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THE
LEGISLATIVE ASSEMBLY DEBATES

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THIRD SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1936



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Legislative Assembly.

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MR. M. S. ANEY, M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 18th February, 1936.

The Assembly met in the Assembly Chamber of the Council House at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

CONFIDENTIAL MEMORANDUM SUBMITTED TO THE SPECIAL TARIFF BOARD BY DIFFERENT CONCERNS.

538. ***Seth Govind Das:** Will Government be pleased to state whether:

- (a) the Lancashire cotton interests, whose Delegation arrived in this country lately to give evidence before the Special Indian Tariff Board, have submitted a confidential memorandum;
- (b) any other concerns have submitted confidential memoranda before the Board, and if so what their names are and what interests they represent; and
- (c) they will obtain and lay a copy of such confidential memoranda on the table for the benefit of this House and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government have no information beyond what has appeared in the press.

(c) The evidence submitted to the Special Tariff Board will be made available to the Honourable Members of this House after Government have received the Board's Report and the evidence and have decided on the action to be taken on it.

Seth Govind Das: When do they expect to receive the report?

The Honourable Sir Muhammad Zafrullah Khan: I am afraid, I am unable to make a guess.

Mr. S. Satyamurti: Did this Delegation of Lancashire Cotton interests meet the Government or any Member of the Government formally or informally?

The Honourable Sir Muhammad Zafrullah Khan: I think sometime last week Mr. Angus Campbell, who was the Chairman of the Delegation or its leader, paid me the courtesy of a visit. That is all that I know.

Mr. S. Satyamurti: Was any business conducted?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

REDUCTION OF THE SUBSIDY GRANTED TO THE P. & O. COMPANY AND TO THE RAILWAYS FOR CARRIAGE OF MAILS.

539. ***Seth Govind Das:** (a) Will Government be pleased to state whether Government have come to the conclusion of reducing the subsidy granted to the P. and O in view of the diversion of the first class mails to the air-services?

(b) If the answer to part (a) be in the affirmative, will Government please state what the conclusions are?

(c) If the answer to part (a) be in the negative, will Government state how long will it take to arrive at a decision and the reasons for the delay thus caused?

(d) Have Government considered the reduction of consideration to Railways as a result of the development of internal air lines in this country? If so, what are their conclusions in the matter?

The Honourable Sir Frank Noyce: (a), (b) and (c). I presume the Honourable Member is referring to the first class mails which are despatched at present by air to the West. If so, I may mention that the amount of such mails is only a small fraction of the total mails of all classes, including parcel mails, which the P. and O. Company continue to carry from Bombay to the West under a contract with His Majesty's Postmaster-General. In the circumstances no question of reducing the Indian share of the P. and O. payments arises at present.

(d) Payments to railways are based on the accommodation actually occupied for the conveyance of mails and this accommodation is varied according as the average volume of mails to be carried daily increases or decreases. The development of internal air lines has not materially affected the average daily volume of mails carried by railways. If the volume is materially reduced, the amount of reserved accommodation will also be reduced, with an automatic reduction in payments to railways.

Mr. S. Satyamurti: May I know what are the terms of the contract between the Peninsular and Oriental Company and the Government of India, and whether one of the terms is that the amount of payment is dependent on the quantity of mails carried?

The Honourable Sir Frank Noyce: I require notice. It is really a very technical matter, and I should prefer to have notice.

Mr. S. Satyamurti: The Honourable Member said a small fraction: may I know what is the amount roughly speaking of the mail now carried by air, which used to be carried by the steamers before?

The Honourable Sir Frank Noyce: I should prefer to have notice of that also. It is, I think, obvious that there are many letters carried by air mail that would not be sent by sea in any case, and that all the letters which are sent by air cannot be regarded as a diversion from the sea mail.

Mr. S. Satyamurti: Have Government considered or do they propose to consider the question of how far the present volume of mails carried by the Peninsular and Oriental Company compares with the volume which they used to carry before; and examine the question of a proportionate reduction in the amount of contribution?

The Honourable Sir Frank Noyce: Of one thing I can inform the Honourable Member, and that is that the total amount paid for this contract has remained the same since 1908 in spite of the very large increase in the volume of mails carried since then.

Mr. S. Satyamurti: When does the contract expire?

The Honourable Sir Frank Noyce: It is due to expire in 1939. A year's notice has to be given of termination and then it expires two years afterwards.

Mr. S. Satyamurti: Will Government consider all these and other relevant questions before they decide whether to give notice or not?

