating to Indian immigration.

(d) These wages were fixed for some districts in Malaya in 1929, after taking into consideration the cost of living at that time.

(e) The majority of the estates have one or more toddy shops which are so located as to be easily accessible to the labourers. The Malayan Governments have now adopted a common policy with a view to restricting the number of these shops both in towns and on estate and to limiting the hours of sale.

(f) Yes.

(g) The labour laws of Malaya require an employer to provide for the labourers employed by him sufficient and proper house accommodation and sanitary arrangements, sufficient supply of wholesome water, medical attendance and treatment, hospital accommodation and sufficient supply of medicine. The Controller of Labour may also require employers of Indian labour to open schools if there are ten or more children between 7 and 14 years of age.

DEFERRED REBATES SYSTEM OF BRITISH SHIPPING COMPANIES.

1470. *Mr. Bhuput Sing : Will Government be pleased to state :

- (a) whether there exists a system of "Deferred Rebates" among the British Shipping Companies in the coasting trade of India ;
- (b) if so, whether or not the shipping companies that offer such rebates form among themselves a "Ring" or "Conference" ;
- (c) whether or not the United States of America, Australia, Africa and France have already legislated against the deferred rebates system ; and
- (d) whether they are aware that the system of deferred rebates has been condemned by eminent jurists as "immoral in ethics and unfair in economics" ?

The Honourable Sir George Rainy : (a) The reply is in the affirmative.

(b) It is understood that a "Conference" exists, but that it does not consist exclusively of British shipping companies.

(c) The United States of America, Australia and South Africa have legislated against the deferred rebate system. The Government of India have no information regarding France.

(d) The Government of India are aware that the system has been severely criticized.

Mr. G. Morgan : Is the Honourable Member in a position to say whether the Scindhia Steam Navigation Company is also a member of the Conference ?

The Honourable Sir George Rainy : I believe that is so, Sir.

GIFTS, WAKFS, ETC., GRANTED BY THE LAST NAWAB NAZIM OF BENGAL, BIHAR AND ORISSA.

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

- (a) whether they were ever aware of the existence of *Hiba-namas*, gifts, *Jaiqeers* and *wakfs*, granted by His Highness Nawab Fray Doon Jah, the last Nawab Nazim of Bengal, Bihar and Orissa at the time when the Commission was appointed by the Government of India under Nawab Nazim's Debts Act, 1873 ;
- (b) whether the above Commission mentioned anything in their Report regarding the aforesaid *Hiba-namas*, gifts, *Jaiqeers* and *wakfs* ;
- (c) whether it was the Agent to the Governor-General or the authorised Agent and representative of His Highness the Nawab Nazim (his eldest son) who was the sole source of information supplied to the Commissioners ;
- (d) whether any of the *Hiba-namas*, gifts, *Jaiqeers* and *wakfs* was declared null and void by Government or by the Nawab Nazim at any time between the departure of the Nawab Nazim for England in 1869 and the passing of the Murshidabad Act in 1891 ; and
- (e) if the answer to part (d) above, is in affirmative, which of the *Hiba-namas*, gifts, *Jaiqeers* and *wakfs* are still held and by whom ?

Mr. E. B. Howell : With the Honourable Member's permission, I will answer questions Nos. 471 and 472 together. The necessary information is being collected and will be communicated to the Honourable Member in due course.

GIFTS, WAKFS, ETC., GRANTED BY THE LAST NAWAB NAZIM OF BENGAL, BIHAR AND ORISSA.

†472. **Mr. Bhuput Sing :** Will Government be pleased to give a list of the *Jaiqeers*, *Hiba-namas*, gifts and *wakfs* granted by His Highness the Nawab Fray Doon Jah, the last Nawab Nazim of Bengal, Bihar and Orissa, which were recognised by the Government between 1873 and 1891 or afterwards ?

COMMUNAL REPRESENTATION IN CENTRAL GOVERNMENT SERVICES.

473. **Mr. Muhammad Anbar Ali :** Will Government be pleased to lay on the table a statement showing the representation separately of

†For answer to this question, see answer to question No. 471.

various communities in the services of the Central Government throughout the whole of India ?

The Honourable Sir James Crerar : A statement showing the communal composition of the all-India Services and the Central Services, Class I, is under preparation and will be placed in the Library in due course. Statements showing the communal composition of the clerical staff of the Government of India Secretariat and its attached and subordinate offices are available in the Library. The communal composition of the Postal and Telegraph Services and of the staff under the control of the Railway Board is published in the Annual Report of the Posts and Telegraphs Department and the Annual Report by the Railway Board on Indian Railways.

LACK OF A SHED AND OTHER FACILITIES FOR PASSENGERS AT JHANSI RAILWAY STATION.

474. ***Mr. Muhammad Azhar Ali :** Are Government aware that there is no shed of any kind at the Jhansi Railway Station (Great Indian Peninsula Railway) where transshipment takes place between the trains from Lucknow to Bombay and Bombay to Lucknow, to protect from rain or sun the passengers who wait at the platform for the arrival of trains ? Why are there no benches or any kind of seating arrangement ? Do Government propose to do anything for the comfort of the passengers ?

Mr. A. A. L. Parsons : Government have no details of the amenities provided on the platform at Jhansi, but I am sending the Agent, Great Indian Peninsula Railway, a copy of the Honourable Member's question and of this answer for such action as he may find it feasible to take.

Dr. Ziauddin Ahmed : May I know if the Honourable Member ever passed through Jhansi station to be able to know anything about it ?

Mr. A. A. L. Parsons : I have never stopped at Jhansi station although I have passed through it.

Mr. Gaya Prasad Singh : Not in the rain and sun.

Dr. Ziauddin Ahmed : This shows that when the Honourable Member is travelling on the line he does so with his eyes shut.

REMOVAL OF THE SURVEY OF INDIA OFFICE FROM MUSSOORIE.

475. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly whether there is any scheme to shift the offices of the Survey of India from Mussoorie to somewhere else ?

(b) Is it the intention of Government to dispose of the Castle Hill Estate at Mussoorie ? If so, what price has been fixed for that estate ?

(c) If the answer to part (a) is in the affirmative, will Government kindly state where the offices are going to be shifted to ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain : (a) and (b). The reply is in the negative.

(c) Does not arise.

INFECTIOUS DISEASES IN THE MULLINGAR ESTATE AT MUSSOORIE.

476. ***Kunwar Hajee Ismail Ali Khan :** (a) Will Government kindly inform the Assembly if it is a fact that the Landaur Cantonment

Authority does not exercise its power conferred by sections 164 and 165 of the Cantonment Act with regard to infectious diseases in Mullingar Estate which lies in the cantonment area, and is used as a lodging house ?

(b) Is it not a fact that during the season 1931 some persons suffering from phthisis came and lived in the Mullingar Lodging House disregarding the notification of disinfection ?

(c) Is it not a fact that lack of preventive measures against such diseases in Mullingar Estates lying in a congested area between Landaur Cantonment and Mussoorie City Board are likely to infect both the places ?

Mr. G. M. Young : With your permission, Sir, I propose to answer questions Nos. 476 and 477 together. I have called for the information and will communicate with the Honourable Member when it is received.

TUBERCULOSIS CASES AT " IVAN HO " IN MUSSOORIE.

†477. ***Kunwar Hajee Ismail Ali Khan :** (a) Is it a fact that some of the residents of " Ivan Ho ", Mussoorie, asked the Landaur Cantonment Authority to take action with regard to several T. B. cases in the Ivan Ho Estate without any avail ?

(b) If the answer to the above is in the affirmative, will Government kindly state the reasons ?

EMPLOYMENT OF FRONTIER MUSLIMS IN ACCOUNT AND AUDIT OFFICES AT PESHAWAR.

478. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state :

(a) the total number of clerks working in the Account and Audit Offices at Peshawar and how many of them belong to each of the following communities, viz., Muslims, and non-Muslims ;

(b) how many of each of the above communities are Frontier men and how many aliens ;

(c) whether it is a fact that Muslim youths have recently been served with notices of discharge and whether it is with a view to make room for non-Muslims ;

(d) if answer to part (c) above is in the affirmative, whether there was a majority of Mussalmans in the Department concerned ;

(e) if the answer to part (d) above is in the negative, why are the non-Muslims, who are in the majority, not being discharged instead of the Mussalmans ;

(f) whether it is a fact that a telegram to this effect was sent out from Peshawar to the Chief Commissioner, North-West Frontier Province, requesting him to save Frontier Pathan youths from being sacrificed for Hindu clerks ; and

(g) whether Government propose to put a stop to this kind of discrimination and raise in future the number of Muslim

†For answer to this question, see answer to question No. 476.

employees to the proportion of the bulk population of their community in that province ?

The Honourable Sir George Schuster : (a) The total number is 80, of whom 36 are Muslims and 44 non-Muslims.

(b) 20 out of 36 Muslims and 7 out of 44 non-Muslims belong to the North-West Frontier Province.

(c) Notice of possible discharge has been served on the entire temporary staff including Muslims and non-Muslims.

(d) to (g). The selection of the actual personnel to be discharged is receiving the attention of Government.

DISCHARGE ON ACCOUNT OF RETRENCHMENT OF MR. ABDUL RASHID FROM THE OFFICE OF THE CHIEF ENGINEER, SURVEYS AND CONSTRUCTION, LAHORE.

479. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state :

(a) whether it is a fact that one Mr. Abdul Rashid who was appointed as Tracer on 3rd March, 1926, in the Office of the Chief Engineer, Surveys and Construction, Lahore, has been discharged on account of retrenchment ;

(b) whether it is a fact that three other Muslim tracers have also been served with like notices ;

(c) if so, whether it was due to a majority of Mussalmans in the Department concerned ;

(d) whether it is a fact that the Chief Engineer, Surveys and Construction, Lahore, while remarking in his letter No. E. G.-8, dated 24th June, 1931, to the Chief Personnel Officer, N. W. Railway, recommended these gentlemen saying that every effort should be made to provide service for these persons in other offices of the open line in lower grades in preference to men with short services ;

(e) if so, how far his recommendations were carried out ; and

(f) what measures do Government propose to take to remove the grievances of Mussalmans as mentioned above ?

Mr. A. A. L. Parsons : I have called for information from the Agent, North Western Railway, and will communicate with the Honourable Member on its receipt.

NOMINATIONS FROM THE PUNJAB FOR THE ROUND TABLE CONFERENCE.

480. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) : (a) What is the total strength of the nominees to the Round Table Conference ? How many of them are Hindus, Muhammadans and Sikhs ?

(b) How many nominees of the Hindus and Sikhs have been taken from the Punjab ?

(c) How many Muhammadans were nominated from the Punjab in the first Round Table Conference ? How many more have been nominated this year ?

(d) How many Sikhs were nominated in the first instance? How many more have been nominated in the second time? If none, why not? Do Government know that the Sikhs have made a great grievance on account of the non-nomination of the national Sikhs in the Round Table Conference?

(e) How many Hindus from the Punjab were nominated in the first instance? How many more have been added in the second time? If none, why not?

(f) Will Government kindly lay on the table of the House a statement in tabular form of the representations received by Government together with the dates, from various bodies representing Hindus and Sikhs for the increase in the nomination of the Hindus and Sikhs from the Punjab?

(g) What is the proportion of Hindus, Muhammadans and Sikhs, from the Punjab in the Round Table Conference?

The Honourable Sir George Rainy: (a), (b), (c), (d), (e), (f) and (g). I place on the table a statement showing the names of the members from British India nominated by the Prime Minister to attend the resumed meetings of the Indian Round Table Conference in London and their places of residence in India. Those against whose names an asterisk has been placed were not members of the last Conference.

As I have explained on several occasions the selection of delegates for the Round Table Conference is not primarily the concern of the Governor General in Council. In the circumstances no useful purpose would be served by the preparation of a statement of the nature referred to in part (f) of the question.

List of Members nominated by the Prime Minister to attend the resumed meetings of the Indian Round Table Conference.

Names.	Places of Residence in India.
1. H. H. The Aga Khan, G.C.S.I., G.C.I.E., G.C.V.O.	.. Bombay.
2. Nawab Sir Sahibzada Abdul Qaiyum Khan, K.C.I.E.	.. Peshawar.
3. Sir C. P. Ramaswami Aiyar, K.C.I.E.	.. Madras.
4. *Sir Satyid Ali Imam, K.C.S.I.	.. Patna.
5. Dr. B. R. Ambedkar	.. Bombay.
6. U Ba Pe	.. Rangoon.
7. Srijut Chandradhar Barooah	.. Jorhat (Assam).
8. Mr. J. N. Basu	.. Calcutta.
9. *Mr. E. C. Benthall	.. Calcutta.
10. Sir Shah Nawaz Khan Bhutto, C.I.E., C.B.E.	.. Larkana (Sind).
11. Rai Bahadur Kunwar Bisheshwar Dayal Seth	.. Biswan (Sitapur, U.P.)
12. Sir Huber Carr	.. Calcutta.
13. Mr. G. Y. Chintamani	.. Allahabad.
14. *Sir Manackji Dadabhoj, K.C.I.E.	.. Nagpur.
15. Maharajahdiraja of Darbhanga	.. Darbhanga (B. & O.).
16. *Maulana Shafi Daoodi	.. Patna.
17. *Dr. S. K. Datta	.. Calcutta.
18. Sir Oscar deGlanville, C.I.E., O.B.E.	.. Rangoon.
19. Mr. Fazl-ul-Huq	.. Calcutta.

Names.	Places of Residence in India.
20. *Mr. M. K. Gandhi	Ahmedabad.
21. Mr. M. M. Ohn Ghine	Rangoon.
22. Mr. A. H. Ghuznavi	Calcutta.
23. Sir Ghulam Hussain Hidayatullah	Bombay.
24. Lieut.-Colonel Sir Henry Gidney	Calcutta.
25. *Sir Padamji Ginwala	Bombay.
26. *Mr. V. V. Giri	Madras.
27. Khan Bahadur Hafiz Hidayat Husain	Cawnpore.
28. *Sir Muhammad Iqbal	Lahore.
29. *Mr. A. Rangauwami Iyengar	Madras.
30. Mr. B. V. Jadhav	Bombay.
31. Mr. M. R. Jayakar	Bombay.
32. Sir Cowasji Jehangir (Junior), K.C.I.E., O.B.E.	Bombay.
33. Mr. M. A. Jinnah	Bombay.
34. Mr. T. F. Gavin Jones	Cawnpore.
35. Mr. N. M. Joshi	Bombay.
36. *Pandit Madan Mohan Malaviya	Allahabad.
37. *The Hon'ble Nawab Sahibzada Sir Syed Muhammad Mehr Shah.	Jhelum District.
38. The Hon'ble Sir P. C. Mitter, C.I.E.	Calcutta.
39. Mr. H. P. Mody	Bombay.
40. Dr. B. S. Moonje	Nagpur.
41. Diwan Bahadur A. Ramaswami Mudaliar	Madras.
42. The Hon'ble Captain Nawab Sir Muhammad Ahmad Said Khan, Nawab of Chhitari, K.C.I.E., M.B.E.	Lucknow.
43. Sir Muhammad Shafi, K.C.S.I., C.I.E.	Lahore.
44. *Mrs. Sarojini Naidu	Bombay.
45. Diwan Bahadur Raja Narendra Nath	Lahore.
46. Dr. Narendra Nath Law	Calcutta.
47. *The Hon'ble Sayed Muhammad Padshah	Madras.
48. Rao Bahadur A. T. Pannirselvam	Tanjore.
49. Raja of Parlakimedi	Parlakimedi (Madras Presidency).
50. Rao Bahadur Sir A. P. Patro	Madras.
51. Diwan Bahadur M. Ramachandra Rao	Ellore (Madras Presi- dency).
52. Sardar Sampuran Singh	Lyallpore (Punjab).
53. Sir Tej Bahadur Sapru, K.C.S.I.	Allahabad.
54. The Right Hon'ble Srinivasa Sastri, C.H.	Madras.
55. Sir Chimanlal Setalvad, K.C.I.E.	Bombay.
56. Sir Pheroze Sethna, O.B.E.	Bombay.
57. Dr. Shafiq Ahmad Khan	Allahabad.
58. Begum Shah Nawaz	Lahore.
59. *Maulana Shaukat Ali	Bombay.
60. Captain Raja Sher Muhammad Khan of Domeli	Jhelum District.
61. Mr. B. Shiva Rao	Madras.
62. M. R. Ry. Rao Bahadur R. Srinivasan Ayl.	Poonamalle Cantt. (Madras Presidency).

	Names.	Places. of Residence in India.
63.	Mrs. Subbarayan	Madras.
64.	Sir Sayed Sultan Ahmad	Patna.
65.	Mr. Shripad Balwant Tambe	Nagpur.
66.	U Aung Thin, K.S.M.	Mandalay.
67.	*Sir Purshotamdas Thakurdas, C.I.E., M.B.E.	Bombay.
68.	Sardar Sahib Sardar Ujjal Singh	Mianchannu (Punjab).
69.	Sir Edgar Wood	Madras.
70.	Mr. Zafrullah Khan	Lahore.

Those against whose names an asterisk has been placed were not members of the Conference last year.

APPOINTMENT OF SIKH GAZETTED OFFICERS TO THE NORTH WESTERN RAILWAY.

481. *Lala Hari Raj Swarup (on behalf of Sardar Sant Singh) : Will Government be pleased to state :

- (a) what are the names and qualifications of the candidates who have been recommended for appointments in the lower gazetted service by the North Western Railway ;
- (b) what are the necessary qualifications prescribed for appointments in the lower gazetted service ;
- (c) how many Sikh subordinates in the North Western Railway possess the same and higher qualifications ; and
- (d) why the rights of the Sikhs at the time of making recommendations for appointments in the lower gazetted service have been ignored by the North-Western Railway administration ?

Mr. A. A. L. Parsons : (a) and (b). The Honourable Member's attention is invited to Part I of the Gazette of India, dated the 29th August, 1931, notifying the promotions made to the lower gazetted service. Men are selected for promotion to that service on their records in railway employment.

(c) and (d). The men who were promoted were considered better qualified than those not promoted. I may point out that no one has any right to such promotion.

APPOINTMENT OF SIKHS TO ACCOUNTS SERVICES ON THE NORTH WESTERN RAILWAY.

482. *Lala Hari Raj Swarup (on behalf of Sardar Sant Singh) : (a) Will the Government of India place on the table a statement showing the number of Sikhs, giving names, in the following services of the North Western Railway and the total number of appointments held by all communities on the 30th June, 1929, 30th June, 1930, and 30th June, 1931,

along with their present grades :—(1) Auditors, (2) Accounts Officers, (3) Assistant Accounts Officers promoted from Accountants, and (4) Qualified Accountants and I. C. G.'s for promotion to Assistant Accounts Officers ?

(b) If the number of the Sikhs is very small will the Government of India kindly state the reason why no attempt has been made to recruit qualified Sikhs in these services ?

(c) Have the Government of India received any representation from the Sikh Rights Protection Society, Lahore ? If so, what reply was given to their representation ?

Mr. A. A. L. Parsons : (a) and (b). For reasons which I have before explained in this House, Government regret they are not prepared to give figures showing the composition by communities of the staff of individual railway offices.

(c) A representation was received in June last from the Sikh Rights Protection Society, on the subject of the representation of Sikhs in the lower gazetted services on Railways. The reply given was that appointments to the lower gazetted service are, as a rule, made by promotion of selected subordinates, and that the policy of Government is to make promotions on the basis of merit, having due regard to seniority, irrespective of communal considerations.

FAILURE TO APPOINT A SIKH TO THE SANDHURST COMMITTEE.

483. *Lala Hari Raj Swarup (on behalf of Sardar Sant Singh) :
(a) Will the Government of India state the proportion of the Sikhs in the British Army in 1930 ?

(b) Is it not a fact that the Sikhs at the time of the Great War contributed 1 out of 4 able-bodied men and the contribution of the Sikhs was highest ?

(c) Will the Government of India, explain the reason why no Sikh public man was nominated on the Military College Committee known as the Sandhurst Committee ?

(d) Did Government receive any representation from the Sikh public bodies in this connection ?

(e) If so, what action do Government propose to take to remove this grievance of the Sikhs ?

Mr. G. M. Young : (a) About 15 per cent.

(b) The number of Sikhs recruited during the War was about 89,000, or 12 per cent. of the total number of recruits of all classes.

(c) The Indian Military College Committee was composed of experts. Out of the ten non-official members, two were Sikhs.

(d) Yes, and from other communities also.

(e) Government do not admit that there is a grievance.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE ACCOUNTANT GENERAL, PUNJAB.

484. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) :
 (a) Will Government be pleased to state if the number of Sikh employees in the office of the Accountant General, Punjab, as given below is correct :

	<i>No. of appointments.</i>	<i>No. of Sikhs.</i>
1. Assistant Accounts Officers ..	7	1
2. Superintendents	40	2
3. Permanent Divisional Accountants ..	75	7
4. Temporary and Officiating Accountants	65	8
5. Permanent Clerks	389	20
6. Temporary and Officiating Clerks ..	85	14

(b) Is it a fact that the attention of Government was drawn by the Sikh Rights Protection Society, Lahore, to the inadequate representation of the Sikhs in this Department ? What action did Government take to remove the grievance of the Sikhs ?

(c) Is it not a fact that a Sikh clerk has been discharged in spite of the fact that the representation of the Sikhs is already very small ?

(d) What steps do Government propose to take to grant adequate representation to the Sikhs in this office ?

The Honourable Sir George Schuster : Enquiry is being made and a reply will be sent to the Honourable Member as soon as possible.

APPOINTMENT OF SIKHS TO THE INDIAN CIVIL SERVICE IN THE PUNJAB.

485. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) :
 (a) Are the Government of India aware of the fact that in the entire Indian Civil Service in the Punjab there is one Keshadhari Sikh and one Sahjdhari Sikh ?

(b) Will Government kindly explain what steps they have taken to remove this communal inequality in this service ?

The Honourable Sir James Crerar : (a) There are five Sikhs in the Indian Civil Service in the Punjab, of whom three are Keshdharis.

(b) Since 1925, five Sikh candidates have been appointed to the Service. Of these, two secured appointment by open competition in London, and three were nominated in India to vacancies reserved for the redress of communal inequalities.

REPRESENTATION OF SIKHS AND HINDUS ON THE PESHAWAR MUNICIPAL COMMITTEE.

486. ***Lala Hari Raj Swarup** (on behalf of Sardar Sant Singh) :
 (a) Are the Government of India aware of a strong feeling amongst the Hindus and the Sikhs against the distribution of seats in the Peshawar Municipality ? Was any representation submitted by them on the 9th April, 1931 ?

(b) Did the Government of India receive a copy of the letter addressed to the Revenue Commissioner, North-West Frontier Province, from the Sikh Rights Protection Society, Lahore, protesting against applying the ingenuous " Punjab Formula " where the communities to a certain extent are equally balanced, as the said formula will not give protection to a small minority like the Sikhs ? (The letter was published in the *Tribune*, dated the 13th June, 1931). Will the Government of India state their reasons for adhering to the said formula ?

(c) After reviewing the whole question the Government of India are requested to state if it is proposed to introduce joint electorates with reservation of seats for minorities, as is done in the Lahore Municipality as stated in the above referred letter of the Sikh Rights Protection Society, Lahore ? If not, why not ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) Representations have been received from members of the Hindu and Sikh communities expressing dissatisfaction at the proposed distribution of elected seats in the Peshawar Municipality. A representation was submitted by the Hindu and Sikh Members of the Peshawar Municipality to the Revenue Commissioner, North-West Frontier Province, on the 9th April, 1931.

(b) The Honourable Member is presumably referring to a letter, dated the 2nd June, 1931. A copy of it was received by the Government of India. The formula referred to by the Honourable Member takes into account not only the population, but also the voting strength of the various communities.

(c) This part of the question is not understood. The system of joint electorates with reservation of seats does not prevail in the Municipal Committee of Lahore. Separate electorates for Hindus and Sikhs have been provided in the Frontier Province at the request of the leaders of these communities, as the choice of the mode of representation was left to the minority communities.

**APPOINTMENT OF SIKHS TO THE TELEGRAPH ENGINEERING DEPARTMENT,
LAHORE DIVISION.**

487. *Lala Hari Raj Swarup (on behalf of Sardar Sant Singh) :
(a) Will Government be pleased to state if the number of Sikh employees in the Telegraph Engineering Department of Lahore Division as given below is correct ?

	<i>No. of appointments.</i>	<i>No. of Sikhs.</i>
1. Engineering Supervisors, Telegraphs	13	Nil.
2. Engineering Supervisors, Telephones	7	Nil.
3. Telephone Mistries	13	Nil.
4. Telegraphs Mistries	6	Nil.
5. Electric Mistries	4	Nil.
6. Line Inspectors	3	Nil.
7. Clerks Divisional Office, Time Scale	21	2
8. Telephone Inspectors	10	2
9. Telephone Operators	71	5
10. Battery men	8	Nil.
11. Peon	9	Nil.
12. Wiremen coolies	8	Nil.
13. Sub-Inspectors	42	3
14. Linemen	311	10

(b) Is it a fact that the attention of Government was drawn by the Sikhs' Rights Protection Society, Lahore, to the inadequate representation of the Sikhs in this Department? What action did Government take to remove this grievance of the Sikhs?

(c) What steps, if any, do Government propose to take to grant adequate representation to the Sikhs in this Division?

Mr. J. A. Shillidy : (a) Enquiries are being made and the result will be intimated to the Honourable Member separately.

(b) Yes. The subject is under examination.

(c) The recruitment of Sikhs is governed by the rule relating to the recruitment of minority communities.

Dr. Ziauddin Ahmad : What is the percentage of Sikh population in India? Is it not less than 1 per cent.?

Mr. J. A. Shillidy : I am afraid I can only refer the Honourable Member to the last Census Report.

ABOLITION OF LEAVE RESERVE OFFICERS IN THE METEOROLOGICAL DEPARTMENT.

488. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state :

(a) how many Leave Reserve Officers there are for the Meteorological Department ;

(b) whether they are intended to cover the leave taken by officers in sub-offices of the Department ;

(c) on how many occasions since the introduction of the leave reserve, officers in sub-offices went on leave ;

(d) on how many of these occasions were the Leave Reserve Officers sent to sub-offices to relieve the officers on leave ;

(e) whether Government contemplate abolishing the Leave Reserve Officers ; and

(f) if the answer to part (e) is in the negative, for what reasons ?

Mr. J. A. Shillidy : (a) There are two posts which were created as "leave and training reserve".

(b) These two posts are intended to train suitable men in order to fill up vacancies in the Department as they arise, as well as to provide a leave reserve.

(c) and (d). Information will be obtained.

(e) The question of abolishing these two posts will receive consideration of the Government when the future of the Department, in view of the retrenchment proposals, comes under examination.

(f) Does not arise.

ABOLITION OR REDUCTION OF THE INSTRUMENT SECTION OF THE METEOROLOGICAL OFFICE, POONA.

489. ***Mr. C. S. Ranga Iyer :** (a) Will Government please state :

(a) whether there is an Instrument Section attached to the Meteorological Office at Poona ;

- (b) how many officers and clerks are in charge of this section ;
- (c) what are the duties of the said officers and clerks ;
- (d) what is the cost of running this section alone ;
- (e) whether they intend to abolish it ; if not, why not ; and
- (f) whether they intend reducing the expenditure on it ; if so, to what extent and when ?

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

(b) and (d). The information is being collected and will be communicated to the Honourable Member in due course.

(c) The section is responsible for the general supervision of instruments in use in the Meteorological Department, for specifications of new instruments and for routine observational work at headquarters.

(e) No ; Government do not consider that it will be economical to abolish this section. During the year 1929-30 a saving of Rs. 15,850 was effected by this section by repairing two types of old unserviceable meteorological instruments alone.

(f) Government have no such proposal before them at present ; the other part of the question does not arise.

ABOLITION OF LEAVE RESERVE OFFICERS IN THE METEOROLOGICAL DEPARTMENT.

490. ***Mr. C. S. Ranga Iyer :** Will Government state whether it is a fact that the heads of all sub-offices of the Meteorological Department have demanded the abolition of the Leave Reserve Officers ? If so, why then the delay to abolish them ?

Mr. J. A. Shillidy : Government have no information. The latter part of the question does not arise.

COMMUNITIES REPRESENTED IN THE STAFF OF THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

491. ***Maulvi Badi-uz-Zaman :** Will Government be pleased to state :

- (a) the number of gazetted and non-gazetted officers, including the clerical and menial staff, employed in the Income-tax Department in the Province of Bihar and Orissa ;
- (b) the representation of the various communities in the different gazetted and non-gazetted posts in the Income-tax Department in Bihar and Orissa ;
- (c) the percentage of the representation of the various communities in the different gazetted and non-gazetted posts in the Income-tax Service in Bihar and Orissa ;

The Honourable Sir George Schuster : (a) and (b). A statement is laid on the table, containing the information required by the Honourable Member except in regard to menials. Information regarding menials has been called for and will be communicated to the Honourable Member when received.

(c) The Honourable Member will be able to work out the percentages himself from the figures supplied in the statement.

Statement showing the communal composition of the Income-tax Department of Bihar and Orissa as it stood on 31st December, 1930.

	Total No.	Hindus.	Muslims.	Others.
1. Gazetted—				
(a) Assistant Commissioners	2	..	..	2
(b) Income-tax Officers	18	15	1	2
(c) Assistant Income-tax Officers ..	3	2	1	..
2. Non-Gazetted—				
(a) Inspector-Accountants (non-clerical).	11	9	2	..
(b) Clerical	92	69	18	5

Lala Jagan Nath Aggarwal : Will the Honourable Member consider the desirability of supplying figures relating to the amount of income-tax paid by the various communities in this province ?

The Honourable Sir George Schuster : I think the point raised by my Honourable friend will be dealt with in answer to part (d) of the following question.

COMMUNITIES REPRESENTED IN THE STAFF OF THE INCOME-TAX DEPARTMENT IN BIHAR AND ORISSA.

492 ***Maulvi Badi-uz-Zaman :** (a) Will Government be pleased to state if the recruitment to the Income-tax Service is made on an all-India basis or on Provincial basis ?

(b) Will Government state whether the different major and minor communities in Bihar and Orissa are adequately represented in the Income-tax Service ?

(c) If the reply to part (b) is in the negative, what immediate steps do they propose to take in order to adjust the communal difference ?

(d) Will Government be also pleased to state the number of Muslim Income-tax assesseees in Bihar and Orissa ?

The Honourable Sir George Schuster : (a) Appointments of all officers below the rank of Commissioner of Income-tax are made on a provincial basis.

(b) The Government of India consider that there may be room for adjustment in the communal composition of the service as it now stands.

(c) No measures for adjusting inequalities can be taken except to secure that future recruitment is conducted on the lines prescribed by

the Government. In the present financial circumstances, immediate recruitment of new staff on a large scale is not possible.

(d) No record is kept of the communities to which assessees belong.

CORRESPONDENCE RELATING TO BREACHES OF THE PACT WITH THE CONGRESS.

493. *Mr. C. S. Ranga Iyer : (a) Has the attention of Government been drawn to a telegram, dated Allahabad, August 18, published in the *Madras Mail* of August 19th, under the title "Government and Mr. Gandhi" containing a statement of the United Provinces Congress leader, Pundit Jawaharlal Nehru, in which the following passage occurs : "The correspondence published by the Government is not complete especially regarding the United Provinces" ?

(b) Do Government propose to publish the entire correspondence between the United Provinces Congress and the Government of India relating to the Gandhi-Irwin Pact and the alleged breaches thereof ? If not, why not ?

(c) Has the attention of Government been drawn to the following further statement of Pundit Jawaharlal Nehru in the telegram referred to above : "The contention was that there have been numerous breaches of the terms of the Pact on the part of the Government of the United Provinces" ?

(d) Will Government be pleased to state what were the breaches as contended by the Congress Party in the United Provinces ?

The Honourable Sir James Greer : (a) and (c). I have seen Press reports of the statements to which the Honourable Member refers.

(b) and (d). I invite the Honourable Member's attention to the statement published in a Gazette of India Extraordinary on the 24th August, 1931.

UNEMPLOYMENT IN INDIA.

494. *Bhai Parma Nand : Will Government be pleased to state :

(a) if it is a fact that the number of the unemployed is increasing in India ;

(b) whether they are aware that unemployment has assumed serious proportions among the literate class ; and

(c) if so, what steps they propose to take to remedy the evil ?

Mr. J. A. Shillidy : I would invite the Honourable Member's attention to the answer given by me to question No. 70 asked by the Honourable Rai Bahadur Ram Saran Das in the Council of State on the 9th July, 1930.

RETRENCHMENTS IN THE ARMY DEPARTMENT.

495. *Mr. S. C. Mitra : (a) Will Government be pleased to state the scales of pay of the Personal Assistant to the Army Secretary and the scales of pay of the Personal Assistants of other Secretaries to the Government of India ?

(b) Will Government be pleased to state the total length of service of the Personal Assistant to the Army Secretary ?

(c) Will the Honourable Member kindly state the names, the length of services, educational qualifications and the designations of those men of the Army Department who have been served with notices as a result of the retrenchment in the Army Department ?

(d) Is it a fact that Rai Bahadur A. P. Dube has got longer service than some of the retrenched men and, if so, why has he not been retrenched and why has he not been served with a notice ?

Mr. G. M. Young : (a) The pay of the Personal Assistant is Rs. 500—40—700 a month if he is below the Superintendent's grade at the time of appointment, and Rs. 600—40—800 a month if he is a Superintendent. There is no corresponding post in other Departments.

(b) 27 years and 4 months.

(c) A statement is laid on the table.

(d) No, Sir, not among those of his grade. The rest of this question does not arise.

Total length of service of the persons retrenched from the Army Department Secretariat.

Name.	Designation.	Educational qualifications.	Total length of service.
			Yr. Ms.
Mr. A. P. Bates ..	Officer-in-Charge, Medal Distribution.	Passed Matriculation Examination.	31 5
Rai Sahib H. D. Ghosh.	Superintendent ..	Ditto ..	27 5
Mr. S. Banerjee ..	Do. ..	Passed F. A. Examination ..	28 10
Mr. W. G. MacLeod	Do. ..	No University qualification ..	32 8
Mr. R. A. Pereira ..	Assistant ..	High School Pass Examination (Bengal).	25 6
Mr. G. I. Cunliffe ..	Do. ..	Passed Matriculation Examination.	29 5
Mr. N. C. Banerjee ..	Clerk ..	No University qualification ..	25 11
Mr. D. N. Bose ..	Do. ..	Ditto ..	15 2
Mr. M. N. Banerjee	Do. ..	Ditto ..	24 7

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

496. ***Mr. S. C. Mitra :** (a) Is it a fact that a Resolution was moved in the Council of State for Indianising the superior services in the Engineering Department of the Calcutta Port Trust in 1922 ?

(b) Is it a fact that the said Resolution was accepted by Government ?

The Honourable Sir George Rainy : (a) and (b). A Resolution recommending that steps be taken to increase the number of Indians in the higher grades in the service of the Port Trusts in India was adopted in the Council of State in 1922 and was accepted by the Government of India.

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

497. ***Mr. S. C. Mitra :** (a) Are Government aware that 5 posts of Assistant Engineers on the maintenance side and four for King George's Dock construction were created by the Port Trust in 1922 for bringing about the Indianisation of the superior posts of the Engineering Department of the Calcutta Port Trust ?

(b) If the answer to part (a) be in the negative, do Government propose to enquire into the matter and state the facts of the case ?

The Honourable Sir George Rainy : With your permission, Sir, I will reply to questions Nos. 497 to 501 together.

The Government of India have no information but have made enquiries in the matter and will communicate the result to the Honourable Member.

REDUCTION OF INDIAN ENGINEERS BY THE CALCUTTA PORT TRUST.

498. ***Mr. S. C. Mitra :** (a) Are Government aware that in 1926 it was decided to transfer the Engineers from King George's Dock on its completion to the maintenance section of the Calcutta Port Trust ?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state how many Indian and European Engineers were so transferred to the maintenance section ?

(c) Is it a fact that all the Indian Engineers so transferred were eliminated from time to time and all the Europeans so transferred were eventually confirmed in the maintenance section ? If so, will Government be pleased to state the reasons of this elimination of the Indian Engineers and confirmation of European Engineers ?

(d) Are Government aware that this reduction of Indian Engineers was done by the Chief Engineer, Calcutta Port Trust, against the decisions of the Commissioners for the Calcutta Port Trust ? If not, do Government propose to inquire into the matter and take steps against the person responsible for the reduction of Indian Engineers ? If not, why not ?

RACIAL DISCRIMINATION IN PAY IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

499. ***Mr. S. C. Mitra :** (a) Is it a fact that there are different designations with different rates of pay for the Indians and Europeans employed in the Engineering Department of the Calcutta Port Trust ? If so, will Government be pleased to state the reasons why this racial discrimination is

†For answer to this question, see answer to question No. 497.

being maintained in the said Department? Do Government propose to do away with this racial discrimination? If not, why not?

(b) Do Government propose to have one cadre of service for the different grades of appointments in the Engineering Department of the Calcutta Port Trust, so that the Indians and Europeans may have equal chances of appointment? If not, why not?

INDIANISATION OF SUPERIOR SERVICES IN THE ENGINEERING DEPARTMENT OF THE CALCUTTA PORT TRUST.

†500. *Mr. S. C. Mitra : (a) Are Government aware that the number of Europeans employed in the Superior Engineering Establishment of the Calcutta Port Trust has been raised from 8 in 1913 to 14 in 1931?

(b) If so, will Government be pleased to state the reasons for the gradual increase in the number of Europeans?

(c) Do Government propose to instruct the Calcutta Port Trust to take immediate steps to reduce the number of Europeans and increase the number of Indians in the Superior Engineering Establishment of the said Trust? If not, why not?

ABOLITION OF THE POST OF DEPUTY CHIEF ENGINEER, CALCUTTA PORT TRUST.

†501. *Mr. S. C. Mitra : (a) Is it a fact that a post of Chief Mechanical Engineer has been created by the Calcutta Port Trust and is it a fact that the King George's Dock construction has also been completed?

(b) If so, will Government be pleased to state whether the work of the Chief Engineer has been lightened thereby? If so, do Government propose to do away with the post of the Deputy Chief Engineer, Calcutta Port Trust, and transfer his work to the Chief Engineer? If not, why not?

ALLEGED FAVOURITISM IN THE ARMY DEPARTMENT SECRETARIAT.

502. *Mr. S. C. Mitra : (a) Is it a fact that the Army List Section was under the Army Headquarters up to 1920 and in 1924 the section was brought under the Army Department Secretariat?

(b) Is it a fact that there was no post of an Assistant Army List Compiler in the Army Department up to April, 1926?

(c) Is it a fact that the post was created in May, 1926, and that one Mr. Avasthi, who became the son-in-law of Rai Bahadur A. P. Dube of the Army Department in that year was appointed to that post?

(d) Is it a fact that the Personal Assistant to the Army Secretary has been put in charge of the Establishment of the Army Department Secretariat? Are Government aware that there is a great discontent in the office against his nepotism and favouritism? Do Government propose to remove the establishment from his hands? If not, why not?

(e) Is it a fact that the post of Mr. Avasthi was exempted from the scope of the Public Service Commission? If so, why? Are Government aware that the post was created as a technical one, and that this allowed

†For answer to this question, see answer to question No. 497.

of the appointment of an outsider like Mr. Avasthi ? If not, do Government propose to make a sifting inquiry into the matter and place the result on the table of this House ?

(f) Is it a fact that the creation of the post was kept confidential till the appointment of Mr. Avasthi was announced and that no advertisement was published in the papers for that technical post ?

(g) Is it a fact that Mr. Avasthi had no previous experience either as a Compiler or even as an office assistant in the Government of India before he was appointed to that post ?

(h) If the answers to parts (e), (f), (g) are in the affirmative, will Government be pleased to state the reasons why Mr. Avasthi was given a preference over the claims of other graduates who were working in the second and third divisions in the Army Department at the time ?

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

(b) and (c). The answer is in the affirmative, except that the post was created in May 1928, and not in April 1926.

(d) The Personal Assistant deals with matters affecting the clerical establishment of the Army Department, under the control of the officer in charge. The second part of this question is entirely without foundation. Government do not propose to make any change in the existing office arrangements.

(e), (f), (g) and (h). The circumstances in which this appointment was created were explained very fully to this House in answer to question No. 909, dated the 24th September 1928, and to unstarred question No. 464, dated the 21st September 1928.

It is not a fact that the post was created as a technical one, nor that its creation was kept confidential. A large number of applicants were considered for the post, and several were interviewed by the Establishment Officer before the final selection was made.

CASUALTIES AMONG HINDUS AND MUHAMMADANS IN THE RECENT DISORDERS IN DERA ISMAIL KHAN.

503. **Bhai Parma Nand :** (a) What is the number of casualties of Hindus and Muhammadans, separately, in the recent disorder in Dera Ismail Khan ?

(b) What is the approximate estimate of the loss which the Hindus and the Muhammadans suffered, separately, by arson and loot ?

(c) What is the number of Hindus and Muhammadans in the list of officers and rank and file of police in Dera Ismail Khan ?

(d) Are Government aware of the allegations of Hindus against the police for not helping in putting down the fire ?

(e) How did this disorder and lawlessness originate ?

Mr. H. B. Howell : Enquiry has been made from the Local Administration and the information will be supplied to the Honourable Member as soon as a reply is received.

FEARED DUMPING OF AMERICAN COTTON INTO INDIA.

504. **Bhai Parma Nand :** (a) Are Government aware that the Department of Agriculture of the United States of America has published a report to the effect that the present cotton crop in the United States would yield 15½ million bales of cotton, to which adding 9 million bales of carry over, there will be 24½ million bales of cotton, which would be sufficient to supply the cotton world for two years ?

(b) Will Government be pleased to say what was the value of cotton imported into India during the last two years, that is, in 1929-30, and 1930-31 ? Was the value of cotton imported Rs. 6,32,50,443 in 1930-31 against Rs. 3,41,12,298 in the previous year ?

(c) Will Government be pleased to state how and to what extent the increased import of cotton into India has affected the area under cotton crop in the present cotton season ?

(d) Do Government entertain any fear of cotton from America being dumped into India, and further lowering the price of cotton produced in India, which has already fallen abnormally ?

(e) Do Government fear that the abnormal fall in the price of cotton would materially affect the capacity of agriculturists, in cotton-growing districts throughout India, to pay Government revenue ?

(f) What steps do Government propose to take for the protection of their own interests, as well as those of the cotton growers in India ?

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

(b) The Honourable Member's figures are approximately correct. To be exact, the value of cotton imported into India during 1929-30 and 1930-31 was Rs. 3,42,14,922 and Rs. 6,38,93,631, respectively.

(c) It is believed that the increased import of American cotton into India has not affected the area under cotton in India. Though the first cotton forecast published last month showed a fall of 6 per cent. in the area under cotton, it is expected that the final figures will show that the area under cotton this year is not less than it was last year.

(d) No.

(e) The fall obviously makes it more difficult for agriculturists in cotton growing districts to pay their land revenue.

(f) Government have not yet succeeded in deciding upon special steps which can with advantage be taken.

THE REBELLION IN BURMA.

505. ***Rao Bahadur M. C. Rajah :** Will Government be pleased to state with regard to the present rebellion in Burma :

(a) the causes therefor ;

(b) the exact or approximate number of lives lost and injured in each of the communities, Indian, Burmese, Chinese and European, and the extent of the loss of property sustained respectively by each of these communities ; and

(c) whether the Government of Burma have considered the question of adequately compensating the sufferers for their losses and, if so, with what result ?

The Honourable Sir James Ozerar : (a) I would invite the Honourable Member's attention to the report of the Government of Burma, dated the 8th May, 1931, a copy of which has been placed in the Library.

(b) Casualties among Government servants are as follows :

Europeans	..	..	..	..	6
Indians	..	..	..	..	79
Burmans	..	..	..	..	83
Others	..	..	..	..	6

The number of other casualties, that is among the rebels and others, is estimated at something over 2,000, but no exact figure is available at present. I regret that it is not possible to give any estimate of the loss of property.

(c) The cases of Government servants will be dealt with, where necessary, under service rules. For the rest, I would refer the Honourable Member to the reply I have already given to part (c) of Mr. Ranga Iyer's question No. 314 on the 15th September.

GRANT OF LEE PASSAGE CONCESSIONS TO NON-ASIATIC NON-SUPERIOR OFFICERS IN RAILWAY SERVICE.

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

- (a) whether it is a fact that orders have been passed to grant the Lee Passage Concessions to all non-Asiatic non-superior officers in the Railway Service ; if so, with effect from what date ;
- (b) whether there was any representation or request from such employees for the grant of this concession and whether the various Agents were consulted in the matter ;
- (c) whether Government will be pleased to lay the correspondence on the table ;
- (d) what will be the probable total expenditure involved during the ensuing year ; and
- (e) if the approval of the Standing Railway Finance Committee was obtained before final orders were passed ?

Mr. A. A. L. Parsons : (a) Orders have been passed sanctioning the passage concessions on the scale and conditions prescribed in the Superior Civil Services Rules, but substituting 2nd Class B for 1st Class B passages to non-Asiatic non-superior employees in the Railway Department recruited outside India and under certain conditions to such employees recruited in India. These orders came into force with effect from the 1st April 1930.

(b) Yes.

(c) Government do not propose to lay the correspondence on the table.

(d) A reliable estimate can be made only after certain questions connected with the rules, which the Government of India have under consideration, are decided.

(e) No.

Mr. K. P. Thampan : May I know whether the Railway Retrenchment Committee was asked if the Lee concession passages in regard to railway servants could be abolished or not ?

Mr. A. A. L. Parsons : I am not quite sure to what extent I am entitled to say what is going on inside the Retrenchment Sub-Committee at present and which may come out in their report : but I may say that this matter is being considered.

Mr. K. P. Thampan : Will Government be pleased to make a special reference to this Committee to consider whether these concessions should not be cut out in view of the large deficit with which the Railways are going to be faced next year ?

Mr. A. A. L. Parsons : As I have explained, the Railway Retrenchment Committee has taken up this particular subject.

Dr. Ziauddin Ahmad : Is it within the jurisdiction of the Railway Retrenchment Committee to make a recommendation on this point ?

Mr. A. A. L. Parsons : I imagine that they consider so or they would not have discussed it in the Railway Board.

Mr. K. P. Thampan : Supposing it is not within the ambit of the terms of reference of that Committee, will Government take it upon themselves and consider the advisability of abolishing these concessions ?

Mr. A. A. L. Parsons : As far as I know, the point has been considered to be within the ambit of the terms of reference.

Mr. Gaya Prasad Singh : Do Government propose to withdraw the Lee concessions as a measure of retrenchment during these times of financial stringency.

Mr. A. A. L. Parsons : That, Sir, is a question of which I am afraid notice will have to be given, and then it will not fall to my lot to answer it.

Mr. Gaya Prasad Singh : May I take it that this question did not enter into their consideration before this—the question of withholding the Lee concessions ?

Mr. A. A. L. Parsons : As I have explained, that is a question of which notice should certainly be given and if notice were given it would not fall to me to answer it : it is a general question affecting all Departments of Government.

Mr. Gaya Prasad Singh : I was referring to the Railway Services with which the Honourable gentleman is concerned.

The Honourable Sir George Rainy : I think it is obvious that a matter of this kind could not be considered by one Department in isolation. If it is considered at all, it must be considered with reference to all Departments.