The Honourable Sir Frank Noyce: It has been explained more than once in this House that this is a contract entered into by the British Post Office; it is not entered into by India.

Seth Govind Das: Have the Government of India no voice in the matter?

The Honourable Sir Frank Noyce: Yes, certainly, as regards the matters, which they can discuss with His Majesty's Government.

Mr. S. Satyamurti: Will the Government of India take up the question of entering into a contract directly for the carriage of mails, with the Peninsular and Oriental Company, and not agree to the British Government doing the contract for us?

The Honourable Sir Frank Noyce: As I have said, the contract does not now expire till 1939, and it is too early, in any case, to consider questions of that kind.

IMPERIAL MAIL TRAIN.

540. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether there is a train service in this country called "The Imperial Mail Train";
- (b) whether they have considered that there is absolute necessity for this service in this country;
- (c) whether there is a similar train service for such a purpose in any other country of the world; and if so, the names of those countries, and if not, whether they are prepared to consider the advisability of abolishing this practice in this country;
- (d) what the cost of this train service to the country is;
- (e) what the total revenues derived from that service are; and
- (f) the reasons for retaining the service of such a train?

The Honourable Sir Muhammed Zafrullah Khan: I would refer the Honourable Member to the reply given to his question No. 1451 on the 4th April, 1935. The information then promised is included in one of the statements laid on the table of the House on the 4th February, 1936.

Seth Govind Das: Are any lower class passengers allowed to travel by this train?

The Honourable Sir Muhammad Zafrullah Khan: No. Only first class passengers.

Seth Govind Das: In the present circumstances when there is such a huge loss in railway revenues, what is the use of continuing this mail?

The Honourable Sir Muhammad Zafrullah Khan: I think so long as the Railway Mail Service which it caters for continues to pay the greater part of the cost of running, the mail should continue to run.

Mr. T. S. Avinashilingam Chettiar: Is that mail train self-supporting?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that question.

Mr. S. Satyamurti: What are the financial commitments of running this Imperial Mail train? What is the income, and what is the expenditure?

The Honourable Sir Muhammad Zafrullah Khan: That is the same question as Mr. Chettiar's.

Mr. S. Satyamurti: Have Government examined this question, especially in the present state of dolorous railway finances?

The Honourable Sir Muhammad Zafrullah Khan: As I have said, I shall require notice of that question.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member have the matter examined?

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will put down a question, I shall look into the matter and give my considered reply.

CONSTRUCTION OF A NEW PLATFORM AT THE NEW DELHI STATION.

541. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether Government sanctioned the construction of new platform at the New Delhi station;
- (b) the cost of the new platform;
- (c) the purpose for which it has been constructed;
- (d) the special need actuating the urgent construction of the platform;
- (e) whether it is a fact that over three hundred workmen have been engaged day and night to complete the construction at the earliest possible date; and
- (f) whether marble floorings and decorations are in the list of construction?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. (b), (c), (d), (e) and (f). Do not arise.

Mr. S. Satyamurti: A new platform was constructed recently?

The Honourable Sir Muhammad Zafrullah Khan: I said the platform had been there for a long time.

Mr. S. Satyamurti: Then, why an expenditure of Rs. 48,700?

The Honourable Sir Muhammad Zafrullah Khan: That was the expenditure for erecting a shelter and providing lights, etc.

REFUSAL TO RENEW MR. SUBHAS CHANDRA BOSE'S PASSPORT BY THE BRITISH AMBASSADOR OF VIENNA.

542. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether Mr. Subhas Bose's passport for renewal to visit all countries of the British Empire was refused by the British Ambassador, Vienna for permit into Great Britain;
- (b) whether the Ambassador intimated to Mr. Bose the term of exclusion of Great Britain from the British Empire after the renewal of the passport;
- (c) what are the reasons of the Ambassador for so refusing the permit into Great Britain;
- (d) whether the Ambassador acted as he did in consultation with His Majesty's Government, and if so, what was their decision in the matter;
- (e) whether they ascertained the reasons actuating His Majesty's Government to direct their Ambassador to refuse the permit; and
- (f) whether they propose to ascertain full particulars from the Secretary of State with reasons for refusing permit to Mr. Bose to visit Great Britain and lay on the table of this House and if not, why not?

The Honourable Sir Henry Craik: (a) to (c). I would invite the Honourable Member's attention to the reply given by me on the 6th February to Mr. Satyamurti's question No. 101. Mr. Bose was recently furnished with a fresh passport by His Majesty's Consul at Vienna, as the original passport did not contain space for the grant of further travel facilities. The new passport was not endorsed for the United Kingdom, but Mr. Bose was informed that, if he cared to submit an application for permission to visit England, through the Consulate at Vienna, it would be forwarded to the proper quarter. No such application has been made by Mr. Bose to date so far as I am aware.

(d) Yes. The decision was not to make the passport valid for the United Kingdom.

(e) and (f). I have nothing to add to the reply given by the Under Secretary of State for India in the House of Commons to which I referred in my reply to Mr. Satyamurti's question.

Mr. T. S. Avinashilingam Chettiar: Has the passport to Mr. Bose been refused by His Majesty's Government after consultation with the Government of India?

The Honourable Sir Henry Craik: I made that clear in my reply to Mr. Satyamurti's question on the 6th February. The Government of India were not consulted.

RESEARCHES TO FIND AND IMPROVE THE QUANTITY AND QUALITIES OF THE BYE-PRODUCTS OF THE COAL.

543. ***Seth Govind Das:** (a) Will Government be pleased to state whether they made any researches with a view to finding and improving the quantity and qualities of the bye-products of the Indian coal industry? If so, what are their decisions?

(b) If the answer to part (a) be in the negative, are Government prepared to take up the research at an early date? If not, why not?

The Honourable Sir Frank Noyce: (a) No.

(b) No such research is at present contemplated. Government have so far not received any proposal for research in this direction.

TEA GARDENS IN ASSAM.

544. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the number of tea gardens in the Assam and Surma Valley districts that come within the purview of inspection annually;
- (b) the number of tea gardens that were inspected during the last year under report;
- (c) the number of gardens that were not inspected;
- (d) the number of European owned and managed gardens in the two valleys;
- (e) the number of Indian owned and European managed gardens in the two valleys of Assam;
- (f) the acreage of land under tea cultivation under European ownings;
- (g) the total acreage of land leased out for tea garden purposes;
- (h) the total acreage of land under tea cultivation both under Indian as well as European ownings in the tea districts of the Assam province; and
- (i) the total revenues contributed to the Central Government from the tea industry in Assam?

The Honourable Sir Frank Noyce: (a), (b) and (c). The figures are:

Tea estates—768.

Tea estates inspected—425.

Tea estates not inspected—338.

(d) to (g). Government have no information.

(h) On the 31st December, 1933, 430,267 acres were under tea cultivation.

(i) The tea industry as such does not make a direct contribution but those engaged in it are subject to taxes on income for which no separate figures are available.

Seth Govind Das: Are Government aware that up to the 30th June, 1932, an annual report on emigrant labour in the province of Assam was being published and since then this publication has been stopped?

The Honourable Sir Frank Noyce: Yes, Sir, because a new Act came into force that year known as the Tea Districts Emigrant Labour Act. I understand that a report on the working of that Act up to the end of the last financial year will shortly be published.

TEA GARDENS IN ASSAM.

545. ***Seth Govind Das:** Will Government please state:

- (a) the principle behind the inspection of tea gardens;
- (b) the officers who conduct the inspection;
- (c) the fee they get for such inspection of the tea garden contributing for every inspection;
- (d) how many gardens on the average fall to the lot of the district officers who conduct the inspection;
- (e) whether the district officers who conduct the inspection, if they do it, beside their own duties, get sufficient time to make thorough and efficient inspections;
- (f) what is the time required for a good and systematic inspection of going through both the books, lines, as well as making first-hand enquiries of the workers about their real state of circumstances;
- (g) whether there are gardens that were not inspected owing either to lack of opportunities, or time, or otherwise:
 - (i) within a year,
 - (ii) within the course of two years even,
 If so, the number of such gardens;
- (h) whether they at times depute special officers to make special inspections from time to time, if so, by whom and whether such inspections are made under surprising circumstances; if not, what the reasons are for not doing so;
- (i) whether, in view of the matter that the workers in the tea gardens are from other provinces of the country, Government ever depute any special officers for making special inspections to find out the existing conditions under which the workers live and work and to suggest their betterment; if not, why not?

The Honourable Sir Frank Noyce: (a) and (b). Under the Tea Districts Emigrant Labour Act of 1932 the tea estates are visited by the Controller of Emigrant Labour and District Magistrates and Sub-Divisional Magistrates to the extent necessary to ensure the proper enforcement of the Act.

(c) None.

(d) The inspection is not confined to District Magistrates, so that no average can be struck.