Mr. C. S. Ranga Iyer : Has any correspondence passed between the Government of India and the Secretary of State with regard to the abolition of the Lee concessions in view of the present existing circumstances, economic and otherwise ?

The Honourable Sir George Rainy : The Honourable Member ought clearly, I think, to give notice of that question.

Mr. C. S. Ranga Iyer : Will the Government be pleased to state if the Government of India propose to recommend to the Secretary of State to abolish the Lee concessions during the present crisis ?

The Honourable Sir George Rainy : Equally, the Honourable Member should give notice of that question.

Mr. C. S. Ranga Iyer : Will the Government be pleased to consider recommendation of this matter to the Secretary of State in view of the economic and financial crisis in this country ?

The Honourable Sir George Rainy : I think, Sir, I must again say that the Honourable Member should give notice of that question.

Mr. C. S. Ranga Iyer : I would at least strongly urge on the Leader of the House that the House should be given an opportunity to express its views on this matter : since at question time the Government want to shirk their responsibility of informing this House and through this House the country, I think it is very deplorable.

The Honourable Sir George Rainy : On a point of order, Sir : is the Honourable Member asking a question ?

Mr. C. S. Ranga Iyer : May I know whether the Government propose to inform the country through this House as to what steps they propose to take in regard to the Lee concessions and when they propose to take it ?

Mr. President : I wish once again to point out to the Honourable House that there is no rule or Standing Order which compels Government to give answers to questions. Honourable Members on the Treasury Benches are entitled to say that they want notice of a question put as a supplementary question. I have stated previously that Honourable Members on the Opposition Benches have their remedy under the rules and Standing Orders.

Mr. C. S. Ranga Iyer : As I find, Sir, that the Honourable gentleman's answer is very unsatisfactory. I propose to table an Adjournment Motion to-morrow.

Mr. K. Ahmed : Do the recommendations of the Lee Commission come within the ambit of enquiry by the Retrenchment Committee ? If so, may I know whether the subject comes under the General Purposes Committee or any other Retrenchment Committee.....

Mr. President : Are you asking a supplementary question ?

Mr. K. Ahmed : Yes, Sir : I want to know if the subject matter of the Lee concessions comes under the ambit of the General Purposes Committee on Retrenchment or it comes under any other Retrenchment Committee ?

Mr. Jagan Nath Aggarwal : I am afraid, Sir, we have not been able to follow the supplementary question.

Mr. President : Nor have I.

The Honourable Sir George Rainy : In reply to the last remark of my Honourable friend Mr. Ranga Iyer, it is quite open to him to ask for the information by means of a short notice question. I am not endeavouring to put him off, but it cannot be answered now.

THE DELHI TEXT BOOK COMMITTEE.

507. *Bhai Parma Nand : (a) Is it a fact that the staff of the Text Book Committee, Delhi, consists of Muhammadans only ?

(b) Will Government kindly lay on the table a statement of the expenditure on the Delhi Text Book Committee for the three years ending March, 1931 ?

(c) Will Government kindly state what purpose the Committee has served ?

(d) Do Government propose to consider the advisability of abolishing the Committee altogether ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The Honourable Member is quite right in asserting that the whole-time staff of the Delhi Text Book Committee consists of Muhammadans only, but would he mind my supplementing that assertion by adding that it consists of two men only and they are menials.

(b) A statement is laid on the table.

(c) The Text Book Committee (a) advises the Superintendent of Education on the suitability of books for schools in the province, (b) maintains a reference and lending library of school text books for the use of teachers.

An account of its work is found in the Annual Reports on the Administration of the Delhi Province, copies of which are obtainable in the Library.

(d) Not in view of what is said above.

Statement of the expenditure on the Delhi Text Book Committee for the three years ending March, 1931.

Years.	Allowance for part-time service.	Salaries of whole-time staff.	Contingencies.	Total.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1928-29	560 0 0	188 13 0	50 12 6	819 9 6
1929-30	569 8 9	170 5 0	461 7 0	1,221 4 9
1930-31	665 0 0	277 6 2	104 5 2	1,046 11 4

APPOINTMENT OF HINDUS IN THE OFFICE OF THE SUPERINTENDENT OF EDUCATION, DELHI.

508. *Bhai Parma Nand : (a) Is it a fact that the present staff of the Superintendent of Education, Delhi, consists only of Muhammadans ? Is it a fact that the Hindu clerks have been gradually replaced by Muhammadans ?

(b) Are Government prepared to recognize the claims of Hindus for the above Department ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) The answer to both parts of the question is in the negative. The staff consists of four Muslims and three Hindus.

(b) Certainly.

TRANSFER OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI.

509. ***Bhai Parma Nand :** (a) Is it a fact that the Government of India, in consultation with the Punjab Government, agreed to borrow the services of P. E. S. officers for the Delhi civil administration for the two posts, viz., District Inspector of Schools and the Head Master of the Government High School, Delhi, for not more than three years at a time ?

(b) For how many years has the present District Inspector of Schools, Sh. Ghulam Mohey-Uddin, been serving in Delhi ?

(c) Will Government state for how long he will be allowed to hold the present post ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : (a) In accordance with the arrangements approved in June 1930, the services of these officers are borrowed from the Punjab for periods ordinarily not exceeding three years.

(b) About three and half years.

(c) Till he is transferred.

HINDU AND MUHAMMADAN TEACHERS APPOINTED AND DISMISSED ON THE RECOMMENDATION OF THE DISTRICT INSPECTOR OF SCHOOLS, DELHI.

510. ***Bhai Parma Nand :** Will Government kindly state the number of Hindu and Muhammadan teachers in Municipal and District Boards, and Government institutions under their control who have been appointed and dismissed on the recommendation of the present District Inspector of Schools, Delhi, Sh. Ghulam Mohey-Uddin ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : Recommendations of officers of Government in matters of personnel are confidential and it is not in the public interest to disclose them. Information sought as to the number of teachers appointed and dismissed since October 1927 distributed communally is however available. Three teachers have been dismissed, of whom two were Hindus and one Muslim. 106 teachers were appointed, of whom 69 were Hindus, 36 Muslims and 1 Christian.

RECOGNITION OF MUHAMMADAN EDUCATIONAL INSTITUTIONS AND APPOINTMENT OF MUHAMMADAN TEACHERS IN DELHI.

511. ***Bhai Parma Nand :** (a) Will Government kindly state the number of Muhammadan institutions recognised by the Education Department, Delhi, before the appointment of the present District Inspector of Schools and after his appointment ?

(b) Will Government kindly state whether a regular policy has been followed to increase the number of Muhammadan teachers in the Government High School, Delhi ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain : (a) 13 before and 10 after.

(b) Government have considered it desirable that all teachers should not come from one community only and that a reasonable proportion of the appointments at the School should be held by Muslims, of course subject to the requirements of efficiency being satisfied.

QUARTERS OF THE BOARDING HOUSE AT THE GOVERNMENT HIGH SCHOOL, DELHI.

512. ***Bhai Parma Nand :** Will Government kindly state whether there is any proposal for closing the boarding house attached to the Government High School, Delhi, and getting the quarters vacated by the Superintendent of the boarding house with the object of providing quarters for the Head Clerk of the Education office and inspecting staff, etc. ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Hussain : The question of closing the Boarding House of the Government High School, Delhi, not with the object of providing quarters for the clerical and inspecting staff of the Education Department as the Honourable Member seems to suggest, was taken up on grounds of economy. It appears that during the last three or four years the average number of boarders belonging to the Government High School was less than fifteen, while the expenditure of its maintenance was over Rs. 1,000 a year.

GRADATION LIST OF DIVISIONAL ACCOUNTANTS IN THE BOMBAY PRESIDENCY.

513. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether a gradation list of Divisional Accountants is maintained in the Bombay Presidency ?

(b) If the reply to part (a) be in the affirmative, is the list for the Divisional Accountants in the regular P. W. D. and Lloyd Barrage one and the same ?

(c) If so, is the seniority and juniority of such Accountants adhered to according to their number in the list at the time of retrenchment or Barrage amalgamation ; if not, what special reasons are there to depart from the ordinary course ?

(d) Is it a fact that the senior Accountants in the P. W. D. have been reverted and the juniors in the Lloyd Barrage made to continue ?

(e) If the answer to part (d) be in the affirmative, why has this policy been adopted ?

The Honourable Sir George Schuster : With your permission, Sir, I will deal with questions Nos. 513 to 517 together.

Enquiry is being made and a reply will be sent to the Honourable Member in due course.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether notice was not in time to reply to these questions ?

The Honourable Sir George Schuster : I think the Honourable Member may conclude from my reply that the notice was not sufficient to obtain satisfactory information in regard to this mass of detailed questions.

Mr. Lalchand Navalrai : Does the Honourable Member, therefore, propose that in future in his case there ought to be a longer notice ?

(No answer was given.)

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†514. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state whether on the Lloyd Barrage, persons who have not passed the Divisional Test are working as Accountants and Additional Accountants ?

(b) Is it a fact that qualified men from the P. W. D. with good experience and fine records have been made to revert as clerks ?

(c) If the reply to parts (a) and (b) be in the affirmative, what are the reasons for differential treatment ?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†515. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there are any special qualifications required for the post of Divisional Accountants on the Lloyd Barrage which the Accountants in the P. W. D. do not possess ?

(b) Have any Accountants from the P. W. D. been taken up on the Barrage ?

(c) If the answer to part (b) be in the affirmative, have they proved efficient ?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†516. ***Mr. Lalchand Navalrai :** Will Government be pleased to state :

(a) whether the Audit Officer, Lloyd Barrage, has refused to take up as auditors clerks of the P. W. D. who have passed the Divisional Test ;

(b) whether persons from outside with no accounts qualifications have been taken up as auditors ;

(c) what the special reasons are which have prompted the Audit Officer to reject people from the P. W. D. ?

NON-APPOINTMENT OF P. W. D. ACCOUNTANTS ON THE LLOYD BARRAGE SCHEME IN BOMBAY.

†517. ***Mr. Lalchand Navalrai :** (a) Is it a fact that the reverted Accountants and Divisional Test passed clerks of the regular P. W. D. on the Lloyd Barrage represented their grievances to the Auditor General, Delhi ?

(b) Is it a fact that the Auditor General did not interfere ; if so, why ?

(c) Do Government propose to inquire into the whole question and lay down a just policy in connection therewith ?

†For answer to this question, see answer to question No. 513.

PAYMENTS FROM CANTONMENT FUNDS OF COMPENSATION FOR BUILDINGS ON SITES RESUMED BY GOVERNMENT.

518. ***Dr. Ziauddin Ahmad** (on behalf of **Khan Bahadur Haji Wajihuddin**) : (a) Is it a fact that some Cantonment Authorities have made payments from the Cantonment Fund, of compensation for buildings standing on sites to be resumed under Government orders ?

(b) Is it a fact that the purposes for which the Cantonment Fund can be used are specifically detailed in the Cantonments Act ?

(c) Is the payment of compensation for the buildings standing on sites to be resumed among the purposes for which the Cantonment Fund can be used under the Cantonments Act ?

(d) If so, will Government specify the particular section sanctioning such an expenditure ? If not, do Government propose to prevent Cantonment Authorities from spending the Cantonment Fund on such a purpose and arrange the refund of the amount spent so far ?

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

(c) Yes, as the buildings were in a ruinous condition.

(d) Section 117 (k). The expenditure was a source of profit to the Cantonment Authority, as they are now free to develop the sites on a commercial basis, and, under rule, will receive $\frac{1}{4}$ ths of the income.

RESUMPTION OF CERTAIN BUNGALOWS IN NOWSHERA CANTONMENT.

519. ***Dr. Ziauddin Ahmad** (on behalf of **Khan Bahadur Haji Wajihuddin**) : (a) Is it a fact that the **Military Estates Officer, Peshawar Circle**, has issued notices to the owners of bungalows Nos. 64, 65, 66 and 67, Nowshera Cantonment, for their resumption on payment of nominal compensation ranging from Rs. 1,200 to Rs. 1,700 ?

(b) Have the notices been issued under Government orders ? If so, will Government be pleased to state the circumstances under which the resumption has been decided upon ?

(c) Is it a fact that in the notices under reference, it is definitely stated that the **Military Estates Officer** shall enter the bungalows on 31st August, 1931, and take possession thereof by force ?

(d) Will Government refer to the section of the Cantonments Act under which it is empowered to take possession of bungalows sought to be resumed by force ?

(e) Is it a fact that the owners have challenged the right of Government to resume the bungalows and their sites ? Do these bungalows stand on land held as free grant ? Have Government established their right to resume in a Court of Law ?

(f) Are Government aware that the proposal to resume the bungalows and to take possession thereof by force on a certain specified date, has created great unrest among the house-owners of Cantonments ?

(g) Have the Government received representation from the **All-India Cantonments Association** on the subject ? If so, do Government propose to keep the resumption proceedings in abeyance, till the matter is discussed with Government by the Association and Government have an opportunity to hear the other side ?

Mr. G. M. Young : Government have received a representation from the All-India Cantonments Association on the subject, and are awaiting a report from the local military authorities. I will supply the Honourable Member with a full reply to his question as soon as I am in a position to do so.

RESIDENTS EXPELLED FROM CANTONMENTS.

520. ***Dr. Ziauddin Ahmad** (on behalf of Khan Bahadur Haji Wajihuddin) : (a) Will Government be pleased to state how many residents of Cantonments expelled from their respective Cantonments under the Old Cantonments Act, are still under the ban of expulsion ?

(b) Will Government state their names, the offence under which the original expulsion orders were passed and the reasons for continuing those orders ?

(c) Is it a fact that Th. Amar Singh Laxmansingh and L. Bhagwan Dass Aggarwal of Mhow Cantonment expelled from there in 1921, are still out of that Cantonment ?

(d) Is it a fact that the All-India Cantonments Association has made representations on their behalf and have even secured and submitted to Government, undertakings from those persons not to do anything on their return to Mhow, coming within the purview of section 239 of the Cantonments Act ?

(e) Do Government propose to cancel those orders of expulsions in case of these persons ; if so, when ?

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

(b) and (c). Their names are as stated in part (c) of the question. The order of exclusion was passed in consequence of their conviction and imprisonment on charges of attempting to seduce soldiers from their allegiance. Their activities ever since their exclusion are reported to have been such as render their re-admission to the Mhow Cantonment undesirable. The orders of exclusion were passed in 1922 and 1923, respectively.

(d) The Association have represented the matter to Government ; but no undertakings have been furnished by the persons mentioned.

(e) No, Sir.

STORES PURCHASED BY INDIAN RAILWAYS.

521. ***Lala Hari Raj Swarup :** (a) Will Government be pleased to state the total value of stores purchased by the Indian Railways during the years 1928-29, 1929-30 and 1930-31 ?

(b) What were the chief agencies through which these stores were purchased in each year and their value ?

(c) What was the value of such stores purchased through the Indian Stores Department ?

(d) Why were not all the requirements of the Railways obtained through the Indian Stores Department ?

Mr. A. A. L. Parsons : (a) and (c). The information is given in Vol. II of the Railway Board's Annual Reports on Indian Railways, copies

of which are in the Library. The Report for 1930-31 will be published shortly.

(b) Railway Administrations in India, the Indian Stores Department, the India Store Department, London, and the Boards of Directors of Indian Railway Companies in London. Information regarding the value of the respective purchases made through each of these agencies is not available.

(d) Purchases are made through the Indian Stores Department when on examination it is found to be advantageous to the railways to do so. But there are many articles used by railways, wagons and coal, for example, and multifarious small items the purchase of which through that Department would be of no advantage.

STORES PURCHASED BY THE ARMY DEPARTMENT.

522. *Lala Hari Raj Swarup : (a) Will Government be pleased to state the total value of the stores purchased by the Army Department ?

(b) Will Government be pleased to state the system by which the Army Department secures the supply of stores needed by the Department ?

(c) What is the value of such stores purchased through the Indian Stores Department ?

(d) Why were not all the requirements of the Army Department obtained through the Indian Stores Department ?

Mr. G. M. Young : (a) and (c). The information is being collected and will be supplied to the Honourable Member.

(b) and (d). In accordance with the Industries and Labour Department Resolution No. S.-217, dated the 12th December, 1929, and published in the Gazette of India, dated the 14th December, 1929, lethal stores and technical apparatus and equipment are purchased either through the India Store Department, London, or, if they are available in India, by the military purchasing organization in India. Foodstuffs also are purchased by that organization, as the Indian Stores Department do not deal in foodstuffs. Other purchases are made through the military purchasing organization, when it appears cheaper and more advantageous to do so.

PURCHASE OF STORES THROUGH THE INDIAN STORES DEPARTMENT.

523. *Lala Hari Raj Swarup : (a) Is it not a fact that when the Indian Stores Department was established, Government declared that all purchases for Government requirements should take place in this country by tenders called for in rupees for delivery in India ?

(b) How far has this policy been adhered to ?

(c) Why has this policy not been given effect to completely ?

(d) When do Government think their policy will be completely adhered to ?

Mr. J. A. Shillidy : (a) The Indian Stores Department was established in the year 1922, while the rupee tender policy was adopted in December 1929, and brought fully into operation from 1st January, 1931 ; the answer to this part of the question is, therefore, in the negative.

(b) to (d). The attention of the Honourable Member is invited to the Government of India's Resolutions No. S.-217, dated the 13th September, 1928, and 12th December, 1929, respectively, copies of which are available in the Library of the House.

COMPENSATION TO SARDAR GANGA SINGH AND MEMORIAL FOR HIS CHILDREN.

524. ***Rai Sahib Harbilas Sarda** : (a) Is it a fact that the Honourable the Chief Commissioner, North-West Frontier Province, had announced that Sardar Ganga Singh whose two children were killed and wife seriously wounded by the British Lance Corporal last day of May, 1930, at Peshawar was to be compensated and, if so, was he offered anything in cash or kind? If so, how much? Did Sardar Ganga Singh accept or refuse the offer and the reason of his doing so?

(b) Did the Honourable the Chief Commissioner sanction an amount of Rs. 15,000 to build a children's ward in memory of the children of Sardar Ganga Singh? If the answer is in the affirmative, will Government please state when the ward will be built? Did the public ask something more than this as suggested in the daily *Milap*, dated the 30th August, 1930? Have Government considered the suggestion?

(c) Has the attention of Government been drawn to the public demand, *vide* the *Tribune*, dated the 14th January, 1931, and the *Hindu Herald*, dated the 15th January, 1931? Do Government propose to do anything in the matter?

Mr. E. B. Howell : The Honourable Member is referred to the answer given to question No. 304 asked in this Assembly by Mr. S. C. Mitra.

RIOTS AT DERA ISMAIL KHAN AND KULACHI VILLAGE.

525. ***Mr. C. S. Ranga Iyer** : Will Government be pleased to state the facts and details of the riots at Dera Ismail Khan and Kulachi Village?

Mr. E. B. Howell : A communique issued by the Local Administration regarding the recent riot at Dera Ismail Khan is laid on the table. As regards Kulachi the facts are that on the night of 15th August an attempt was made to set fire to Kulachi and in the confusion to loot Hindu shops. The police opened fire killing one man. The people of the town co-operated with the police and the attempt failed. One shop and one serai were burnt.

Telegram No. 1054-L., dated the 13th (and received 14th) August, 1931.

From—Norwef, Nathiagali,

To—Foreign, Simla.

(Addressed to Associated Press, repented to Home and Foreign.)

Communiqué at 9-30 A.M. on the 11th August, a minor quarrel occurred between Hindu and Mohammedan in Dera Ismail Khan City in which the former is said to have made some disparaging remarks about the latter's religion. This developed within a few minutes into a violent communal riot which was accompanied by much incendiarianism two Hindus and two Mohammadans were killed in the rioting and a number not yet ascertained were injured, of whom seventeen were admitted to hospital. By 1 P.M. the rioting had been quelled with the aid of additional civil forces. There was no firing and lathi charges sufficed to disperse the crowd. In view of the acute communal tension prevailing and the number of fires still burning and the opportunities for looting afforded by the burning shops more police reinforcements were brought in supported by regular troops and frontier constabulary. Very great difficulty was experienced in checking and extinguishing the fires. The curfew order was enforced

in the evening and the night passed without incident the troops and constabulary being held in readiness round the city. There was a further threat early the following morning of more rioting, but this was frustrated by timely action. According latest reports available over 200 shops, houses and serais have been burnt and another 40 houses are said to have been looted before the situation was brought under control, the total value of property damaged is not yet known, but it is feared must be considerable.

RIOTS IN THE NORTH-WEST FRONTIER PROVINCE.

526. *Mr. C. S. Ranga Iyer : Will Government please state :

- (a) how many riots and casualties have occurred in the North-West Frontier Province between Hindus and Muslims this year and last year ;
- (b) how many riots between Hindus and Muslims have been averted by Police intervention ; and
- (c) what are the remedies Government propose to apply ?

Mr. E. B. Howell : Sir, with your permission, I propose to answer questions Nos. 526 and 527 together.

Enquiries have been made and I will inform the Honourable Member in due course of the result.

Mr. B. Das : In view of the importance of the subject, will the Honourable Member be pleased to lay that reply on the table ?

Mr. E. B. Howell : Yes, Sir.

RIOTS IN THE NORTH-WEST FRONTIER PROVINCE.

†527. *Mr. C. S. Ranga Iyer : Will Government please state :

- (a) the extent of the loss of lives and damage done to Hindu properties in the North West Frontier Province by the Muslim riots ;
- (b) the proportion of the minority community to the population where the riots occurred ;
- (c) the manner in which Government propose to help the Hindus who have suffered at the hands of the rioters ;
- (d) what help has so far been rendered by Government to the sufferers during the riots ; and
- (e) what punishment has been meted out to the authors and instigators of the riots ?

TRADE BETWEEN INDIA AND JAPAN AND INDIA AND BRITAIN.

528. *Mr. C. S. Ranga Iyer : Will Government please state what was :

- (a) the percentage of trade between India and Japan in 1930-31 ; and
- (b) the percentage of trade between India and Britain for 1930-31 ?

The Honourable Sir George Rainy : (a) and (b). The share of Japan in the trade of India in merchandise in 1930-31 was 9.8 per cent., while that of the United Kingdom was 29.6 per cent.

†For answer to this question, see answer to question No. 526.

DECLINE IN THE FOREIGN TRADE OF THE BOMBAY PRESIDENCY.

529. *Mr. C. S. Ranga Iyer : Will Government please state :

- (a) whether their attention has been drawn to the latest official report of the foreign trade of the Bombay Presidency and whether it is not a fact that there is a total drop of Rs. 54 crores or 22 per cent. as compared with the previous year in Bombay's trade for March 1930-31 ;
- (b) whether any correspondence has passed between the Government of Bombay and the Government of India on the trade situation and, if so, whether Government will publish it ;
- (c) what remedies, if any, are (i) contemplated by the Government of India, and (ii) suggested by the Bombay Government ; and
- (d) whether the distribution in the decline of the trade percentage shows that the United Kingdom has yielded place to Japan ?

The Honourable Sir George Rainy : (a) Yes.

(b) No such correspondence has taken place.

(c) The main cause of the decline in the trade of the Bombay Presidency is unfortunately beyond the control of Government.

(d) The Government of India are unable to add to the information contained in the official Report to which the Honourable Member has referred, and of which a copy is in the Library.

CORRESPONDENCE WITH HIS MAJESTY'S GOVERNMENT REGARDING BRITISH TRADE IN INDIA.

530. *Mr. C. S. Ranga Iyer : Will Government please state if any correspondence has passed between His Majesty's Government and the Government of India regarding British trade in India and, if so, for what purpose and with what result ?

The Honourable Sir George Rainy : Beyond the communication of certain information for Parliamentary purposes in response to requests from the Secretary of State for India, the Government of India have had no correspondence with His Majesty's Government regarding British trade in India.