(e) and (f). As I have already explained, the inspection is not done exclusively by District Magistrates. The only inspection for central purposes is that made for the purposes of the Tea Districts Emigrant Labour Act, and this is not necessarily a systematic inspection of the kind the Honourable Member appears to have in mind.

(g) I have no information beyond that given in reply to part (c) of the previous question.

(h) and (i). The powers of inspection, so far as the Central Government are concerned with them, are limited to those necessary for the purposes of the Act to which I have referred and are not of a general character. The Controller of Emigrant Labour, who is primarily responsible to the Government of India for the administration of the Act, is specially appointed for this purpose and can inspect without notice when necessary. Tea gardens in Assam were visited by the Royal Commission on Labour in 1930 and I invite the Honourable Member's attention to the evidence they recorded and to their report.

Seth Govind Das: Are Government aware that in 1932 not a single inspection was done by the Civil Surgeon, according to the report?

The Honourable Sir Frank Noyce: No, Sir, I am not aware of that. My Honourable friend seems to be referring to the state of affairs three years ago.

Seth Govind Das: There has been no report published since then, so I have to refer to that report.

The Honourable Sir Frank Noyce: I have pointed out that we are now working on an entirely different system resulting from the Act which was passed in 1932. And I hope, as I have said, shortly to be in a position to place in the Library of the House a report on the working of that Act.

Seth Govind Das: Three years have already elapsed since this Act was passed and we do not know what has been happening till now. So may I know from the Honourable Member how long he expects to take in submitting this new report to the House?

The Honourable Sir Frank Noyce: Not long, I hope, Sir.

TEA GARDENS IN ASSAM.

546. ***Seth Govind Das:** Will Government state:

- (a) the number of workers, permanent and temporary, that work in the tea gardens on the average and their total population including their dependents in the tea districts of Assam from other provinces of India;

- (b) whether Government have suggested to the Delimitation Committee the manner in which they could be represented by the workers themselves in the Assam Assembly under the Reforms constitution; if not, what are their reasons for not doing so, and their responsibilities in the matter and whether they are going to discharge those responsibilities; if so, how?
- (c) whether they are aware of any discrimination shown on the part of the inspecting officers between the European and Indian gardens in matters of rigidity and strict inspection, and whether they are prepared to engage special inspecting officers from the workers' provinces entirely for this purpose; if not, why not;
- (d) whether the circumstances and principle of inspection for and in the other tea districts of Bengal and other provinces differ in any way; if so, in what manner;
- (e) whether, in view of the remote part of the workers' situation in Assam, and the absence of a trade union to protect their interests, they propose to consider the advisability and feasibility of deputing one officer to every tea district to protect their interests;
- (f) what are the recommendations of the Royal Labour Commission that were given effect to for the benefit of the tea garden workers in the province of Assam; and
- (g) whether they have deputed any officer to tour and find out the existing state of affairs of the workers after the investigation by the Royal Commission?

The Honourable Sir Frank Noyce: (a) The average number of *settled* and *basti* labourers on the books of tea estates for the two months March and September, 1934, is 5,26,443 and 93,815 respectively. The figures of total population are not available.

(b) The attention of the Honourable Member is invited to the proposals of the Government of Assam which were published in the Assam Gazette of the 7th August, 1935. A copy is available in the Library of the House. The latter part of the question does not arise.

(c) No. Government have no reason to believe that the existing system of inspection has worked unsatisfactorily.

(d) Tea districts within the meaning of the Tea Districts Emigrant Labour Act are confined to Assam.

(e) No. The Government of India are concerned with the administration of the Tea Districts Emigrant Labour Act, 1932, and the rights of workers under that Act are sufficiently safeguarded.

(f) The attention of the Honourable Member is invited to the information published in the Third Report showing the action taken by the Central and Provincial Governments on the recommendations made by the Royal Commission on Labour in India, a copy of which is in the Library of the House.

(g) No necessity has arisen for such a deputation.

Prof. N. G. Ranga: Do Government receive any annual reports about the condition of workers on the Assam plantations?

The Honourable Sir Frank Noyce: The Government of India are only concerned with the working of the Tea Districts Emigrant Labour Act.

Prof. N. G. Ranga: Then, how are Government in a position to say in answer to clause (c), that the present conditions are quite satisfactory, and, therefore, no special investigation is found to be necessary?

The Honourable Sir Frank Noyce: As I said, we have no reason to believe that the existing system of inspection has worked unsatisfactorily. We have our Controller of Emigrant Labour and are satisfied that he is carrying out his inspections satisfactorily.