STOPPAGE OF THE ACTIVITIES OF THE ARCHAEOLOGICAL DEPARTMENT BY WAY OF RETRENCHMENT.

531. *Mr. C. S. Ranga Iyer : (a) Will Government be pleased to state if they propose to encourage at present archaeological exploration in India by spending more money for that purpose ? If so, why ?

(b) Will Government be pleased to state if they intend to stop the activities of the Archaeological Department by way of retrenchment for sometime to come ?

The Honourable Khan Bahadur Mian Sir Faal-i-Husain : (a) No.

(b) The General Purposes Sub-Committee of the Retrenchment Advisory Committee has been considering the question of curtailing the activities of the Archaeological Department as a measure of retrenchment.

Government are awaiting the suggestions of the Committee before coming to a decision.

RESEARCH PAPERS PUBLISHED BY OFFICERS AND ASSISTANTS OF THE METEOROLOGICAL DEPARTMENT.

532. *Mr. C. S. Ranga Iyer : (1) Will Government be pleased to state the names and number of research papers published by the officers and assistants of the Meteorological Department so as to advance (a) Indian Meteorology and (b) Astronomical Research ?

(2) (a) Will Government be pleased to state who are the officers, and what is the number of the researched papers published by them after joining the Department, both astronomical and meteorological ?

(b) What is the pay of the said officers and assistants ?

Mr. J. A. Shillidy : Government do not possess the information and could supply it only after enquiries stretching back over many years.

REDUCTION OF SALARIES OF SUPERIOR OFFICERS.

533. *Mr. C. S. Ranga Iyer : Will Government be pleased to state whether they are considering the advisability of reducing by 30 per cent. the excess in the salaries of all officers and officials getting over Rs. 1,000 ?

The Honourable Sir George Schuster : Government have a great number of means for effecting economies under consideration. I should however explain that the specific proposal of the Honourable Member, if I have correctly understood it, has not been considered.

Mr. C. S. Ranga Iyer : Will Government be pleased to state if they propose to send any communication to the Secretary of State on the question of reducing by any percentage the salaries of officers and officials ?

The Honourable Sir George Schuster : In a reply which I gave to a very similar question yesterday, I pointed out to the Honourable Member who asked the question that the Government could not give information as to correspondence between themselves and the Secretary of State, and my Honourable friend accepted that as the ordinary position of the Government in these matters.

Mr. C. S. Ranga Iyer : Will Government be pleased to urge upon the Secretary of State for India the necessity and desirability of reducing the pay of all those for whose salaries and appointments the Secretary of State is under the statute directly responsible ?

The Honourable Sir George Schuster : I shall be pleased to take note of the Honourable Member's suggestion.

REDUCTION OF TRAVELLING ALLOWANCE OF GOVERNMENT SERVANTS AND MEMBERS OF THE CENTRAL LEGISLATURE.

534. *Mr. C. S. Ranga Iyer : Will Government be pleased to state whether they are considering the advisability of reducing the travelling allowance of Government servants and Members of the Central Legislature ?

The Honourable Sir George Schuster : The Government of India already have under consideration the question of revising the travelling allowance rules applicable to Government servants for journeys on tour. The question of a reduction in the travelling allowance of Members of the Central Legislature is now under the consideration of the Retrenchment Advisory Committee.

COST OF HAULAGE OF MOTOR CARS OF MEMBERS OF THE CENTRAL LEGISLATURE.

535. ***Mr. C. S. Ranga Iyer :** (a) Will Government be pleased to state how much money was spent on the haulage for the motor cars of the Members of the Central Legislature last year ?

(b) How much money will be saved by the stoppage of the said haulage ?

(c) Do Government propose to discontinue the haulage ? If not, why not ?

The Honourable Sir George Schuster : (a) Rs. 50,039-6-0 in connection with the last Delhi Session.

(b) Approximately Rs. 48,000 per annum, if the corresponding increase in conveyance allowance which is admissible in lieu is not taken into account.

(c) Government are awaiting the recommendations of the Retrenchment Advisory Committee.

TRAVELLING ALLOWANCE AND HAULAGE OF MOTOR CARS OF MEMBERS OF THE CENTRAL LEGISLATURE.

536. ***Mr. C. S. Ranga Iyer :** Will Government be pleased to state what was the total expense by way of travelling allowance and haulage for cars of the Members of the Central Legislature for the last year for :

(a) the Simla Session, and

(b) the Delhi Session ?

The Honourable Sir George Schuster : (a) Rs. 93,638-4-0.

(b) Rs. 2,74,922-15-0.

ALLEGATIONS OF CORRUPTION AGAINST MR. SMITH, DIVISIONAL ELECTRICIAN, NORTH WESTERN RAILWAY, MULTAN.

537. ***Sirdar Harbans Singh Brar :** (a) Are Government aware that very serious allegations of corruption against one Mr. Smith, Divisional Electrician, Multan, on the North Western Railway are contained in a booklet entitled "To All God Fearing and Righteous Souls" and in the *Railway Herald*, Karachi, dated the 15th March, 1931 ?

(b) Have Government asked Mr. Smith to clear his conduct in a court of law or what other appropriate action has Government taken in the matter ?

(c) If the answer to part (b) is in the negative, what action do Government propose to take against Mr. Smith ?

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

(b) No.

(c) None. The Divisional Superintendent is quite competent to deal with such a matter.

REPRESENTATION OF SIKHS IN CERTAIN ACCOUNTS OFFICES AND THE PUBLIC WORKS DEPARTMENT.

538. *Sirdar Harbans Singh Brar : (a) Are Government aware of the very poor representation of the Sikh community in the following offices :

- (i) Office of the Auditor General in India,
- (ii) Office of the Accountant General, Central Revenues,
- (iii) P. W. D., Central Accounts Office,
- (iv) P. W. D., Central Office ?

(b) What action do Government propose to take to redress the grievances of the Sikhs for their fair representation in these offices ?

The Honourable Sir George Schuster : (a) The number of Sikhs employed in the following Offices in 1925 and on the 31st December, 1931, was as follows :

	1925.	December 1930.
Office of the Auditor General .. ..	..	2
Office of the Accountant General, Central Revenues	2	9
Public Works Department, Central Accounts Office .. ..	..	2

Information regarding the Public Works Department Central Office is being obtained and will be sent to the Honourable Member.

(b) It appears from the figures which I have just given that the instructions already issued as regards minority representation are proving effective, and that Sikh representation is steadily improving. The Government propose to continue working on these lines.

GOVERNMENT LOAN TO A PRIVATE INDIVIDUAL AT DACCA.

539. *Sirdar Harbans Singh Brar : Will Government state whether they advanced a loan of many lakhs to a private individual of Dacca at 3 per cent. when the Government of India themselves borrow at 6 per cent. or more ? If so, why ?

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain : The Honourable Member is presumably referring to a loan of Rs. 2½ lakhs sanctioned in 1928. The circumstances must have justified the action taken by Government.

KITCHENS OF THE ASSEMBLY QUARTERS AT LONGWOOD, SIMLA.

540. *Sirdar Harbans Singh Brar : (a) Are Government aware that the kitchens for Longwood Range Assembly quarters are in fact rickshaw sheds and most unsuited as kitchens ?

(b) Is it also a fact that an open drain pipe runs just in front of the kitchens for quarters 23, 24 and 25, which makes these kitchens most insanitary ?

(c) Do Government propose to remedy this nuisance without delay ?

Mr. J. A. Shillidy : (a) No. The buildings referred to were originally constructed for use as kitchens and have never been used as rickshaw sheds. No complaints about their unsuitability as kitchens have been received.

(b) An open drain carrying bath and rain water passes near the quarters in question, but if kept clean it should not be insanitary.

(c) Does not arise.

RENTS CHARGED AT LONGWOOD HOTEL FOR GOVERNMENT OFFICIALS AND MEMBERS OF THE CENTRAL LEGISLATURE.

541. ***Sirdar Harbans Singh Brar :** (a) What are the rents charged per mensem at Longwood Hotel and also the caterer's charges for the following :

(i) Government Officials ;

(ii) Members of the Central Legislature ?

(b) Is it a fact that officers are supplied with free hot water baths and Members of the Legislature are not ?

(c) What are the reasons for this discriminatory treatment by the Central P. W. D. ?

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

RETRENCHMENTS CARRIED OUT IN GOVERNMENT DEPARTMENTS.

542. ***Lala Hari Raj Swarup :** Will Government be pleased to lay on the table a statement embodying retrenchments of expenditure carried out by them in the various Departments up to this time ?

The Honourable Sir George Schuster : The whole question of retrenchment is under investigation by the Retrenchment Advisory Committee, and I regret I cannot make any statement, until Government have received and considered their report.

Lala Hari Raj Swarup : Is it not a fact that the Government have already carried out certain retrenchments ?

The Honourable Sir George Schuster : It is very difficult to say exactly what is covered by the word "retrenchment". If it refers to special measures as part of a general retrenchment policy, I can inform the Honourable Member that Government have so far taken very few steps which have actually affected individuals serving under the Government. In certain cases notices have been given to certain sections of staff, but no actual dismissals as part of a general retrenchment plan have taken place. I therefore thought that it would be misleading if I were to attempt to give any statement at the present stage.

Mr. Gaya Prasad Singh : May I take it that not a single Government employee or officer has been discharged up to the present time pending the report of the Retrenchment Committee ?

The Honourable Sir George Schuster : I understand my Honourable friend to ask whether I stated that not a single officer has, as yet, been affected. Is that the question ?

Mr. Gaya Prasad Singh : Yes.

The Honourable Sir George Schuster : No, I would not go so far as to say that. I have not in my head all the details of the changes which have taken place, but it is correct to say that no steps as part of a general retrenchment plan affecting the personnel have yet been taken. There may be one or two isolated cases where an appointment may have been terminated which could be described as retrenchment in the sense that it effects an economy, but not as part of a general retrenchment plan.

MOTION FOR ADJOURNMENT.

REDS AT DERA ISMAIL KHAN AND AT CHITTAGONG.

Mr. President : Order, order. I have received a notice from Bhai Parma Nand that he proposes to ask for leave to make a motion for the adjournment of the business of the House to-day for the purpose of discussing a definite matter of urgent public importance as follows :

“ I hereby give notice of a motion for adjournment of the House with a view to draw the attention of the House to the situation at Dera Ismail Khan and at Chittagong as created on account of the tragic occurrences on 12th and 31st August, respectively.”

Before I can admit this motion, I should like the Honourable Member to tell me how he justifies his motion in terms of the rule which lays down that it must be a definite matter of urgent public importance. My doubts are that the occurrences having taken place on the 12th and 31st August, the matter cannot be regarded as urgent, and secondly the situation, whatever it may be, that may have arisen in two different places in India cannot fulfil the terms that it is a definite matter. I recognise that it is certainly a matter of public importance, but in regard to these two points I have my doubts. I should like to ask the Honourable Member to explain how he brings this motion within the purview of the rule which lays down these distinct conditions.

Bhai Parma Nand (Ambala Division : Non-Muhammadan) : I submit, Sir, that the occurrences at Dera Ismail Khan and Chittagong are a definite matter of urgent public importance. It was on the 12th August in the presence of the police and civil officers in Dera Ismail Khan, that more than 300 shops were burnt. Not that the fire in one shop went to another, but each shop was burnt separately. The point also arises that one class of the population was not stopped from doing this horrible deed. Then again exactly the same thing has been repeated on the 31st August in another corner of India. I thought that I should have sufficient material before I placed both these incidents before this House. It took me some time to communicate with the people in Calcutta and find out the details of the occurrences at Chittagong. It was for this reason that

[Bhai Parma Nand.]

there has been some delay in bringing this motion for adjournment. I think both these incidents at Chittagong and Dera Ismail Khan are definite matters. Allegations have been made in both these places against the police and other officers and the incidents resemble each other very much. I have been of course a little late in bringing up the matter because I was waiting for materials and it was for that reason that I could not bring the subject earlier. I have brought this proposition in order to discuss the causes of these two incidents and the attitude of one class of the population towards the other, to find out which class of the population was at fault and what was the attitude of the police and other officers who were to protect the lives and property of the people in both these places. I therefore submit that my motion should be admitted.

Nawab Sir Sahibzada Abdul Qaiyum (Nominated Non-Official) : May I bring one or two points to the notice of the House in connection with this motion. The first point is that in both these places, Chittagong and Dera Ismail Khan, the facts were quite clear as to how the riots started.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : On a point of order.....

Mr. President : On the point of order I have asked the Honourable the Mover to put his position before the House. I do not know why the Honourable Member got up. If he has got anything to say on the question of the admissibility of this motion, I will be glad to hear him but I cannot allow a discussion.

Nawab Sir Sahibzada Abdul Qaiyum : I only want to point out that it is not a matter of urgent importance. In Dera Ismail Khan a Commission of Inquiry is sitting and it will prejudice the work of the Commission if a motion of this sort is allowed. I understand an inquiry has also started in Chittagong and it will not be justified if we discuss the matters under investigation on the floor of this House.

Mr. President : I do not propose to allow any further discussion on this issue. The Chair is concerned with satisfying itself as to whether an adjournment motion, of which notice may have been given, complies with the rules and Standing Orders. Honourable Members are aware that there are three distinct conditions attaching to the acceptance of an adjournment motion. One is that it must be a definite matter, that it must be an urgent matter and that it must also be a matter of public importance. I have already stated that I regard this question as one of public importance, and it therefore fulfils one of the conditions. As regards its being a definite matter, the Chair regrets that it cannot agree with the Honourable the Mover. What he stated was definite, but what he has embodied in his motion is very vague and indefinite. The Honourable Member speaks of the situation that has arisen in two places where certain incidents occurred. If the Honourable Member regards both these items as separate items creating two different situations, then the motion is defective in terms of the rule because the rule says that it must be one definite matter of urgent public importance. I assume that both these matters took place, and therefore the Honourable Member tries to make them into one subject by speaking of the situation that has arisen in consequence of these two incidents. The question then arises whether the situation about which the House

knows nothing can be regarded as a definite matter. If the Honourable Member had indicated that he took exception to the manner in which the police behaved at Chittagong or at Dera Ismail Khan, it would have made the motion definite ; but, in the words used, I hold that it is not definite.

As regards the point of "urgency", the Honourable Member seems to have recognized that it would have been regarded as urgent only if the matter had been brought up on the opening day of the session. I have been greatly strengthened in the views I hold by the rulings which have been given by each one of my predecessors. I have got the ruling of Sir Frederick Whyte, I have got the ruling of Mr. Patel and I have got the ruling of Sir Muhammad Yakub, (Hear, hear)—all three on the same lines and in regard to both these points of "definiteness" and "urgency". One motion which was proposed to be moved ran as follows :

"The appalling condition leading to unparalleled economic upheaval in India due to the unemployment of middle classes domiciled community, and Indians."

To the wording of this motion exception was taken on the ground of indefiniteness, and the Honourable Sir Frederick Whyte stated :

"I am afraid the Honourable Member has mistaken the bearing of the rules. The rule, as I think I have explained, provides an opportunity for Members of this House to draw the attention of Government to a matter of recent occurrence which could not otherwise be discussed under the ordinary procedure of the House. The matter to which the Honourable Member is referring, namely, the appalling condition of the middle classes due to unemployment is a matter which, though urgent in his reading of the word, is not urgent in the sense of the rule, and therefore I am afraid I cannot admit it."

On the matter of urgency, the ruling of Mr. Patel was very definite :

The motion proposed to be moved was the decision of the Bengal Nagpur Railway authorities immediately to retrench two thousand men of the Kharagpur workshops at a time when the neighbouring parts of the country were stricken with the havoc caused by the recent floods, and Mr. Patel's ruling was as follows :

"I am clearly of opinion that the matter is of great public importance. But I am not convinced that the matter is urgent. I should have certainly admitted this notice of motion for adjournment if it had come to me on the 13th August. The decision proposed to be questioned was arrived at on the 15th August. It was published in the newspapers on the 16th or 17th August, as Sir George Rainy has said, and there is absolutely no reason why the Honourable Member should not have given a notice of motion for adjournment on the 13th."

Honourable Members will observe that in this case the notice has been given about ten days after the opening of the session.

Sir Muhammad Yakub also says :

"I regret very much to say that the motion of which the Honourable Member has given notice is framed in such vague and undefined terms that I have no option but to rule it out."

Honourable Members will therefore recognize that this motion does not fulfil two of the three conditions imposed by the rules. I hold that it is not definite, and that it is not urgent. I therefore rule that the motion is out of order.

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House) : I desire with your permission, Sir, to make a statement concerning the probable course of Government business in the week beginning the 21st. On Monday the business which was on the Agenda paper yesterday and was not

[Sir George Rainy.]

concluded will be taken up. That business will be taken in the following order :

I. Motions to take into consideration and pass the following Bills :

- (1) A Bill to provide for the protection of the heavy chemical industry.
- (2) A Bill to amend the Provisional Collection of Taxes Act.
- (3) A Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Government of foreign States.
- (4) A Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

II. The resumption of the discussion on the motion to refer to Select Committee the Indian Income-tax (Second Amendment) Bill.

III. Supplementary demands in connection with the resumption of the Round Table Conference.

Any of this business not concluded on that day will be taken on Wednesday, the 23rd, and thereafter three Resolutions will be moved—the first about the diversion of the Road Fund to ordinary expenditure on current repairs of roads, the second about the action to be taken in connection with the purchase of the Bengal and North Western and Rohilkund and Kumaon Railway systems, and the third about the draft Convention and Recommendations concerning compulsory labour. This will be followed by the resumption of the discussion on Mr. Shillidy's Resolution regarding the draft Convention concerning the regulation of hours of work in commerce and offices and accompanying Recommendations. Honourable Members are aware that the discussion of this Resolution was adjourned during the last Delhi Session. Tuesday is appointed for non-official Resolutions, and I am asking the Governor General to allot Thursday, the 24th, for non-official Bills. It will probably be necessary for me to ask you, Sir, to direct that the House shall sit on Friday to dispose of Government business not concluded before that date.

ELECTION OF MEMBERS TO THE STANDING COMMITTEE FOR THE DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President : I have to inform the Assembly that the following three Members have been elected to serve on the Standing Committee for the Department of Industries and Labour, namely :

1. Mr. G. Morgan,
2. Sirdar Sohan Singh, and
3. Kunwar Hajee Ismail Ali Khan. (Applause.)

STATEMENT LAID ON THE TABLE.

PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

Mr. J. A. Shillidy (Secretary, Industries and Labour Department): Sir, I lay on the table an Abstract furnished by the High Commissioner for India of cases in which the lowest tenders have not been accepted by him in purchasing stores for the Government of India during the half-year ending the 30th June, 1931.

High Commissioner for India,

India Store Department.

Abstract of cases in which tenders for stores demanded by the Central Government, other than the lowest complying with the technical description of the goods demanded, were accepted on the grounds of superior quality, superior trustworthiness of the firm tendering greater facility of inspection, quicker delivery, etc.

HALF YEAR ENDING 30TH JUNE, 1931.

[Mr. J. A. Shillidy.]

HIGH COMMISSION
INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central of the goods demanded, were accepted on the grounds of facility of inspection,

HALF YEAR ENDING

PART A.—Cases in which lower foreign tenders, including British tenders for British

Stores ordered.	Contract number.	Name of Contractor.	Amount of Contract.
			£ s. d.
Zinc sheets, No. 106. Weight: 25 cwts. 3 lbs.	L. 3582/5776/15-1-31	London Zinc Mills, Ltd.	24 8 0 (British).
Canvas, sail, yards 39,000.	L. 3663/5061/22-1-31	David Corser & Sons	963 0 0 (British).
Santonium, lbs. 121.	L. 3841/6074/4-2-31	May & Baker, Ltd.	2,513 15 6 (British).
Steel Tubes, No. 96. Weight: 22 cwts. 9 lbs.	L. 3915/6173/7-2-31	Weldless Steel Tube Co., Ltd.	34 9 1 (British).
Wire lead seals, No. 900,000.	L. 4526/7016/18-3-31	Lead Seal Manufacturing Co.	326 5 0 (British).
Brushes, tooth, No. 66,700.	M. 283/3031/7-5-31	J. Dupont & Cie	457 13 0 (French).
	M. 284/3031/7-5-31	W. R. Tilbury & Son	489 14 5 (British).
			947 7 5

FOR INDIA.

DEPARTMENT.

Government, other than the lowest complying with the technical description superior quality, superior trustworthiness of the firm tendering, greater quicker delivery, etc.

30TH JUNE, 1931.

foreign made goods, have been set aside wholly or partially in favour of tenders.

Lowest Tender not accepted.	Reason for acceptance.
<p>£ s. d.</p> <p>22 4 2 (Belgian).</p>	<p>The accepted tender was the better offer, having regard to the cost of inspection abroad.</p>
<p>941 13 4 (Esthonian).</p>	<p>The accepted tender was the more advantageous having regard to the cost of inspection.</p>
<p>2,495 12 6 (German).</p>	<p>The accepted tender was the more advantageous having regard to the cost of inspection.</p>
<p>32 14 0 (German).</p>	<p>The accepted tender was the better offer having regard to the cost of inspection.</p>
<p>325 0 0 (German).</p>	<p>The accepted tender was the better offer having regard to the cost of inspection abroad.</p>
<p>900 9 0 (French).</p>	<p>The order was divided between the two lowest tenderers in order to obtain the delivery required.</p>

[Mr. J. A. Shillidy.]

PART B.—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Drills, twist, No. 2,090.	L. 3886/6186/6-2-31	International Twist Drill Co., Ltd.	<p style="text-align: right;">£ s. d.</p> <p>288 19 10 (British).</p>
Band sawing machine, No. 1.	L. 4550/6922/20-3-31	Wilson Bros. (Leeds), Ltd.	<p>35 10 0 (British).</p>

is between British firms only.

Lowest tender not accepted.	Reason for acceptance.
<p>£ s. d. 254 0 8 (British).</p>	<p>The order was placed with the higher tenderer on account of the superior quality of the goods offered, which represented more than the difference in price.</p>
<p>34 0 0 (British).</p>	<p>Accepted on the grounds of the superior design of the machine offered, which represented more than the difference in price between the two quotations.</p>

[Mr. J. A. Shillidy.]

PART C.—Cases in which the discrimination

Stores ordered.	Contract Number.	Name of Contractor.	Amount of Contract.
Copper plate, 10 tons.	L. 3815/6200/2-2-31	Hugh Gordon & Co.	<p style="text-align: right;">£ s. d.</p> <p>1004 0 0 (German).</p>

is between Foreign firms.

Lowest tender not accepted.	Reason for acceptance.
<p style="text-align: center;">£ s. d.</p> <p>10 0 0 (French).</p>	<p>The order was placed with the second lowest tenderer in order to obtain the delivery required.</p>

RESOLUTION *RE* HIGH COURTS.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan) : Sir, before I move my Resolution, allow me to congratulate you and ourselves on your speedy recovery from the illness from which you were suffering. (Hear, hear.) You, Sir, are the custodian of the rights and privileges of this House, which you have jealously guarded and for which we are very grateful to you. You, Sir, have always held the balance even between the mightiest and the weakest : and none regretted your absence, Sir, more than some of us on this side of the House, because you have always afforded us the fullest opportunity to discuss all matters coming up for consideration in this House, and we pray that you may long preside over this House leaving an example to the future generations how to conduct a nation's parliament fearlessly without an eye to personal advantage or gain. (Applause.) Sir, the Resolution that stands in my name runs as follows :

“ This Assembly recommends to the Governor General in Council to convey to His Majesty's Government in England that in the opinion of this House the High Courts in India should be a central subject in the future constitution of India.”

Sir, very few words will be necessary for me to commend this Resolution for the acceptance of this House. Sir, I am backed by the opinion not only of the non-officials but also of the officials of the Government of India on this matter, which opinion is marked by a happy unanimity which I wish for in all other matters. Sir, the High Courts in India have been the bulwarks of the rights and liberties of the people and we have been accustomed to look to this palladium of justice for safeguarding the rights and liberties of the meanest in the land. It will be an evil day for this country, or for the matter of that for any other country, when, as was observed by an ex-Chief Justice on a memorable occasion more than a quarter of a century ago, the executive and the judiciary go hand in hand. I repeat, Sir, that it will be an evil day for India if the judiciary and executive are hand in glove with each other. Sir, in order to have a pure atmosphere for the High Court, not sullied by any provincial or political considerations, it is necessary that it should form a central subject. I shall not tire your patience by delivering a long speech on this subject because I believe that these are the fundamental principles in which every one on this side as well as on the other side believes, and in this connection I shall place before the House certain observations of the Government of India which they made in the memorandum submitted to the Indian Statutory Commission. At page 794, they have recommended the formation of the High Courts as a central subject in the following words with which I fully agree :

“ The primary advantage of centralisation is that its adoption would remove the High Courts from undesirable political influences by bringing all matters relating thereto within the purview of the Central Legislature and removing them from the jurisdiction of the local legislatures. The importance of this aspect of the case may be gauged from a perusal of the cases in which the existing system has exposed the High Courts to criticism and censure in the local Councils where under the existing system the High Court Budget is voted.”

Sir, this is a position which is really intolerable to those who have faith in British justice. Sir, more than half a century ago there sat on the Bench of the Calcutta High Court a great English Judge, Sir Barnes Peacock, who preserved the dignity of the Bench to a marvellous degree and made no distinction between black and white. One member of the race of my Honourable friend, Mr. Arthur Moore, over there, who happened to be the editor of a newspaper in those days in Calcutta, characterised a great

Bengali Judge of the High Court, Dwarka Nath Mitter, as a black Judge. Now, Sir.....

Mr. Arthur Moore (Bengal : European) : Sir, do I understand the Honourable Member to attribute that remark to me ?

Mr. Amar Nath Dutt : Certainly not. What I meant was that one of his race happened to be the editor of that paper. Sir, the executive came to the aid of that white editor and would not arrest him in spite of a warrant from the High Court. What did Sir Barnes Peacock do ? He at once issued an order that all the Courts subordinate to the Calcutta High Court should cease to function. That was an attitude which the Calcutta High Court alone could adopt in those days, because it was not under the provincial Legislature. There was another unhappy incident of the Lieutenant Governor of a province going against an eminent English Judge, Mr. Alfred Aubrey Pennell. If Judges are to fall in this country, may they fall like him covered with glory.

Sir, it is not necessary for me to dilate on this matter of the evils of executive interference and the importance of placing the judiciary above executive interference. I wish further to quote the opinion of the Government of India in this respect :

“ It may be contended that in the majority of these cases the criticism levelled against the High Courts has not only been factious and ill-informed but has also tended to bring the courts into contempt in the estimation of the public. The Central Legislature, whatever its faults would, it may be hoped, be unlikely to afford any support to an attempt to base a censure of a High Court on, *e.g.*, the low proportion of the representatives of a particular community in its ministerial establishment. While the consequences in this respect of the provincialisation of the High Court have been serious enough under the existing régime, it may be urged that the subjection of the budgets of those Courts to a majority vote in a legislature to which the executive was responsible would be attended with intolerable consequences, and the centralization of the High Courts would be an inevitable concomitant of the establishment of anything in the nature of provincial self-government.

But consideration cannot be confined to the relations between the High Court and the legislature. The relations between the High Court and the executive are equally important and there can be no doubt, it may be contended, that those relations are far more likely to be harmonious if the executive with which the High Court has to deal is the central executive with its relatively detached position.”

This was the view of the Government when submitting their memorandum before the Indian Statutory Commission. Now, Sir, I beg to place before this House the fact that their memorandum was not only accepted by the Statutory Commission but was also recommended for acceptance in the future constitution of India. My Resolution makes the same request as the Statutory Commission recommended in these words :

“ We consider that the powers now exercised by the provincial Governments in respect of the High Courts should in future be exercised by the Government of India, and that the same procedure should apply to the proposed High Court for the Central Provinces and Berar when it is created. The faith of the people of India in the integrity of the High Courts has been one of the bulwarks of British rule which even the storm of political agitation has done nothing to shake.”

“ Anything tending to undermine this faith would be fraught with grave danger to the future government of the country. We therefore think it desirable that with the introduction of responsible government in the provinces the higher judiciary should be removed from the sphere of political influence. We believe that the risk of this influence will be minimized by the transference of relations to the Central Government as recommended by us.”

Now, we find here that there is hardly any dissentient voice about the High Courts in India being made a subject of the Central Legislature.

[Mr. Amar Nath Dutt.]

That being so, I think we should all unanimously—and I hope the Government also will—accept this Resolution. I trust these very few words of mine will suffice to make the House accept the Resolution.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Neither the Congress nor the Hindu Sabha will agree.

Mr. Amar Nath Dutt : How do you know that ?

The Honourable Sir James Orerar (Home Member) : Mr. President, I do not propose to detain the House long in speaking upon this Resolution. I think it would however be convenient to the House that the position of Government in this matter should be explained at a very early stage in the debate. I am not quite sure that all Honourable Members in the House fully appreciate precisely how matters stand in regard to the subject matter of my Honourable friend's Resolution, and I shall therefore explain very briefly what, from the constitutional point of view, is the question involved.

Under the Devolution Rules, the administration of justice is a provincial subject, but matters relating to High Courts are also subject to legislation by the Central Legislature. That is the general rule ; but there is an exceptional situation created with regard to the High Court of Calcutta, because in pursuance of certain statutory provisions, certain sections of the Government of India Act, certain sections of the Civil Procedure Code and certain sections of the Criminal Procedure Code, matters such as the making of rules by the High Courts are in the case of the Calcutta High Court subject to the sanction of the Governor General in Council and not, as in the case of the other High Courts, of the Governor in Council. There are also certain provisions in the Letters Patent of the High Court which place the position of the Calcutta High Court on a special basis.

Now, I understand that the object which the Honourable the Mover has in mind is substantially to make the High Courts—presumably he also refers to other courts which exercise the functions of a High Court, such as Chief Courts and Courts of Judicial Commissioners—central subjects. That seems fairly clear proposition, though it is not perhaps quite as clear and quite as simple as it appears. I do not intend to embark on the controversial question as to whether High Courts ought to be retained on their present basis, whether the anomaly which undoubtedly exists should be removed by placing other High Courts in the position now occupied by the Calcutta High Court, or, in the alternative, by placing the High Court of Calcutta in the position now held by the other High Courts. That is an extremely controversial question, on which a very great deal of diversity of opinion has been expressed. Nor shall I examine very closely the suggestion that the existing state of affairs might result in a political pressure being brought to bear upon the High Courts. For my own part, on that particular point, I shall only say that I have no manner of doubt whatever that in the existing circumstances the High Courts throughout India, whether in Calcutta or elsewhere, preserve unassailed and unshaken that complete impartiality and independence that is required of them. But apart from considerations of that kind, there are many complicated administrative and financial questions involved.

The Honourable Member quoted from a memorandum which was submitted by the Government of India to the Royal Commission on the subject of High Courts. I should, however, as a caution point out to the House that the statements of fact contained in the memorandum related to the conditions at that time prevailing ; and the statements of opinion were undoubtedly intended to refer to the *status quo*. If therefore we are to contemplate a state of affairs in which the *status quo* is very fundamentally changed, it will be obvious to the House that many of the tentative opinions expressed on the basis of existing circumstances would require much reconsideration and very possibly modification.

Now, the recommendation made by the Royal Commission was to the effect that the High Courts should be centralised ; and they made a further recommendation that the costs of High Courts should be borne by central revenues and that to discharge that expenditure the court fees should be assigned as an item of central revenue. I had occasion in considering that recommendation to examine a little more closely what the administrative and financial implication would be and I found that it would be entirely impossible, at the present stage, to determine with any precision what the financial effect of that apparently simple expedient would be either upon central revenues or upon provincial revenues. As Honourable Members are aware, High Court fees are an important source of provincial revenue ; and what the precise effect of an assignment of that kind would be I find it impossible in present circumstances to say : it must be remembered that there are large variations in the rate and pitch of these fees, fixed according to particular provincial conditions. Moreover, it seems to me obvious that, regarding solely the financial point of view, it would be extremely difficult—it would certainly be very hazardous—to attempt to arrive at any conclusions on this single financial item, independently of all the very great adjustments and corrections and redistributions in the whole field of central and provincial finance that will be necessary. I may say that the recommendation of the Royal Commission was sent round to all Local Governments and to all High Courts for their opinion. Their opinions have been collected and they show, as I have already intimated, a very remarkable degree of diversity . . .

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : In the opinions given, is there any High Court in India that opposes centralisation ?

The Honourable Sir James Orerar : There are individual judicial opinions which are opposed to centralisation. There are opinions from very important Benches which in the present state of affairs take, what I think is a reasonable prudent course,—certainly the course which I propose to take—of refraining from expressing any definite opinion. That was the attitude, for example, of the High Court of Bombay. But the point I wished to make was that the Local Governments more particularly, and some High Courts also, emphasise very strongly the extraordinary complexity of the administrative as well as the financial questions which would be involved in carrying out this apparently plain and simple suggestion ; and I think that Honourable Members will recognise that, apart from the detailed complexity of the adjustments that would be necessitated, there are some other considerations which make it desirable, certainly for the Government of India, to reserve its opinion. The Royal Commission no doubt made their observation with regard to the position

[Sir James Crerar.]

of the High Courts on the assumption that it was to fit in with the general scheme of Government and of administration which they themselves proposed. Since that time very important developments have taken place. It is impossible for me, I think it is impossible for anybody, to say what the constitution of the provinces eventually will be, what the constitution of the Government of India will be, but it must be perfectly plain that any important, any fundamental, any radical changes in those respects will affect radically and fundamentally the question which is now before the House. There are, apart, from questions of the general framework of Government, important and very relevant questions such as the possible constitution of a Supreme Court which have been raised. Now, Sir, what will be the precise relation between the Supreme Court and the High Courts and the subordinate courts throughout India under a regime of that kind? I am not prepared to foretell, and I am therefore not prepared to prejudice or to define one particular aspect of what must be a large and unitary problem. Consequently, Sir, the attitude which the Government of India took in their Despatch to the Secretary of State on this subject was as follows :

“ We have made a summary examination of these proposals and have received in their general terms the views of the Courts and the Local Governments concerned. The material before us, however, is not sufficient for the adequate consideration of these recommendations, the financial and administrative aspects of which, intricate in themselves, will require detailed exploration and consultation with Local Governments in the light of the decisions reached on the larger constitutional issues, and we are of opinion that they could be more conveniently approached when those decisions have been arrived at.”

In other words, Sir, very much will depend on the context, on the picture into which this particular item must be fitted and to which it must be related. For example, a very great deal depends on whether the main function of the Supreme Court is to adjudicate on justiciable matters arising between component elements in a Federation or whether it is also to exercise anything in the nature of powers of revision and appeal from decisions of High Courts or other courts in India with regard to ordinary matters of municipal law. These are questions which I say we are not at any rate now in a position to decide. Consequently, our attitude towards this Resolution must be one of neutrality. We cannot accept it, and we are not disposed to oppose it. That, Sir, will be the attitude of the Government throughout the discussion, but if by any chance the decision of this House is to be obtained by means of a division, which, I think, is perhaps unnecessary, if that should be so, the Government will not vote in the division.

Lala Hari Raj Swarup (United Provinces : Landholders) : Sir, the Honourable the Home Member has made the issue very clear. The Resolution, as far as I understand, refers to the administration of the High Courts in India ; it does not refer to the appointment of Judges, nor to the control of the subordinate judiciary. The appointment of Judges should be as at present,—the permanent Judges should be appointed by His Majesty the King and the Additional Judges by the Government of India, and the control of the subordinate judiciary should rest with the provinces. So far as High Courts are concerned, their administration should be brought under the Central Government in the future constitution of India. The High Courts were established in India in the year 1861 and till the year 1919 there was no clear classification of subjects between central and provincial. It is true that the Provincial Councils brought

into existence by the Reforms Act of 1909 had a right to discuss questions affecting the High Courts, but as there was no clear classification of subjects and no responsibility in the Provinces, the Provincial Governments were practically the agents of the Government of India and the whole control rested with the Central Government. In the year 1919 a Committee known as the Fetham Committee was appointed to go into the question of the classification of subjects between the Provincial and Central Governments, and in their draft report they said :

“ Administration of justice, including constitution, maintenance and organization of courts of justice in the provinces both of civil and criminal jurisdiction, but exclusive of matters relating to constitution and powers of High Courts.”

This entry was 16 under the provincial subjects proposed by that Committee, but by some error in the draft later on the words “ but exclusive of matters relating to constitution and powers of High Courts ” were left out, and since 1919, the administration of the High Courts also became a provincial subject under the new constitution.

The Resolution before the House seeks to bring the High Courts under the Central Government, and I would like to make a brief comment on the few advantages that will accrue from such an arrangement. The first advantage will be that the centralisation of the High Courts under the Government of India would tend to the unity of the Indian Empire and the greater security of the High Courts themselves. The second advantage will be that a central authority would tend to improve and co-ordinate the general administration of all the High Courts by adopting the good and discarding the bad methods that may now be found in individual courts.

Thirdly, that the appointments under the High Courts would not be subject to the same political or communal pressure as in the case of Local Governments.

Fourthly, Sir, the High Courts may have to decide questions affecting the Local Governments or local Legislatures and so they would be free from the contact of either. In this case it has been seen in the debates of the various Legislatures since 1919, that on hundreds of occasions, the decisions and powers of High Courts have been in question simply out of political or communal considerations and such criticisms have tended in a certain degree to lower the dignity of the High Courts in public estimation. The Calcutta High Court, so far as the relations of the High Courts with the executive are concerned, remarked as mentioned by the Government of India in their memorandum submitted to the Simon Commission :

“ They point to the vital importance of maintaining the independence of the Court and refer to their long experience of attempts by the Local Government to interfere with that independence and with the independence of the Courts over which the High Court has superintendence.”

The fifth advantage will be that the effective work of the High Courts would no longer depend on the fluctuating finances of the Local Governments or on the chances of some hostile vote at Budget time or on the hostility of some extremist Local Government.

The sixth advantage will be the High Courts in certain provinces have extra territorial jurisdiction, as in the case of Bengal, the Calcutta High Court exercises jurisdiction over Bengal and Assam. Similarly, in the case of Madras it exercises jurisdiction over Madras and Coorg. And in the

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case of the United Provinces, the High Court exercises jurisdiction over the United Provinces and in certain matters over the province of Ajmer. Similarly, the Lahore High Court exercises jurisdiction over Delhi, and in the future constitution it is possible that some new provinces may be created, and one High Court may be required to have jurisdiction over more than one province. In these cases, naturally the question arises which executive authority and of what province should have control over the High Court. If the High Courts are brought under the Central Government, then this difficulty will automatically be solved.

Mr. K. Ahmed : What about your provincial autonomy ? Your nation is asking for provincial autonomy.

Lala Hari Raj Swarup : It does not affect provincial autonomy.

Mr. K. Ahmed : It does. There is your Congress creed.

Lala Hari Raj Swarup : Sir, the Honourable the Home Member has referred to the recommendations of the Simon Commission. The Indian Central Committee has also unanimously recommended that the administration of the High Courts should be placed under the Central Government. Five Provincial Governments out of nine have endorsed the recommendations of the Simon Commission, and all High Courts except the Bombay High Court which has not yet taken a decisive attitude, have also recommended the centralisation of High Courts for the consideration of the Government of India.

The Honourable the Home Member, Sir, referred to the financial aspect as well. So far as the financial question is concerned, the Bombay High Court has given some figures, and that shows that if the High Court fees are made a central source of revenue the High Courts will not in all probability be a losing concern for the Central Government. In paragraph 8 of their views submitted to the Simon Commission they say :

“ The income brought in from this litigation also runs to large figures. As regards the Original Side the receipts for 1926 were Rs. 10,16,740 and the expenditure Rs. 7,02,345 leaving a net surplus of Rs. 3,14,395.”

Sir, the Honourable the Home Member said that they could not take a decisive attitude unless the constitutional picture was complete. That is true, but the constitutional picture will be drawn in England and the whole arrangement regarding classifications of subjects will be reviewed by the Federal Structure Committee, and so if the Government of India forward the views of this House to the Federal Structure Committee, they will have a great weight on the decision that the Committee may have to take on this question,

Mr. K. Ahmed : What about your delegates of the Round Table Conference ? Do you want to interfere with their work in England and their independence on the subject ?

Lala Hari Raj Swarup : Therefore, in order to safeguard the independence, impartiality, and integrity of the High Courts it is very essential that they should be brought under the Central Government. Sir, the faith of the people of India in the integrity of the High Courts has been one of the bulwarks of British rule, which even the storm of political agitation has done nothing to shake. It is our duty, Sir, to preserve this faith by all possible means and the Resolution is the chief of these means.

Raja Sir Vasudeva Rajah (Madras : Landholders) : The structure of the British connection is and must be laid on the foundations of justice and fair play, and the one institution, which neither the extremist politicians nor the most quarrelsome of the communalists have attacked and which is, in town and country alike, productive of a feeling of security and confidence, is the High Court. There are many views held as to the proper composition of the High Court and the strengthening of it by introducing those principles of recruitment and tenure, which have made of the English judiciary the pride and the ornament of the world. But even under present conditions, in moments of excitement and trouble, political or otherwise, the unshaken confidence of the public in the integrity and impartiality of the High Court is an asset of the greatest value to India and to England. In this institution, people see the bulwark of their liberties and rights and the shield against arbitrary encroachments, not only by fellow-citizens but by the highest and mightiest executive authorities of the land. The history of British courts is one long and glorious record of holding the scales even between man and man ; and even in India, there have been many instances where, undeterred by considerations of popularity or criticism from one side or the other, the Judges of the various High Courts have laid down the law, without fear and without favour and have upheld those traditions which were enunciated finely by Chief Justice, Sir Arthur Collins, of the Madras High Court, when the buildings of the Court were opened, that he conceived it to be his duty to discharge his task in fear of God and in fear of no man.

This then being the tradition and the history of the High Court, it is necessary in the coming times when profound political changes are likely to take place and when the whole structure of political society is undergoing a fundamental alteration, to preserve intact and, if possible, to enhance the credit and utility of this institution. I hold that this can never be done, if the administration of justice and the judiciary are subject to fluctuations of local politics, and unless the recruitment to these high offices be made not on party considerations but on the basis of professional equipment and unsullied character and impartiality. It is, moreover, necessary to preserve that unity and uniformity of laws and their administration, which, subject to local differences due to divergence of personal law, has been one of the great accomplishments of the British rule in India and which has, in turn, led to that unity of ideals which is at the bottom of the present political movement. These things, I feel convinced, will never be so well or indeed at all achieved unless the recruitment and policy of the High Court and its control be vested in the Central Government detached from local strifes and party squabbles and concerned only with the righteous administration of justice in India as a whole.

I therefore support the motion.

Sir Hari Singh Gour : Sir, the Honourable the Home Member is perfectly right in not committing the Government to an attitude of either support or hostility to the motion, and if we examine the question, it is not a very simple question at all. Honourable Members will find that this was one of the questions upon which the Royal Commission and the Central Committee conjointly spent a great deal of their time, and in the memoranda submitted to them by three High Courts, the High Courts of Calcutta, Bombay and Lahore, opinions were expressed in favour of centralisation with this exception that the Bombay High Court was not

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quite sure whether the centralisation of all the High Courts would be conducive to a greater efficiency of the High Courts and would be financially and administratively possible. But the Chief Justice of the Bombay High Court when he was examined said that he would defer to the opinion of the Chief Justice of Bengal who had greater experience on this subject. The Chief Justice of Bengal was examined at very great length and his examination is printed in Vol. XV of the Report of the Simon Commission, page 405 onwards. The Bengal High Court has always been in favour of the centralisation of all the High Courts in India, and in the opinions expressed by the Chief Justice of Bengal and by the Judges of the Lahore High Court and indeed by several other Judges of the other High Courts, there was a strongly expressed view that whatever may be the future constitution of India the High Courts at any rate should be removed from the vortex and turmoil of local politics and local prejudices and that they should be placed under the central authority. The late Sir Coutts Trotter, then the Chief Justice of Madras, in his memorandum, which you will find at page 516, Vol. XV of the Royal Commission's Report, was of the opinion that if the High Courts were to be centralised they should be centralised under a law officer and not under the Home Department. He suggested that they should be centralised under the Law Member who was himself a lawyer and who would be able to guide and control them better than what the Bengal High Court now is by the Home Department. That, Sir, was the view that was expressed by the late Chief Justice of Madras. Now, Honourable Members will find that there is undoubtedly a strong body of judicial opinion in favour of the centralisation of the High Courts because the High Court Judges are not politicians, and what they want is to be removed from the local prejudices of the politicians. One of the Judges in his evidence has pointed out that every year when the grant is placed before the local Council, the High Court Judges become the targets of attack by the local Councils and by the very nature of the case they are not able to defend themselves. High Court Judges are not represented in the local Councils. Their very impartiality makes them dumb to the voice of criticism raised against them in the local Council, and consequently the criticism against them, however, unjust and undeserved, goes unreplied to except perhaps by a spokesman of Government who may not be able to give the same effective reply which one of the Judges themselves might have been able to give through their accredited representative. That is the position of the Judges of the High Court. Consequently *a priori*, there is a great deal in favour of the view that whatever may be the future constitution of this country, whether it is to be shaped on a dominion basis or is to be on a federal basis, following the provisional recommendations of the Round Table Conference, the High Courts of India at any rate must be under the control of the Central Government. I visualise before my eyes some of the disadvantages that would accrue by the centralisation of the High Courts in India. Views were expressed before us by a number of high executive officers that if the High Courts are to be centralised and placed under the Minister of Justice or the Law Member or under the Home Department as the High Court of Bengal now is, the cry will soon be raised that the subordinate judiciary, the Sessions and District Judges and subordinate Judges, who are under the High Court, and in most provinces are appointed by the High Courts,

and in other provinces appointed on the recommendation of the High Court, should equally be centralised, because the reasons that exist for the centralisation of the High Court are reasons which apply equally to the centralisation of the judiciary, whether supreme or subordinate. That of course would be the objection, and that objection has been raised. Our answer to that was that, so far as the High Courts are concerned, they are the final Judges on fact and law, and being the ultimate tribunal in all matters of civil and criminal administration and justice, their case stands apart from that of the subordinate judiciary. If they commit mistakes, their mistakes would be rectified by the High Court, but if the High Courts commit mistakes, the mistakes may not be rectified at all, because the jurisdiction of the Privy Council is extremely limited in civil cases and is negligible in criminal cases, and what is more the Privy Council has not the general power of superintendence, direction and control which the High Courts exercise over the subordinate judiciary. Therefore I submit the objection that has been raised and might be repeated by the executive Governments of the various provinces that, in order to be logical, either the whole judiciary *en bloc* should be centralised or that the whole judiciary, including the High Courts, must remain provincialised does not appear to be conclusive. The case of the Calcutta High Court was exceptional, due to historical facts. Those who know the history of India in the days of Warren Hastings and later on know that the Government of Bengal afterwards became the Government of India and the Supreme Court became the High Court of Calcutta and the High Court of Calcutta therefore came to be placed under the Government of India. That is the historical fact and accident that the High Court of Calcutta has always been under the Governor General in Council. I do not know whether the High Courts have changed their opinion after the publication of the Report of the Royal Commission, but if they have not, I venture to submit that there is a consensus of opinion that the High Courts of India, including even the Bombay High Court, subject to the qualification which I have just now pointed out, should be centralised and the advantage, I see, is that there would be a closer co-ordination between the various High Courts. It is a lamentable fact that the High Court of Calcutta regards itself as working in a water-tight compartment. It enunciates rules and gives interpretations entirely different perhaps to the High Court of Bombay, because the Calcutta High Court feels that it is under no obligation to work in co-ordination with the High Court of Bombay but when we have a central authority, it may be the Supreme Court or Minister of Justice or Law Member, dealing with all the various High Courts of India, there would be greater co-ordination and greater re-approachment between the various Judges of the High Courts, and this change would be conducive to the elimination of some of those differences which now exist between the various High Courts in the country. The Home Member has pointed out very rightly that whatever may be the theoretical advantage of centralising the High Court, we have to look to the practical side of the question. If you want really to give provincial autonomy, and all provinces are crying out for provincial autonomy, you cannot give it by making reservation in the case of a very important item, namely, the judicial service and no province will not feel happy if you withdraw from it a very important branch of provincial administration, namely, its judiciary. Secondly, the provinces will raise the taxes and the rule is that he who pays the piper

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must call the tune and if the provinces are to finance the High Courts, it would be anomalous that the Central Government should have a controlling jurisdiction over them. Consequently there would be a very great outcry from the provinces against the centralisation of the High Courts, if the provinces are to raise the taxes and finance the High Courts. That is a very weighty argument and how that is to be got over, I am not in a position to say here, except that it might be a matter of settlement between the various provinces and the centre.

The other difficulty is the difficulty of distance. The Bombay High Court has rightly pointed out and in effect said, "Look at the distance between, we will say, Rangoon and Bombay". I am assuming of course for the sake of argument that Burma will continue to be a part of India. If this assumption does not apply, take the case of the distance between Calcutta and Bombay. If the Central Government is to control all the High Courts, a single man at the head of affairs here would not be able to control the various High Courts with the same degree of closeness as the Local Government's Home Member or the Minister of Justice of a province will be able to do, and that of course is another argument which I submit is well worthy of consideration. But these are all arguments *pros and cons*; and I feel, Sir, with the Honourable the Home Member, a great deal of diffidence in advising this House as to what line to adopt; but I think the best thing that we can do is to ask the Honourable the Leader of the House to submit to the Round Table Conference the report of the proceedings of this meeting so that they may give their due weight to all the arguments that have been adduced for and against centralization of the High Courts.

Mr. K. Ahmed : And in the meantime the Resolution may be withdrawn !

Sir Hari Singh Gour : I think that is the utmost that we can ask this House to do. The future constitution of this country, both executive and judicial, is in the melting pot. As the Honourable the Home Member has very rightly pointed out, there is a suggestion, in fact it is a declaration of the Lord Chancellor that the future constitution of India will comprise a Supreme Court. But the functions of the Supreme Court have still to be defined. Whether it will be a federal court for the purpose of interpreting and upholding the federal constitution, or whether it will deal with municipal law and would replace the Privy Council so far as civil appeals are concerned, and will be a court of criminal appeal in serious cases, is still a question upon which the Round Table Conference have come to no conclusions; and supposing the Supreme Court is a plenary court of jurisdiction, whether it should possess the power of superintendence, direction and control over the various High Courts is again a question which has still to be decided. I therefore submit that it is premature to dogmatise on the subject. All we can say is that our sympathies are in favour of the centralization of the High Courts if possible; but whether it is possible or not, and whether it is practicable or not, we are not in a position to say, and that is the utmost length, Sir, to which I am prepared to go on this subject. My sympathies are with the High Courts. The High Courts as a body, so far as I am able to understand them, are in favour of the centralization of the High Courts. They

do not want to mix themselves up with local politics and local turmoils, and they want to be a non-political body as they ought to be, detached from the turmoils of local politics and local intrigue, and they want to dispense pure and undiluted justice in matters that come before them. That of course is, as I have said, their point of view. And if it is possible to reconcile this view with provincial autonomy, no one would be more happy than myself. But whether it is possible to reconcile it with the ambition of the provinces to have complete provincial autonomy, excepting nothing, and yet centralize the High Courts is a knotty question, and I therefore submit that we should not in any way pronounce upon this question, whether it is possible or it is not possible. All we should do is to convey to the representatives at the Round Table Conference our view that, if possible, the High Courts might be centralized.

Mr. President : I see that there are several speakers still who wish to speak on this subject. I adjourn the House to half past two.

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

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

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, the Resolution moved by Mr. Amar Nath Dutt is a very complicated one. So far we have not arrived at a future form of constitution for India, and so long as we do not know what the future constitution of India will be, it is very difficult to pronounce any definite opinion on this knotty question. On the other hand if we look to the question of a Supreme Court and its functions, that again is a very difficult question and unless we know what its functions will be and what the duties of the Supreme Court will be, we cannot say what the fate of High Courts should be. At the same time the causes which have brought about the different High Courts in India depend on different historical conditions. Therefore too I find that it is very difficult to sketch the new form or say whether the High Courts should be a central subject or a provincial subject. The different High Courts have expressed different opinions as there are difficulties about finances and the language question. It was said once perhaps by the Madras Government, if I mistake not, that it may be that the Government of India might send some High Court Judges to Madras who are not acquainted with the language of the place or who may not know the law of the land sufficiently or at least of the province, or who may not be cognisant of the customs prevailing in the Madras Presidency, or in those other Presidencies where they are sent. Thus we find that there are sufficient difficulties in the way of pronouncing a definite opinion upon this question and I am in agreement with my Honourable friend, Sir Hari Singh Gour, regarding the difficulties which he has also pointed out. Sir, I know that the Government of India have expressed their opinion, the different High Courts too have to a certain extent expressed their opinions ; but as the matter is before the Round Table Conference, it would not be right for us here to express any definite opinion on this question. Of course, the different Provincial Governments have to make their local procedure rules ; they have also to make their rules for the services and to keep a record of the different

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ways in which they arrange their own services. Therefore I think it is rather early for us to decide this question.

As regards the broad question of provincial autonomy, I think I would also attach some importance to that. If we claim to have free provinces and a complete provincial autonomy, I am sure this knotty question will interfere with it if we express any opinion at present on this question. If the provincial High Courts remain under the Central Government, surely it will be a matter for consideration for the provinces whether they should defray the expenses or they should not. With these remarks I think it will be more expedient for us not to express any opinion at the present juncture.

Mr. B. N. Misra (Orissa Division : Non-Muhammadan) : Sir, I admit the good intentions of the Honourable the Mover and the supporter of this Resolution, but I have grave doubts about the utility of this Resolution at the present time. The object of the Resolution is undoubtedly very laudable. It wants to retain the independence of the Judges of our High Courts, the highest judiciary for each province. But, Sir, I doubt whether my Honourable friends have diagnosed the case correctly and whether they will have their remedy in the Resolution if it is carried. You want to retain the independence of the judiciary. That is a very laudable object and no one will disagree with that view, but how to secure it? Is it by this Resolution, putting the Judges under the Central Government rather than under the Provincial Governments? Sir, there was a time when Judges retained their own independence, their honesty of purpose and their character. They would not even accept invitations from the provincial Governors. At any rate I know of one instance in Madras where the High Court Judges would not accept an invitation from the Governor, far from yielding to any temptations which might be thrown in their way by the Governor. And it is well known that other High Court Judges have also kept their character intact and never yielded to any temptation. But, Sir, it may probably be that in these days there are Judges who would court the favour of any Government officials and would not think of maintaining their character, but what is the remedy? I have had experience of courts for about a quarter of a century and I do not think that the High Court Judges or any other Judges do anything wrong when the matter relates to party and party or where private parties are concerned. And when Government or any official is interested in a case, probably there may be some cases where charges have been levelled against our High Court Judges that they have yielded to temptations. No Judge would yield to any temptation if it be made a rule that, after retirement, a Judge should not be given any other appointment as an Executive Councillorship or a post in the India Office, etc. If these temptations are not thrown in their way, I do not think there will be anything to accuse High Court Judges of any miscarriage of justice. I think my Honourable friend should have brought his Resolution in a different form, that no Judge after retirement should be appointed to any post under Government. I know that, except in special cases, Judges generally retire at the age of 60. At least that is what the rule is in three provinces that I know of, Bengal, Madras and Bihar and Orissa. So they have had enough time to serve Government but still some of them

have got their weaknesses and fall to temptations. So either the Government of India or the Local Governments should make a rule that Judges, after retirement, should not get any other Government appointments. In that case they will not yield to temptations and there would be no fear of a miscarriage of justice.

The Honourable the Mover wants to have Judges under the control of the Central Government. Are the hands of the Central Government or the hands of the Provincial Governments so small that the latter cannot approach the Central Government direct or the Central Government cannot approach the Local Government? So the real test lies in the Judge maintaining his independence and his character and that is one view. The other is that Government should not give temptations. Once a man is appointed as a Judge by the Central Government or a Local Government, no temptations should be put in his way in the shape of the other gifts that may be in their hands.

Mr. Amar Nath Dutt : You mean Executive Councillorships ?

Mr. B. N. Misra : Yes, or even a post in the Secretary of State's Office in London, known as the India Office and so on. Of course there are titles and other things also. I think one who takes the pledge to administer justice to the people should be above temptations : as the saying goes, Cæsar's wife should be above suspicion. Government should not therefore put any temptation in their way by making them think they can remain in service beyond sixty in some other capacity. I submit the real remedy lies there, whether they are under the Central or Local Governments. At the present time we are not sure what form of Government we are going to get under the Round Table Conference. Therefore, I request my Honourable friend to withdraw and wait for another time after the decision of the Round Table Conference.

Mr. C. Brooke Elliott (Madras : European) : Sir, I do not think that in a fairly long series of attempts at compression, I have ever seen a higher degree of compression than has been shown by my Honourable friend—on which I congratulate him—in putting into three lines this manifestly most comprehensive Resolution. It is a subject of very great interest to the public and to humble lawyers like myself, and my silent friend on my left. (Laughter.) If I may say so, I would respectfully associate myself with the wide words and the wise words which the Home Member, Sir James Crerar, addressed to us this morning. In every contract we lawyers pay a great deal of attention to the word 'consideration'. In this comprehensive contract there is not *one* consideration, but many considerations to be taken into account. I am going to tell my Honourable friend a little story or rather invite him to take a little journey with me to the pleasant waters of the Mediterranean—where we shall be quite safe. On one occasion in 1925 when I was travelling to England, we imported into our vessel at Port Said the Right Honourable Herbert Henry Asquith (as Lord Oxford then was) and he was our companion on the voyage for four and a half days, two and a half of which were somewhat rough. The night before we reached Marseilles, our journey's end, we invited the Right Honourable gentleman to give us a little *old* example of that stately and famous English prose with which

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he has charmed many ears and many a House of Commons ; and he consented and proposed the health of the Captain of our Good Bibby Liver. Mr. Asquith dwelt first of all on the imponderability of our good ship with its costly freight, and then dwelt eloquently on the emotionality of the rough Mediterranean ; and thus threw a new and delightful light and meaning on his famous doctrine of " Weight and Sea ". (Laughter). I think that that is a very sound doctrine, a good liberal doctrine coming from Mr. Asquith, a Scotchman as well as a Liberal. I think we too must consider those two factors of vigil and vision ; and I trust that I shall be pardoned by the Home Member if I draw attention to the imponderability of the Indian Government and the sea—or rather the Indian Ocean—of problems that are involved in this three-line Resolution. An immense question like this may be ventilated, and very interestingly ventilated, but surely it cannot be dealt with by a simple " yes " or " no ". That is my difficulty when we are aiming at a complete separation of the ' Ayes ' and ' Noes ', personally in this House. I do not like to separate my " eyes " if I may say so from my " nose " : I prefer to keep my features entirely as God made them in relation to this question. That is the difficulty. If you said ' Yes ', I would like also to say ' yes ', because I do think in many ways I agree with the spirit of the Resolution ; but on the other hand I think it is rather premature ; and therefore while, as I say, we have ventilated this interesting problem and while one Honourable Member made some observations, from which, if I may say so respectfully, I desire to dissociate myself to a great extent, and while I could discuss it at great length—for I once spoke for nine days without a break—yet on the other hand there is much other pressing business, before us, and I think that my Honourable and learned friend—I do not know if the Honourable Member is in our profession ? (An Honourable Member : " Yes ".) I am very glad to hear it—did well in bringing up this matter : but as I say, how can we really come to any satisfactory conclusion to-day ? We have got to consider the financial aspect ; we have got to consider all the professional aspects, also the public aspect ; and we have got above all the aspect from the general constitutional point of view—the general good health of future political India—what we may call the new " Indian Constitution ". That new constitution is now being hammered out upon the anvil in England. That all the considerations embodied in this Resolution will be put forward, I have not the slightest doubt ; but until we get a great step further forward, and until perhaps we come to the next Session of this House, (when we shall have got somewhere near anyhow to what the future constitution of India is going to be,) it seems to me a little bit of a pity to discuss rather briefly what I might call only one feature of the future constitution. Because the only real results that can flow will be when you can discuss the constitution as a whole. It is a most vital and interesting subject. As I said I wish I had nine days to discuss it ; but in view of the imponderability and wideness of the problem, would any useful purpose really be served by taking this omnibus Resolution to a division ? Sir, we are a happy family in this Assembly ; sometimes even in happy families in India a partition suit is brought, and the family becomes divided. On this question I would ask my Honourable

friend to withdraw his proposed constitutional partition suit and let us remain a happy family, undivided on this Resolution.

Mr. K. P. Thampan : I move that the question be now put.

Mr. President : I think I will accept the closure. The question is that the question be now put.

The motion was adopted.

Mr. Amar Nath Dutt : Sir, I have heard the argument that has been adduced by my Honourable friend who has just preceded me on the opposite side, and I am grateful to him for what he has said. I also realise the ocean of difficulty that lies in constitution-making ; but at the same time I would invite the Honourable Member's attention to the wording of my Resolution. No doubt it is a three-line Resolution, as he has characterised it ; but that does not take away from the fact that it is a mere recommendation that in any future constitution that may be framed, the High Court may be made a central subject. That is what I want. I am not going to enter into any controversy about unitary form of government or federal form of government or anything of that sort. In fact I have never been in favour of federation. I believe that a unitary system of government is best suited for India, but that is not to our present purpose.

I am also grateful to the Honourable the Home Member for the attitude he has taken on this question. Naturally as Home Member in charge of a very difficult department, so to say at the present moment, when the new constitution is being framed, he cannot accept the view we take, but at the same time he has brought his judicial mind to bear on this question and suspended judgment. He says that there are many things in favour of my Resolution, while there are also certain difficulties. I also appreciate that there are certain difficulties, but what I want of those constitution makers who have the honour at the present moment to sit at the Round Table Conference as the accredited representatives of the nation, some of whom have been chosen by the Government of India.—I think the Government think that they have sufficient intelligence to come to some conclusion on this matter—and therefore what I want of those constitution makers is that they should know our view on this question. Sir, the difficulties that have been pointed out are not insurmountable, but the whole thing requires some amount of study and deliberation.

Sir, I do not think I need enter into any discussion about the difficulties that lie in the way of provincial autonomy. I do not want to make a fetish of the words "provincial autonomy" : in fact, I believe in Indian autonomy rather than in provincial autonomy, but those things are outside the scope of the present inquiry.

Then my friend, Mr. Azhar Ali, was pleased to observe that we had no definite knowledge about the future constitution. Certainly none of us can claim to have any knowledge of the future constitution, nor can we claim to know what the future position of the High Courts in India will be under the new constitution which is now being hammered out. But we have to decide whether the High Courts should be central or provincial subject, and so far as we can see, there are a good many advantages in having the High Courts

[Mr. Amar Nath Dutt.]

as a central subject, because that will preserve not only the dignity and independence of the courts, but they will be free from criticisms which we so often hear in the local Councils. I do not want to repeat those compliments that have been paid to Members of the Central Legislature by Members on the Treasury Benches on the other side in their memorandum, but I think those compliments are to a certain extent true, and we accept those compliments with good grace. With these few words I place this Resolution before the House, and I hope there will not be any opposition to it, because many may doubt Government's difficulties, but I do not expect that there will be any opposition to my Resolution. With these few words I commend the Resolution for your acceptance.

Mr. President : Does the Honourable the Home Member wish to reply ?

The Honourable Sir James Orerar : No, Sir.

Mr. President : The question is :

“ That this Assembly recommends to the Governor General in Council to convey to His Majesty's Government in England that in the opinion of this House the High Courts in India should be a central subject in the future constitution of India.”

The Assembly divided :

AYES—28.

Aggarwal, Mr. Jagan Nath.
Anklesaria, Mr. N. N.
Brij Kishore, Rai Bahadur Lala.
Chandi Mal Gola, Bhagat.
Dudhoria, Mr. Nahakumar Sing.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Hoon, Mr. A.
Jadhav, Mr. B. V.
Lalchand Navalrai, Mr.
Mitra, Mr. S. C.
Pandian, Mr. B. Rajaram.

Pandit, Rao Bahadur S. R.
Parma Nand, Bhai.
Puri, Mr. Goswami M. R.
Raghubir Singh, Kunwar.
Rajah, Raja Sir Vasudeva.
Rajah, Rao Bahadur M. C.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Reddi, Mr. T. N. Ramakrishna.
Sarda, Rai Sahib Harbilas.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.

NOES—19.

Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmed, Mr. K.
Anwar-ul-Azim, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Elliott, Mr. C. B.
Fazal Haq Piracha, Shaikh.
Imnail Ali Khan, Kunwar Hajee.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Morgan, Mr. G.

Muazzam Sahib Bahadur, Mr. Muhammad.
Murtoza Saheb Bahadur, Maulvi Sayyid.
Rafiquddin Ahmad, Khan Bahadur Maulvi.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Sher Muhammad Khan Gakhar, Captain.
Studd, Mr. E.
Sykes, Mr. E. P.
Talib Mehdi Khan, Nawab Major Maikh.
Yakub, Sir Muhammad.

The motion was adopted.

Mr. C. Brooke Elliott : May I make a brief personal explanation ? I was of course inaccurate in saying just now that Mr. Asquith was a Scotchman. My difficulty is this. I do not know whether I ought to apologise to Scotland, or to the members of the Asquith family ! (Laughter.)

—

RESOLUTION *RE* POWERS OF THE GOVERNOR GENERAL UNDER THE NEW CONSTITUTION.

Sirdar Harbans Singh Brar (East Punjab : Sikh) : I beg to move :

“ This Assembly recommends to the Governor General in Council to convey to His Majesty's Government the opinion of this House that no constitution will be acceptable to the people of India in which the position of the Governor General of India does not closely approximate to that of a constitutional Governor General as that of Canada, thus removing from the Statute-book his ordinance-making and other extraordinary powers and placing the entire responsibility for the Government of India on the shoulders of the Indian Legislatures, Central and Provincial.”

Sir, we take this course to strengthen the hands of His Excellency the Governor General and the delegates to the Round Table Conference in London, including Mahatma Gandhi, because the constitution at present is in the melting pot and the picture of the future constitution for India is in the process of being painted at St. James Palace in London. Surely, it is nothing but appropriate for this House that it should place its views on the subject before His Majesty's Government. Sir, His Excellency the Viceroy, soon after his arrival in India, made a memorable speech at the Chelmsford Club in the course of which he said :

“ I venture to hope that all those concerned, when they go over to London in the near future, will hurry on towards the completion of their labours in regard to the constitutional reforms so that my life here may more closely approximate to the four happy years I spent in Canada as a constitutional Governor General, and that I may shortly be relieved of many of the administrative duties.”

Sir, that speech was acclaimed and applauded throughout the country as a sincere desire on the part of the Government for the framing of a constitution for India on lines of Dominion Status. Sir, the other day, His Excellency the Viceroy was pleased to remark :

“ We all have a great common purpose in view, namely, the handing over to Indians the responsibility of the administration of their local affairs with a view to securing for India an absolutely equal position alongside the other Dominions within the British Empire.”

Sir, the phrase “ local affairs ” is worth noting. What is the reason for the change in the policy of the Government and in their attitude ? The House will remember that when the first speech was made, Mr. Bann was His Majesty's Principal Secretary of State for India, and when the latter speech was made Sir Samuel Hoare, a die-hard Conservative, had taken over charge of Indian affairs. Sir, we were always under the impression that as regards Indian affairs there is no difference in the policy of the different parties in England. Now, however, we find that there is a difference between the attitude of the different parties in England as regards India's future. When the declaration of August, 1917, was made, it was also drafted by a Conservative Secretary of State, Sir Austen Chamberlain, though it was delivered by Mr. Montague in the House of Commons who had taken charge only two or three days before, and that was also

[Sirdar Harbans Singh Brar.]

couched in the same guarded language, and conceding less than the minimum at that time. So, as far as India is concerned, I may say that we stand by the Chelmsford Club speech, that is the Magna Charta of Indian rights. Then the position of the future Governors General will be like that of His Majesty the King Emperor, or more correctly, like that of the Governors General in the Dominions. The Governor General will have no powers of ordinance-making or even of certification. That is the position that India wants, and Mahatma Gandhi, in his opening speech at the Round Table Conference, published to-day, has made it clear that India will accept no less. The purpose of this Resolution is to strengthen alike the hands of the sole delegate representing the Indian aspirations, namely, Mahatma Gandhi, and those of the Government. We do not desire to go out of the Commonwealth of British Nations, but the only way to keep India within that Commonwealth is to make the Legislatures of this country sovereign bodies as they are in the other Dominions, where the Governor General, as His Excellency Lord Willingdon has truly prophesied in his Chelmsford Club speech, will occupy the same constitutional position as in Canada and other Dominions. We hope for the day when the era of ordinances will come to an end, and true democracy be ushered in for the greatest good of the greatest number.

With these few remarks, I move the Resolution standing in my name.

The Honourable Sir George Rainy (Member for Commerce and Railways) : It is not necessary for me I think to inflict a long speech on the House, but it is perhaps better that I should say what has to be said on behalf of the Government at the outset of the discussion. In one sense, Mr. President, this Resolution may be described as almost a truism. It is obvious that, until Dominion Status is attained, which, when fully developed will carry with it all the implications as to the powers of the Governor General—till that is attained, Indian aspirations will not be satisfied. That I think is clear to all of us. In the second place, I can go a little further. Till that stage is reached, the policy of His Majesty's Government will not have been fully carried out. But while that is true, the circumstances of the moment are somewhat different, for the immediate practical question is, not what is to be the ultimate solution, but what can immediately and practicably be done at the present moment. Now, on that question, Mr. President, it is obvious that the attitude of the Government of India is and must be that of His Majesty's Government as expressed in the Prime Minister's declaration of the 19th January last. I should like to read one or two extracts from that declaration :

"The view of His Majesty's Government is that responsibility for the government of India should be placed upon Legislatures, Central and Provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with guarantees as are required by minorities to protect their political liberties and rights.

In such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own government."

I pass on omitting three paragraphs and then I come to this :

“ Under existing conditions the subjects of Defence and External affairs will be reserved to the Governor General, and arrangements will be made to place in his hands the powers necessary for the administration of those subjects. Moreover, as the Governor General must, as a last resort, be able in an emergency to maintain the tranquillity of the State, and must similarly be responsible for the observance of the constitutional rights of Minorities, he must be granted the necessary powers for these purposes.”

Now, in that scheme as set forth in the declaration of the Prime Minister, on the one hand there is to be responsibility to the Legislature both in the provinces and at the centre and on the other hand there are to be reservations and safeguards. If one can judge by the reception which the Prime Minister's declaration received both from the members of the Conference and public opinion in India, I think it may be said that the declaration did represent a considerable consensus of agreement at the Conference. Also I think it may be said that it was generally accepted as a basis on which the structure of the new constitution could be reared. In the light of the situation as it exists to-day, after the declaration of His Majesty's Government and when the Federal Structure Committee has reassembled and is engaged at the present moment in the task of constitution-building, the question I would ask is what exactly does this Resolution mean ? Is it intended to be of the nature of instructions to the delegates to the Round Table Conference as to what they are to do ? Does the Assembly really think that these eminent men, who faithfully represented the interests of India at the first sittings of the Conference, require special instructions ? I would like to put another question. Does the Resolution mean that there should be no transitional period, no reservations and no safeguards ? Is it meant that there ought to be no reservations or safeguards as regards defence, external affairs or as regards the protection of minorities ? I put the last point specially because it has so constantly been impressed upon the Government of India and upon His Majesty's Government from Indian quarters that in the new constitution there must be those safeguards, and it has very frequently been put in the form of special powers which ought to be in the hands of Governors and of the Governor General for that purpose. Therefore what I should like to put before this House is this. The attitude of the Government of India, as I have said, is and must be that which was clearly explained in the declaration of the Prime Minister in January last. Therefore, as this Resolution, as it stands, is clearly inconsistent with that declaration, the Government of India could not support it. On the other hand there is no desire on our part to prevent free expression of opinion, and the Government have decided that in all the circumstances it is better that they should not take part in the voting on this Resolution. But what I would ask Honourable Members to consider is this. This is a very important and grave crisis in the affairs of India. Much depends upon the decisions to be taken in a short time, and much depends upon the attitude of all those who can influence the course of the discussions. I would ask Honourable Members, before they decide what their attitude is to be as regards this Resolution, to consider with themselves what the effect is likely to be, and whether on the whole the passing of this Resolution would assist the attainment of a peaceful and harmonious settlement by agreement in London, or whether it would tend to make such a result

[Sir George Rainy.]

less probable. I do not believe there is smallest difference of opinion in all sections of the House as to what they desire. We all desire to see that peaceful and harmonious settlement. It is not for me to dictate to other Members as to the best means of bringing that about, but I do ask them to consider seriously whether in the face of the declaration of His Majesty's Government, an expression of opinion, apparently intended not as to the result which people hope to see come about in a few years time, but as a result to be achieved immediately, whether such a Resolution would assist the work of the Conference or render it more difficult.

Mr. C. S. Banga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : Sir, I am very grateful to the Honourable the Leader of the House for having put the case of the Government with the same grace and the same restraint that we have always learnt to associate with him. I may at the very outset assure him that so far as this side of the House is concerned, we have nothing dearer to our heart or nearer to our ambition than to make a harmonious settlement between the two countries possible ; and, Sir, I believe that the Honourable the Leader of the House was perhaps a little worried about what he was pleased to describe as the capacity of this Resolution. I know that the capacity of this Resolution can only be measured in the terms of the ambition of the Indian people which he was pleased to define as a truism. Sir, it is not a mere truism ; it is something more than a truism ; it embodies in itself the concentrated agitation which the Indian people have carried on in a constitutional way ever since the founding of the Congress. It has behind it the opinion of an overwhelming majority of the Indian people—an opinion which found recognition in the pregnant words uttered by His Excellency the Viceroy at the Chelmsford Club. Those words, Sir, were uttered by His Excellency the Viceroy, who knows the feelings and aspirations of the people, and who drew on his recent experience in Canada in the very first speech that he was pleased to deliver in India. And as Sirdar Harbans Singh, the Mover of this Resolution, truly said, those memorable words will live in history as the great charter of Indian rights and liberties, Sir, generations yet unborn will be grateful to His Excellency for having uttered those noble words. I am quite willing to grant that if the Mover of the Resolution had read some more quotations from the speech, it would appear that His Excellency did not immediately contemplate a complete transference of power, but at the same time he did contemplate a transference of power and the assimilation of the position of the Governor General of India to that of the Governor General of Canada within a very short period. Sir, His Excellency said :

“ If I am right in what I have said, then will come nearer the vision. I have always had before me the ideal for which I have always worked during long years of public service, a *great commonwealth of nations* ”—

a better phrase for the old Empire, an expression, which we are pleased to observe, the sole delegate of the National Congress himself has endorsed in his speech, published in this morning's papers, at the Round Table Conference :

“ consisting of great countries spread all over the world, grown up and developed to the full strength and justly administered by the citizens of each particular country, comprising many different races, colours and creeds, bound together by one common tie

of loyalty to our King-Emperor, King George, and, by the example of their administration, exercising an overpowering influence in securing peace and goodwill among all the nations of the world."

Sir, I propose to interpret this Resolution in the light of that observation ; and I am perfectly certain that when I interpret this Resolution in the light of that observation, the Honourable the Leader of the House will think that the capacity of this Resolution is quite reasonable ; that it is reasonably limited. His Excellency concluded his speech with these pregnant words hoping that providence might give us all hope, optimism and the true Christian Spirit :

" I use the word ' Christian ' in its widest and most catholic sense."

He was speaking of working together in the true Christian spirit of mutual confidence and good-will for the benefit and welfare of this great country. He was speaking in an optimistic way :

"before my term of office is over, I may be a much more nearly a constitutional Governor General, and that this great country ere long may once again be on its way to assured and increasing prosperity."

Those words, Sir, mean—and the Honourable the Leader of the House will agree with me—responsibility in the Central Government, complete control or authority—not merely in provincial or rather local affairs.

I do not think that the Honourable the Leader of the House should think that we were trying to draw red herring across the path of the delegates to the Round Table Conference. Sir, the Honourable the Leader of the House was saying, " Are we thinking of issuing instructions to the Round Table Conference ? ". Sir, we are not aspiring to issue instructions to the delegates to the Round Table Conference. We feel however we have a more representative capacity in this House than even the delegates to the Round Table Conference, who, after all, are the nominees of somebody, separated from us by half the world. (Laughter.) Sir, as between the delegates to the Round Table Conference, and the Members of this House, the Honourable the Leader of the House I am sure, will appreciate the fact that the Members of this House have a more representative capacity. I expected, Sir, that he would express a little appreciation that a Resolution of this kind had been tabled and that he would go still further and say that the debate in this House would be communicated to His Majesty's Government. After all, this House has got some right to say something about its future, about the country's future. No doubt the Round Table Conference people are constitution-making. But this House was not called upon to elect representatives to that Conference, and among the new Members of this House, I believe there was only one swallow and that could not be said to make a political summer.

Sir, I do not think that the Honourable the Leader of the House would be justified in trying to belittle the importance of this House so far as its right to pronounce an opinion on matters which are being discussed in England is concerned. The Honourable the Leader of the House ought to know what this Assembly is here for. I think the Assembly has a right to say what kind of political institutions should be introduced into this country, especially in the light of the lead, the great lead that has been given by His Excellency the Viceroy.

[Mr. C. S. Ranga Iyer.]

I must confess I was extremely disappointed with the speech of the Honourable the Leader of the House. There was the usual politeness about his speech, the usual suavity which we all appreciate, but he did not appreciate our purpose, and not only that, he did not go a step further and say, "It is very good that a Resolution of this kind is being discussed, I hope this Resolution will not be pressed to a division but I do hope that the debate that is taking place here will be duly communicated to His Majesty's Government". Does the Honourable Member think that the Round Table Conference has got a better status than this Legislative Assembly? (*Cries of "Hear, hear"*.) Some on this side of the House may even be inclined to challenge many members of the Round Table Conference to come and contest in a general election. With the solitary exception of Mahatma Gandhi, who represents the Congress which elected him as its sole delegate, every other member of the Round Table Conference is only an official nominee. I know that Mahatma Gandhi does not require any "instructions" from this Assembly because I think I am perfectly moderate when I say that Mahatma Gandhi has certainly a very large following in the country. But Gandhi and two of his associates excluded, I do believe that the delegates to the Round Table Conference, taken each by each, are not any better than any of the Members of this House in their representative capacity.

Sir, the Honourable the Leader of the House made some references to the Prime Minister's speech. This leads me to a statement that was made by the Law Member designate as he then was, Sir C. P. Ramaswami Aiyar, the moment the Viceroy's utterance was made at the Chelmsford Club. Sir, it was at that time that the notice of this Resolution was given, though it has come up for discussion only now. The purpose of this Resolution then was to strengthen the hands of His Excellency the Viceroy. At that time there was a great sensation in England; very unworthy comments were indulged in by a certain section of the irresponsible Press against His Excellency the Viceroy's speech. At that time one Tory Member, a die-hard I should think, had also tabled a motion in the House of Commons. At that time it was feared that there would be a discussion in the House of Commons on His Excellency's speech. At such a time it was felt necessary that we should arm ourselves as India's Parliament to reply to the debate in the House of Commons. Fortunately that debate did not take place on that motion. At that time Sir C. P. Ramaswami Aiyar made the following statement which may be appropriately applied to this Resolution itself. In a statement to the Associated Press he said regarding the proposed motion of Mr. Bracken a Conservative M. P. in the House of Commons :

"His Majesty's Government, through the Prime Minister unequivocally stated on January 19, 1931, that the view of His Majesty's Government is that the responsibility for the government of India should be placed upon Indian Legislatures, Central and Provincial."

And the Honourable the Leader of the House will find that the exact language has been almost copied in this Resolution. Our view is that the entire responsibility for the government of India should be placed on the Indian Legislatures, central and provincial.

Mian Muhammad Shah Nawas (West Central Punjab : Muham-maden) : Subject to the rights and interests as required by the minorities. The Resolution is silent on that.

Mr. C. S. Ranga Iyer : I wish the Honourable Member had given notice of an amendment. He wakes up rather too late. However, as the Law Member designate said, "subject only to certain transitory provisions". He then continued :

"It is therefore most surprising that Mr. Bracken should have ventured to criticise His Excellency's speech which restates the same proposition in another form. I sincerely hope that the motion will not be pressed"—

The motion was not pressed ; perhaps it was not even balloted, whereas the Resolution of my Honourable friend Sirdar Harbans Singh Brar was more lucky in the ballot :

"and I feel nearly certain that Mr. Baldwin will not countenance it"—

In that respect the Law Member designate was a prophet. Mr. Baldwin obviously did not countenance it :

"for I firmly believe that such actions and the mental attitude underlying the motion will assuredly give rise to that acute racial and political tension which all those who know Lord Willingdon also know he is most anxious to eradicate by a policy of wise conciliation."

He went on to say :

"I shudder to think of the consequences that may follow upon irresponsible speeches in the House of Commons on the lines of this motion and the repercussions they may have on the Round Table Conference and the Delhi Pact."

Therefore, Sir, we had forearmed ourselves with this Resolution and now I have only to say that so far as Indian aspirations go, the agitation in this country will go on until India is endowed with what Mahatma Gandhi was pleased to describe at the Round Table Conference as partnership. (Hear, hear.)

Finally, Sir, I should say that the present position of the Governor General of Canada is mentioned in "Canada and World Politics" by Mr. Smith and by Mr. Corbett.

Mr. President : I should like to draw the Honourable Member's attention to the fact that his time is up. I will allow him only two minutes more.

Mr. C. S. Ranga Iyer : That is, Sir, why I said "finally" though I am very thankful to you for drawing my attention to the time limit. I wanted to conclude with this quotation which sums up the goal to which we aim, and that is a goal which even the Leader of the House has admitted is a legitimate goal. This is what Mr. Corbett and Mr. Smith say in "Canada and World Politics" :

"The Conference of 1926 gives formal recognition to this development of the Governor General's position by recommending that in future he should be furnished with copies of the more important despatches, the actual communications being exchanged direct between the two cabinets concerned."

I do not put it so highly for the next stage at all, but I would rather put it as His Excellency put it, that his position should nearly approximate to that of the constitutional Governor General of the self-governing Dominions.

The Honourable Sir George Rainy : Sir, I am sorry that I did not make it clear that the Government of India are perfectly prepared to forward to His Majesty's Government in England not only this Resolution as it is passed but the full report of the debate.

Mr. C. S. Ranga Iyer : Thank you. I can assure you on that assurance that the motion will be withdrawn after the debate and I have the permission of the Honourable the Mover to say so.

Mr. Arthur Moore (Bengal : Europeans) : Sir, I am very glad to hear Mr. Ranga Iyer's statement that the motion will be withdrawn. In that case I feel that it cannot be said that the debate has been entirely useless. I should certainly have deprecated any attempt to divide the House upon this point, because I feel fully the force of the argument advanced by the Honourable the Leader of the House that in view first of all of the attitude taken up at the previous session of the Round Table Conference, and secondly the fact that the further sessions of the Round Table Conference have in a sense already begun, this is not a propitious moment for us to debate such a Resolution. There is the further point that any vote, either for this Resolution or against it, is open to the most serious misinterpretation because there is a profound contradiction between the first and the second halves of it. Therefore any vote can be misinterpreted. The first part of the Resolution is a recommendation that the position of the Governor General of India should closely approximate to that of a constitutional Governor General as in Canada. Now, Sir, I think with that wording none of us would desire to quarrel. But the Resolution singles out the Dominion of Canada. I think probably the explanation for that is that our present Viceroy has come to us directly from filling the distinguished post of Governor General of Canada, and that in a recent speech at the Chelmsford Club he expressed his very natural aspiration, in view not only of his well-known views but of the settled policy of His Majesty's Government, that as soon as possible he would be able to find himself more or less in the position of a constitutional Governor General, such as he was in Canada. But when we go on beyond that, the whole aspect of the question changes, because if we were to examine the constitutions of the various Dominions—Canada, Australia, New Zealand, South Africa and Ireland—we should find that there are very very striking differences between them ; and in the case of India, there is no reason at all why we should be tied to the Canadian model. And when we reach the last sentence of the Resolution, it says that the entire responsibility for the Government of India shall be placed on the shoulders of the Indian Legislatures, central and provincial. Now, what about the electorate ? Is it not the duty of the Governor General in all these constitutions to defend the electorate against the encroachments of the Legislature ?

Mr. C. S. Ranga Iyer : But the Legislature will be responsible to the electorate.

Mr. Arthur Moore : May I remind my friend, Mr. Ranga Iyer, that Lord Willingdon's predecessor, Lord Byng, a very few years ago refused the Canadian Prime Minister a dissolution on the ground that the electors had been recently consulted and that it was not reasonable to consult them again after such a short interval ? May I remind Mr. Ranga Iyer further that the present Premier of New South Wales has met with a refusal—not from the Governor General of the Australian Commonwealth,

but from the Governor of New South Wales—that he has more than once been met with a blank refusal to do certain things which he, as the responsible Premier of that Australian State, has suggested ?

Mr. C. S. Ranga Iyer : Will the Honourable Gentleman allow me to interrupt him because he has put a question I can easily answer ? The Honourable gentleman invited my attention to Lord Byng's refusing a dissolution requested by the Canadian Liberal Government. I am quite aware of it, but I think the fact should be known to him that since then the power of the Governor General has been very much limited, and the Governor General of Canada for that matter is now not even the official channel of communication between the Prime Minister of Canada and the Prime Minister of England as he used to be. I do not want to take up his time ; but if he wants I could give him a quotation in this matter from " Canada and World Politics " by Corbett and Smith, at page 148 and subsequent pages.

Mr. Arthur Moore : I am afraid I cannot agree with my Honourable friend that the Governor General of Canada has in any way lost the right of direct communication with the Home Government. To return to the question of Australia, which I was trying to impress upon Mr. Ranga Iyer—I would mention that a Governor of a State—not even the Governor General—has repeatedly refused to agree to the request of the responsible Premier, because he felt that he was defending the interests of the electorate. I can remember an occasion a few years ago when Mr. Lang, the present Premier of New South Wales, sent a special representative home—one of his ministers—to appeal to the Colonial Secretary over the head of the Governor, because the Governor had refused to grant his request to create a large number of senators in the Upper House, and on that occasion the Colonial Secretary and His Majesty's Government entirely supported the action of the Governor of New South Wales. Therefore it seems to me that this second part of the Resolution goes beyond the actual facts and involves us in a contradiction ; and for that reason I find myself unable to vote for it.

Sirdar Harbans Singh Brar : Sir, the Leader of the House suggested that perhaps we were giving instructions to the delegates to the Round Table Conference. That was not the aim. This Assembly as the only elected representative organ of the constitution has the right to express its opinion on the future constitutional reforms to be given to India ; and that is how we mean it to be, because the delegates are after all the nominees of the Government, except Mahatma Gandhi and his two associates ; and in that view we desire that the expressed view of the elected representatives in this House may be conveyed to His Majesty's Government for guidance and to the Round Table Conference delegates for consideration. My friend, Mr. Shah Nawaz interjected " safeguards for minorities ". I myself belong to one of the smallest and most important minorities which do need some protection no doubt and have been claiming it for some time ; but I believe that the greatest safeguard any minority either could have or should have is the goodwill of the majority, and that only, can protect it. No constitution could protect a minority without the goodwill of the majority, and that is the best and the only safeguard which any minority could or should have.

Mian Muhammad Shah Nawaz : It is just the other way ; the majority should have the goodwill of the minority.

Sirdar Harbans Singh Brar : Both ways. Mutual goodwill only can remove friction. The transitional period has been going on for such a long time, and I am reminded here of the words of that bold statesman, the greatness of whose head and heart shed lustre upon all Europe, Mr. W. E. Gladstone, while speaking upon Irish Home Rule :

“ Liberty alone befits men for liberty. This doctrine, like every other in politics, has its bounds, but it is far safer than the counter-doctrine of ‘ wait till they are fit ’.”

These are the words of that memorable statesman whose greatness nobody can deny ; and I think, given responsibility to the Indians, they will bear it and shoulder it with credit. And reference was made to Canada, because it is the Canadian constitution which is considered by most of the Indian constitutionalists as best suited to Indian conditions, and that is why we refer particularly to Canada.

Again, to impress upon the Government the desirability of giving up their present attitude regarding our fitness, that has never been questioned as regards any Central European States, who were in no way more civilized or more advanced than Indians, and therefore the question of fitness should not be raised when the question of reforms to India is under discussion. Mr. De Valera, speaking about India recently at New York, said :

“ All people are necessarily backward, when you deliberately debar them from progress ; they are necessarily ignorant, when you keep them out from education and withhold knowledge from them ; they are necessarily lazy, when you deprive them of the means or the incentive to work. Nobody can swim if the water to swim in or the opportunity to enter it is denied.”

Give us the opportunities, let us shoulder the burden, and India will prove quite fit to the occasion.

As regards the constitutional position of the Governor General which Mr. Moore questioned, I will read from this book a small quotation :

“ The last prerogative which remained to the Governor General was that of Dissolution. We have seen that Sir Edmund Head exercised his own judgment in declining to dissolve Parliament at the bidding of Mr. George Brown. But this power of control seems since to have been abandoned like the rest. The Governor General now appears to feel himself bound to dissolve Parliament at the bidding of his Minister, without any constitutional crisis requiring an appeal to the country, or cause of any kind except the convenience of a Minister who may think the moment good for snapping a verdict.”

With these few remarks, Sir, in reply to the debate and after the assurance of the Leader of the House to send the proceedings of this debate to His Majesty's Government, I beg leave to withdraw my Resolution.

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

RESOLUTION *RE* CONTROL OF MONEY LENDING AND RATES OF INTEREST.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I beg to move the following Resolution which stands in my name. It reads thus :

“ This Assembly recommends to the Governor General in Council that he may be pleased to take up immediate legislation in order to control the money-lending and unrestricted usurious rates of interest in India.”

Sir, the present financial stringency in the country and the general depression in trade have evoked a great deal of stir and emotion in India

and all possible avenues which may lead to bring about relief to the people are being earnestly searched and surveyed. Of all the problems which are now facing the country, the economic condition of the people is a source of great anxiety.

This state of affairs may be attributed to several causes but a thorough investigation will show that the money-lending system in India is to a very large extent responsible for the appalling condition of the landholder and the tenant, who form a large section of the people of this country. I was amazingly surprised at the interest which the public has shown in my Resolution and the amount of support which I have received from all quarters. Since it was published in the papers that I have given notice to move this Resolution, hardly a day has passed, when I have not received some letters and some cuttings of articles in some papers in support of the Resolution and the eyes of the whole country are fixed on the result of to-day's debate in the Assembly.

The problem of agricultural indebtedness has assumed such proportions that at the present time any attempt to better the lot of the landholders and the peasants, or to ease their distress must necessarily prove absolutely futile which fails to touch upon the problem of debt. Land revenue is only a very unimportant fraction of the sum which the landholders and the tenants part. Annually, in order to pay their debts, interest must be at least fourteen or fifteen times the multiple of the land revenue. How can the remission of land revenue alone bring relief when debts and the interest remain untouched ?

It is nearly impossible to find the exact figures of indebtedness in India, but scattered figures of indebtedness and statements available sufficiently go to prove the appalling condition of indebtedness in the country. In the Punjab the average debt per acre was estimated, about six years ago, at a figure of Rs. 31 per acre. Those supported by agriculture owed Rs. 76 per head. The indebted peasant proprietors owed Rs. 463 per head and of the total number of cultivators at least 83 per cent. were in debt.

The Punjab Zamindars Association was informed by the Honourable the Minister for Agriculture, recently, that the present total debt in the Punjab alone amounts to 150 crores, out of which 18 crores represent interest alone.

An account of the survey of rural indebtedness made by the 29 members of the Madras Youth League about certain villages shows that, excepting perhaps the very few who hold more than 10 acres or thereabouts, all the rest of the peasantry are involved in debt.

The land of practically every one of the small peasants is under mortgage. The rate of interest paid on loans raised on the mortgage of lands within the village itself ranges between 12 to 24 per cent. The rate of interest for loans raised outside the village, and from professional money lenders, in the city, ranges between 18 to 36 per cent. The Report of the Provincial Banking Committee of Madras, published about the end of 1930, shows that the maximum in any particular year of the total debt of the people over the province is in the neighbourhood of 150 crores of rupees and that the debt which continues from year to year is at present about Rs. 70 crores.

[Sir Muhammad Yakub.]

Some time ago an application was made to His Excellency the Governor of Bengal on behalf of the people of Darjeeling, in which it was stated "that the money lenders of Darjeeling charged an exorbitant rate of interest from their creditors, so that after it is once incurred the moveable and immoveable property of the debtors is taken possession of by the creditor in a short time. Thus the people of Darjeeling become poor and do not get sufficient food to eat".

I am sorry that figures of indebtedness about my own province, the United Provinces, are not available, but a recent investigation made by Mr. Mudie, about the indebtedness in Agra Pargana and Fatehpur Sikri, the best and the worst areas in Agra District, shows how in one of the best Districts in the United Provinces the Bania is strangling agriculture. No less than 69.3 per cent. of the cultivators and 55.6 per cent. of the zemindars are indebted in Agra Pargana, while the corresponding averages of Fatehpur Sikri are 93.4 and 93.4. The average debt for all the tenants is 135 per family in Agra and the average for indebted families is Rs. 210 per family in Agra, while the corresponding figures for Fatehpur Sikri are Rs. 246 and Rs. 266. Mr. Mudie notes :

"In Agra the indebted tenants owe practically the whole value of the crops. The agricultural debt of the indebted cultivator who cultivates less than 2.5 acres is 2½ times the value of the produce of his fields and it is not till holdings of more than five acres are reached that agricultural debt is less than the produce of the fields of the debtors. The agricultural debt of tenants in Fatehpur Sikri is slightly higher than the value of the produce of the land they cultivate."

The average rate of interest in Agra is 20.1 per cent. and in Fatehpur Sikri 20.5 per cent. respectively. It is thus obvious that a sum of money exceeding three times the land revenue annually passes into the hands of Banias in these places. No remission of land revenue or rent only can touch the problem of agricultural poverty when such a millstone hangs round the neck of the people, in one of the best districts of the United Provinces. Mr. Mudie's calculations are that :

"The banya brings his natural ingenuity to conceal his assets. They take no account of the numberless perquisites, in the shape of ghee, sugar and fruits, which are from time to time given to the banya and his clerk to keep them from withdrawing the loan unseasonably and of the constant manipulation of accounts, in which the banya indulges under an Evidence Act which accepts the account kept by the lender, and on account of the illiteracy of the borrower, who cannot calculate the interest, and who often forgets what he borrowed. One of the result of unrestrained usury is that a large amount of property is passing into the hands of the banyas, who are the worst landholders possible. The tenant never knows how much he owes for rent and how much for interest and capital and the money-lending landlord can screw the last penny from him by crediting payment to the loan account and then suing for ejection for arrears of rent.

The condition therefore of the cultivator, who is compelled to borrow at such ruinous terms to meet a net demand fixed in cash out of a crop the value of which is exposed to fluctuations in world markets and the quantity of which varies with the vagaries of the monsoon, is one of appalling poverty."

To this may be added the menace of "Saway" system which generally prevails in the United Provinces. By this operation, the cultivator is compelled to pay back to the money lender on an average of 27 seers of wheat for 8 seers borrowed about six months before, i.e., 250 per cent. for six months use or 500 per cent. per annum.

In the part of United Provinces known as the Doab no less than 75 per cent. of the cultivators are subjected to the "Saway" system. In

Rohilkhand, where the Mussalmans owned a very large percentage of landed property, during the last thirty years they have lost not less than 75 per cent. In the district of Furrakhabad the Thakurs have lost 50 per cent. of their landed property and the Mussalmans 40 per cent., on account of indebtedness. The Settlement Report of Badaun district shows that during a period of thirty years the Thakurs lost 50 per cent. and the Mussalmans 40 per cent. of their landed property.

Three years ago an investigation was made by an order of the Local Government in the districts of Badaun, as regards the indebtedness of the zamindars and the tenants, and the officer who was deputed to conduct the enquiry reported that the zamindars were on the verge of ruin on account of the heavy burden of debts. As regards the tenants, he says that the rate of interest was at least 37.5 per cent. per annum and that there was hardly any tenant who was free from the clutches of the money lender.

The position in the United Provinces is that, owing to a fall in the prices of the products, and scanty crops during the last two years, both the zamindars and the tenants have exhausted their resources and are totally unable to pay revenue and rent respectively. This afforded a unique opportunity to the money lender of extending his fleecing operations and about 75 per cent. of the landholders, as well as the tenants, had to borrow money on very exorbitant rates in order to pay what they could not avoid paying. During the last *rabi* crop the Government had to remit land revenue of about 70 lakhs, and the amount of the rent which the zamindars had to forego was nearly 2.5 crores, and if there is no improvement in the condition of the world prices, during the coming *khariif* the Government will have to make a further reduction of about a crore and a half in revenue and the zamindars about four crores of rupees in rent. And if prompt steps are not taken by the Government to protect the zamindars and the tenants from the clutches of the money lender the position will become impossible.

Taking the Banking Inquiry Committee's figure as the basis of reckoning, debt would now work out at rupees 48.9 per acre, Rs. 119.9 per head of those supported by agriculture, and Rs. 730.3 per peasant proprietor of the province. About five years ago the total agricultural indebtedness of India was 600 crores, out of which sum about 60 crores was owed in the Punjab alone. It may be mentioned that the compound interest system and the abuses connected with money lending were almost the sole cause of the increase. The Banking Inquiry Committee in 1930 registered a further increase of 52 crores in the debt in a period of approximately five years. Prices of agricultural produce had also fallen to about one-third of what they were in 1925, which made the increase all the more serious.

The Royal Commission on Labour in India has devoted in its Report one full chapter to the question of indebtedness in the country. They say in their Report, on page 224, that :

“ Among the causes responsible for the low standard of living of the worker, indebtedness must be given high place. Here, as elsewhere, we are confronted with an absence of reliable statistics, but there is general agreement as to the main fact, and we are satisfied that the majority of industrial workers are in debt for the greater part of their working lives. Many indeed are born in debt and it evokes both admiration and regret to find how commonly a son assumes responsibility for his father's debt, an obligation which rests on religious and social but seldom on legal sanctions.”

[Sir Muhaammad Yakub.]

Further they say :

" It is estimated that in most industrial centres the proportion of families or individuals who are in debt is not less than two-thirds of the whole."

They then proceed on to say :

" A debt of even one quarter of a year's wages is a heavy burden particularly to a man whose income is little more than sufficient for bare necessities. But the burden is aggravated out of all proportion by the rate of interest which has to be paid. A common rate is 'one anna in the rupee', i.e., one anna per month on every rupee borrowed and this was a rate frequently cited to us in our tours. This is 75 per cent. per annum, without allowing for the effect of compound interest."

They then say :

" The Bombay working class Banking Inquiry of 1921-23 gave the usual rate of interest as one anna in the rupee per mensem; a recent inquiry which was much more limited in scope states, 'While in a few cases no interest had to be paid on the money borrowed, at least in one case the rate of interest was as high as 150 per cent. In 29 per cent. of the cases the rate of interest varied from 72 to 78 per cent. and in 19 per cent. of the cases it varied from 24 to 30 per cent. This relates to families; of 49 single persons in debt, the Report observes, 'The most usual rate of interest is from 18 to 30 per cent., although in fourteen cases it was as high as 75 per cent.' The enquiries made for us into the standard of living in the U. P. gives 75 per cent. as commonest rate at Cawnpore, the next commonest rate being 37.5 per cent. In Lucknow and Gorakhpore, the higher rate is exceptional; this appears to be due in part to a number of the workers being members of co-operative societies. The inquiry made for us into the standard of living of jute mill workers in Bengal gives the average of interest as at 78 per cent. The report on this inquiry and the evidence given to the Bengal Banking Inquiry Committee by the Indian Jute Mill Association both mention as the highest rate 325 per cent. annually (one anna in the rupee weekly) on small sums. Rates in the Punjab appear to be much lower, but particulars are not available to distinguish loans from money-lenders from those of the co-operative societies, and here, as in other places, low rates seem to be associated with repayment by monthly instalments. The inquiry made into the standard of living on the South Indian States shows 'More than 80 per cent. of the loans are obtained from the money-lenders whose usual rate of interest ranges from one anna in the rupee or 75 per cent. to two annas in the rupee or 150 per cent.'"

There can be no doubt that the money lender in India owes his present position to the British Government. During the early days of their administration, the East India Company protected the European British subjects in India by enacting the Regulation Act of 1774 which fixed the maximum rate of interest at 12 per cent. per annum. In course of time similar Regulations were passed for Bengal, Madras, and Bombay Presidencies and this continued to be the legal rate of interest until the Usuary Law Repeal Act 28 of 1855 was passed. As far back as 1852 Mr. Wingate, Revenue Commissioner, Punjab, in his report about agriculture in that province remarked that the power which the money lenders wielded in that province was greater than was possessed by them in the Indian States, and that this power was due to the laws made by the British Government, according to which a debtor could obtain a decree according to the terms of the contract and had the power to execute his decree by attachment and sale of all the moveable and immoveable property of the debtor. During the reign of our predecessors, namely, the Mahrattas, says Mr. Wingate, the creditors power to realise his debt by assistance of the court of law was almost nil.

The Usuary Laws Repeal Act removed all restrictions on the rate of interest and required the courts to award interest at the rate agreed upon between the parties. The result was that the courts had to award interest at the stipulated rates, however exorbitant the demand and however unconscionable the bargain. The mischief which then arose ruined many

prosperous families in a few years time and decrees for fabulous amounts were passed by the civil courts in India, although the principle amount was very small and trifling. A feeble effort was made on the part of the Government to give the court some discretionary power, and section 16 of the Contract Act was amended by adding section 19. This attempt having failed to give any relief to any debtor, another attempt was made by passing Usurious Loans Act of 1918. This Act enables the court to grant relief to borrowers in cases where (a) the rate of interest is excessive, (b) the transaction sued upon is substantially unfair. This measure has also failed to afford any substantial relief to the debtor and the Act has remained practically a dead letter. The expressions "excessive" and "substantially unfair" are so vague and indefinite that it is left to the sweet will of the court to exercise the power contained in the Act.

In 1922 Khan Sahib Moulvi Abdul Qadir tried to move in this Assembly a Bill to amend the Interest Act of 1839, but it was opposed by the Government at the very first stage and the motion to move the Bill was negatived. In 1923 the same Honourable Member again sought leave of the House to introduce the same Bill but on the assurance given by the Government, that Government would cause inquiry to be made into the grievances, the Honourable Member was persuaded to withdraw his motion. But the assurance which was solemnly given by the Government on the floor of this House produced no result. In 1927 I made an attempt to renew the same Bill, but it also received the same fate. The conditions are now quite different from what they were in those days and the situation in the country has become extremely grave and critical. I have abstained from moving any other Bill to control the unrestricted money lending system in India, nor have I suggested any definite methods in my Resolution to stop the evil, but I leave the matter entirely in the hands of the Government and wish to give them a free choice in adopting the measures which they consider reasonable and proper to meet the contingencies of the situation.

When Rome was faced with a similar problem, though on a much smaller scale, a solution was sought in a cancellation of debt. The State took courage in both its hands and did the thing. Remission of land revenue only is not what is required, but rather the steps that were followed in Rome. If the welfare of the cultivator, the labourer as well as landholder is desired, let all patriotic citizens and the Government of India and the Provincial Governments consider seriously the question of debt reform. With these observations, I commend my Resolution to the House.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : I shall not follow the good example of my Honourable friend from Moradabad, whom I take this earliest opportunity of congratulating on his knighthood, by reading out a long speech. I am rather disappointed that he should have brought forward a Resolution of this kind in these hard days when money is very difficult to get. Money lenders, if he had only tried to borrow, would have refused him altogether. My friend the Raja of Kollengode and my friend Mr. Thanipan, who are big zamindars from South India, will be able to tell you how difficult they find it to sell the raw produce of their estates. My friend the Raja of Kollengode cannot even sell his elephants, I am told. The hills in his estate abound in wild elephants. At such a time as this when we are faced with

[Mr. C. S. Ranga Iyer.]

a financial crisis the Honourable Member for Moradabad is bringing forward a Resolution calling upon the Government to put some difficulties in the way of the money lenders. I think, Sir, if he had moved his Resolution a year ago, or if he were to move his Resolution two years hence, when I suppose the monetary conditions in this country will have improved, he might get a little more sympathy in this House and perhaps practical support from the Government. Incidentally I may tell him that the money lenders are a very useful institution. There are among the money lenders all the world over Shylocks for whom no one could have any sympathy. There are also among them some very good people. If you were to read that fascinating book of Mr. Winston Churchill, "My Early Life", where he speaks about his life in Bangalore, you will find how he found the money lenders to be extremely useful when the remittance from his father, the late Lord Randolph Churchill, did not reach him in time. Sir, every one of us from our experience will say that the men who lend money are not after all so bad as some people are sometimes willing to brand them; and if you go to the villages, the people there will tell you that their present difficulty is to get money at all. I am not a money lender myself, though some of my relations at any rate do some banking work in the south, but apart from that I know from the life of the villagers that they find it awfully difficult to get money from money lenders; and if my Honourable friend, Mr. Rajaram Pandian, were asked to stand up in this House and make a speech, he would be able to tell you why his numerous relations in the south refuse to lend money today, whatever the rate of interest promised. In these circumstances, Sir, I am afraid we are proposing to give my Honourable friend, notwithstanding our sympathy with his Resolution, cold shoulder should he decide to press it to a division.

Dr. F. X. DeSouza (Nominated Non-Official) : Sir, I am surprised to hear that my Honourable friend, Mr. Ranga Iyer, states that the time is not opportune for bringing a motion of this kind up for the consideration of this House. To me it seems, Sir, that this is eminently a time when a motion of this kind should be discussed by this House, as it is a time when the distress among the agricultural classes is very very great indeed. (Hear, hear.) Sir, the catastrophic fall in the price of food grains has brought them to the verge of ruin; they are prepared to borrow money on any terms, they are hard put to it to keep body and soul together, and so they have to go to the money lender. Is this the time for us to say to the borrower, "You want money from the money lender. Let him give it to you on whatever terms he demands; the future will take care of itself"? Or is this not the time when this House should do all that it can to safeguard the interests of the impoverished cultivator? The Honourable the Mover of this Resolution after giving a very elaborate and extremely interesting account of the indebtedness of the agriculturists in this country—an account with which the House is very familiar because two or three days ago a similar motion was debated in this House—did not suggest any particular legislation, nor did he propose any particular remedy but he left the matter entirely in the hands of Government to take such measures as the Government thought fit. Well, I do not know what the attitude of the Government is in this matter, but I venture to think, most respectfully, that what we want is not fresh legislation but that the legislation already on the Statute-book should be given effect to, and that the recommendations made by the

several Royal Commissions and Committees appointed by the Home Government and the Government of India should be given effect to. The Honourable the Mover stated that the existing piece of legislation, *e.g.*, the Usurious Loans Act (Act X of 1918, as amended by Act XXVIII of 1926), has been found perfectly useless. But may I tell him from my long experience in the administration of civil justice both as an original as well as an appellate court that I have never once across a case where the provisions of the Act have been availed of. Sir, there is no doubt that it is an extremely useful Act for the purpose of relieving the indebtedness of the cultivator and of relieving him from the consequences of a bad bargain. The Royal Commission on Agriculture which investigated this question made the following remarks at page 439 of their Report :

“ The evidence we received as regards the Usurious Loans Act showed conclusively that the Act is practically a dead letter in all provinces, but as we heard no evidence from civil Judges we are not in a position to offer any opinion as to the reasons why so little use has been made of its provisions. We therefore recommend that in every province an inquiry should be made into the causes of the failure to utilize the Act, that adequate steps should be taken to ensure its application in the future, and that a special detailed report on its working should be included in the annual reports on the administration of civil justice. We consider that our recommendations under this head are warranted by the potential importance of the Act. If its provisions were fully utilised, this would go far to relieve the country of some of the worst evils of uncontrolled usury and would facilitate remedial action by Co-operative Societies.”

If, then, Sir, the potentialities of this Act are so great, instead of pressing for fresh legislation, may I ask whether it is not the duty of the lawyers of very great eminence like the Honourable the Mover and those who devil for them to take up the case of agricultural debtors who are too poor to pay for their services ? Judges find it very difficult to go into the merits of cases which are not argued before them ; may I suggest that my Honourable friend and others similarly situated should take up cases of indebtedness of agriculturists holding pauper briefs for them so that the debtor may get full advantage of the Usurious Loans Act ?

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : In the face of the Privy Council ruling ?

Dr. F. X. DeSouza : Sir, there is another very important recommendation which has been made to the Government by a Committee known as the Civil Justice Committee on which I had the honour to serve under the presidency of Sir George Rankin, now Chief Justice of Bengal. The Committee went throughout the length and breadth of India and Burma ; we explored whatever avenue there was for the relief of agricultural indebtedness, and we came to the conclusion that the main case of debt in this country was the hereditary nature of the debt. In other countries, Sir, on the death of a person, the debts of the deceased are not transmitted to his heirs in their entirety because the law is that only such debts as are covered by the estate of the deceased are transmitted to the heirs and the rest are irrecoverable ; but in this country, owing probably to the idea that a son is bound by the debts of his father unless they are immoral or for any other special reason, the debts are virtually hereditary, and the result is that they go on accumulating at compound interest and there is absolutely no salvation for an agricultural debtor who has once got into the clutches of the money lender. We proposed, Sir, in Chapter XIV of our Report that this question should be very soon taken in hand ; and in order to clear this load of accumulated debt, we recommended that the law as to insolvency should be modified as the Provincial Insolvency Act was adapted for the relief of the mercantile and not of the agriculturist classes and some

[Dr. F. X. DeSouza.]

legislation should be taken in hand to serve as an effective rural Insolvency Act. But, Sir, I am sorry to say that on that recommendation too nothing has been done, and I believe our Report lies upon the shelves of one of the Departments of the Secretariat of the Government of India. Only this morning the Report of the Banking Inquiry Committee has been published. I have not had access to the Report itself, but I find from the papers that more than half of the Report of that Committee is devoted to the solution of the problem of agricultural indebtedness. That Committee does not recommend any fresh legislation ; but it draws attention of the Government of India to the several recommendations made by previous Commissions and adds a large number of recommendations of its own. Among others it recommends, on the lines of the Report of the Civil Justice Committee, that Boards of Conciliation should be appointed for the purpose of bringing about an understanding between the agriculturist debtor and the creditor, and also that the Usurious Loans Act, which I have just discussed, should be more freely applied. I only hope that the recommendations of this Committee also will not be shelved by the Government of India like those of so many other committees. I venture to think that the Government of India are obsessed by two considerations. They are obsessed by the idea of the sanctity of contracts ; and secondly, they are obsessed by the idea to which Mr. Ranga Iyer has just given expression, *viz.*, that there will be difficulties in obtaining credit if restrictions on free money lending on the creditor's own terms are imposed.

As regards contracts between creditor and debtor which the Government of India consider so sacrosanct, taking what I may call a Chancery Lane view of the law, may I remind the Government of India that even Chancery Lane itself has recently relented ? If Chancery Lane has relented, Simla should not remain adamant. We all know that the British Parliament passed in the year 1900 an Act that is known as the Money Lenders' Act, which strikes at the very root of the sanctity of contracts because it enables the court to go behind the bond, and if it is an unconscionable document, it enables the court to fix a rate of interest different from the interest agreed upon between the parties. Nay, more ; the British Parliament has gone even further. To the English lawyer a restraint upon trade is an abomination. But the British Parliament has sanctioned a measure in restraint of trade with regard to money lenders because we see that in the most recent Act of the British Legislature, namely, the Money Lenders' Act of 1927, Parliament has directed that no man should be able to carry on the trade of a money lender unless and until he obtains a licence ; and besides obtaining a licence he is obliged to keep a register of the amount advanced and the rate of interest accruing from time to time, and he is obliged by law to give a receipt to the debtor whenever called upon to do so. Sir, I make all these observations with a view to show, not that fresh legislation is necessary, but that the legislation already in force and the recommendations of committees already submitted to the Government of India should be carried out. It is useless to dwell upon the appalling nature of the problem or upon the menace which this state of things discloses. It is not only that the agriculturist classes forming eighty per cent. of the population are threatened with ruin but there is a menace to the stability of the social order and the safety of the Government. Therefore with all the earnestness, of which I am capable, I beseech the Government to take up the solution of this problem with the least possible delay.

Mr. G. Morgan (Bengal : European) : Sir, while having every sympathy with the Resolution brought forward by my Honourable friend, I very much doubt whether the objects, that he desires, would be obtained by this Resolution. My Honourable friend, Mr. Ranga Iyer, stated the position correctly when he said that the rate of interest is not the only thing that influences money lenders. You cannot force a money lender to advance you money, and even if the Government of India were to pass legislation laying down that no money lender can charge more than 5 per cent., I do not think anybody, even the Members of this Honourable House, would be able to get any money at the present moment. We all know of the indebtedness in this country ; that need not be laboured. Every Honourable Member of this House knows that intimately. A mere fixing of the rate of interest will not get over the difficulty. My Honourable friend, Sir Muhammad Yakub, will not attain his object by merely reducing the rate of interest.

Sir Muhammad Yakub : I never suggested that.

Mr. G. Morgan : I took the Resolution to mean that, though I may have been wrong. But I would draw the attention of Honourable Members to the Whitley Report at page 230 and onwards where it goes into the question of a new Act to relieve the situation arising from this terrible indebtedness. I am not going to worry the House by reading out extracts except one. That Report says at the bottom of page 230 :

“ In our view the evils associated with the practice are so serious that the possibility of even a substantial amount of evasion should not deter the legislature from enacting measures which would strengthen to an appreciable extent the forces operating in favour of the freedom of the worker.”

I refer Honourable Members to these pages of the Whitley Report which give the whole idea of what the new Act should be. I am perfectly certain that the Government of India will study this part of the Report of the Whitley Commission as soon as they possibly can, and bring in legislation on the lines recommended in that Report. I would ask my Honourable friend the Mover—unless I am wrong in my interpretation of the Resolution—not to press the Resolution but to impress upon Government the necessity of legislation at as early an opportunity as possible on the lines recommended by the Labour Commission.

The Honourable Sir James Crerar (Home Member) : Mr. President, at this late hour, the House will, I am sure, neither expect nor desire that I should endeavour to traverse at any great length a field which is of almost illimitable extent, and which has on many previous occasions been the subject of prolonged examination and debate in this House. I should like however to say at the outset of the few remarks I have to make that I have personally no grievance at all against my Honourable and learned friend, Maulvi Sir Muhammad Yakub, in having brought this Resolution before the House. It is perfectly true, as one speaker observed, that though the general question underlying this Resolution has very frequently engaged our attention, the distress among the agrarian population, due to the grave fall in the prices of food-stuffs, has so complicated and accentuated the trouble, that no one requires any excuse for pressing it prominently upon the notice of the Legislature and the Government. I admit also that the evil to which the Resolution refers is one by no means confined to the

[Sir James Crerar.]

agricultural classes, though doubtless it is in that field that the evil is most widespread. As the Honourable the Mover has himself pointed out, the industrial classes of India are also victims of this evil.

Now, my Honourable and learned friend from Bombay in his very thoughtful and useful speech pressed very strongly upon the attention of the House and the Honourable the Mover the question whether, in the immediate needs of the position after an examination of the potentialities of the expedients of the law already on the Statute-book, there was any necessity for new legislation. He pointed out, and he did so on the basis of very wide experience as a Judge, that the potentialities of the Usurious Loans Act had not been exploited to anything like the extent that was possible. I have no doubt that that is a fact, and that statement is repeated, after very full inquiry, in the Report of the Royal Commission on Agriculture. What precisely the reason is, I confess, I do not entirely know. But when the Honourable Member from Bombay on a somewhat critical note appeared to incline to impute it to some, I will not say malfeasance, but perhaps some misfeasance, on the part of the Government of India, I did not think that he was right. Because after all the most important contribution that the Central Government can make to problems of this kind is to induce the Legislature to enact legislation; and it was the Honourable Member's own point that there was legislation on the Statute-book already, which if it were effectively used by members of that distinguished profession, which he himself greatly adorned, and by that other branch of the profession of which the Honourable the Mover himself is a conspicuous ornament, much that is now in default might be remedied. At any rate I think that it is on those lines that the question can in the first instance probably most fruitfully be attacked. The Honourable the Mover and other Honourable Members who support his general point of view will, I have no doubt, recognise that from the administrative point of view, probably nine-tenths of the problem must necessarily be dealt with and discharged as an administrative problem by the Local Governments who are primarily concerned, and therefore I think the Honourable the Mover will not expect a literal compliance with his Resolution, which asks the Government of India for an undertaking to embark upon immediate legislation. I think he will be less inclined to insist on the demand because, as more than one speaker has pointed out, he did not himself endeavour to make any definite and constructive suggestions, on however narrow lines, as to the particular directions in which he thought that the law ought to be amended. I do not, however, desire to proceed either in a defensive or critical vein. I desire to assure the Honourable the Mover that the purpose which he has in mind in moving this Resolution is one with which the Government of India have the greatest sympathy, and I think that the time is now opportune when further inquiries might be set on foot. I am perfectly prepared to address Local Governments in the light of this debate and ask them, in the first instance, for a report upon the working of the Usurious Loans Act; and if it is found that that Act has not been employed in the manner and to the extent to which it was intended to employ it and in which it can be employed, we shall ask them to endeavour to discover the reasons. It may be that instructions by the various High Courts to courts subordinate to them might be of considerable effect in this direction. I shall also ask Local Governments to consider whether any amendment—I will recall to the recollection of the House that as recently as 1926 this Act was amended—nevertheless I shall

ask Local Governments to consider whether any amendment of the Act could usefully be made, and finally whether any other remedies can be evolved. With this assurance I trust that the Honourable the Mover will not consider it necessary to press his motion to a division.

An Honourable Member : I move that the question be now put. (Some Honourable Members got up to speak.)

Mr. President : As there are more speakers desirous of addressing the House, I will adjourn the House to 11 o'clock on Monday morning.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st September, 1931.

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