Mr. N. M. Joshi: May I ask whether the Government of India are aware that very few of the recommendations of the Royal Commission on Indian Labour have been given effect to by the Assam Government?

The Honourable Sir Frank Noyce: I have referred my Honourable friend to the Third Report showing the action taken by the Central and Provincial Governments; he can ascertain the facts for himself and we also know them for ourselves. I am aware that some of the recommendations of the Royal Commission have not yet been carried out due to the usual reason, lack of funds; Assam is not a wealthy province.

Mr. N. M. Joshi: May I ask whether the Government of India are aware that, under the Government of India Act, they have powers of supervision and control over the Local Governments in the matter of labour welfare, and if they are aware of their power, how they have exercised that power in seeing that the recommendations of the Royal Commission are given effect to?

The Honourable Sir Frank Noyce: It would be perfectly easy to exercise that power if funds were provided at the same time. My Honourable friend knows the financial position of Assam and the impossibility, therefore, of calling upon the Local Government to carry out recommendations which involve expenditure which it is not in a position to meet.

Prof. N. G. Ranga: What steps have been taken so far by the Government of India to exercise their power of supervision over the Assam Government in protecting the interests of the workers on the tea estates?

The Honourable Sir Frank Noyce: The Government of India can do no more than call the attention of the Government of Assam to the recommendations of the Royal Commission on Labour, and the Assam Government will do their best to carry those out when they are in a financial position to do so.

Mr. S. Satyamurti: Will Government consider the desirability of sending out a Commissioner or a Commission to inquire into the conditions of these labourers, considering the time which has elapsed since the Royal Commission visited there, and reported, and also the fact that a large number of workers from other provinces have settled in these tea estates?

The Honourable Sir Frank Noyce: Government have their own officer for that, the Controller of Emigrant Labour, and it is his duty to see that the rights of the labourers in the Assam tea estates are safeguarded. And, speaking generally, I may say that there is no reason to believe that the conditions of the labourers in the Assam tea estates are not satisfactory. My Honourable friend, Mr. Joshi, knows what they are far better than I do, and he knows that they compare very favourably with those of other workers in India.

Seth Govind Das: If complaints are made by labour leaders, will Government have an investigation then?

Mr. President (The Honourable Sir Abdur Rahim): That is a hypothetical question.

PASSPORTS FROM AND TO FIJI.

547. ***Seth Govind Das:** (a) Will Government be pleased to state whether the passport of an Indian coming from Fiji is not valid for return to Fiji from this country without an endorsement by the Government of this country?

(b) Do Government impose any restrictions on the passports of those Indians from Fiji who are on a visit to this country and who intend to return back to Fiji?

(c) What generally are the restrictions, if any, so imposed?

(d) What are the principles and intentions of Government for doing so?

(e) What are the reasons of Government for doing so?

Sir Aubrey Metcalfe: (a) No special endorsement is required by an Indian born in Fiji and holding a passport issued by the Government of Fiji, in order to enable him to return to the Colony. In all other cases, Indians coming back to India from Fiji and holding only British passports or travel documents issued by the Fiji Government are required before they may re-enter the Colony, to obtain landing permits from the Fiji Government. These permits have then to be endorsed by the Consular authorities in India in accordance with procedure prescribed in 1933 at the request of the Fiji Government.

(b) The Government of India have imposed no restrictions in such cases but the Government of Fiji have recently prescribed the procedure explained in the reply to part (a) of the question.

(c), (d) and (e). Do not arise so far as the Government of India are concerned but it is understood that the Fiji Government have adopted this new procedure in order to prevent the unregulated return to Fiji of Indians not born in Fiji, who have in the past obtained passports from the Fiji Government and thus been able to return to the Colony without any restriction. This measure has, it is understood been adopted in order to prevent the arrival in Fiji of artisans for whom there is no work.

Mr. Lalchand Navalrai: May I know from the Honourable Member if there have been any instances in which the Government of India have refused passport for their return?

Sir Aubrey Metcalfe: Not that I am aware of, Sir.

DISCRIMINATION IN CHARGING RAILWAY FREIGHT ON COAL.

548. ***Seth Govind Das**: Will Government be pleased to state:

- (a) whether there is any discrimination in the charging of railway freight on the different qualities of coal of the different mines of one place;
- (b) whether the extra freight charged for Samla coal, falls within this category;
- (c) the reasons for the discrimination;
- (d) whether they are aware that, as a result of the discriminative railway freight charged, the invariable dislocation of trade occurs;
- (e) whether they propose to intervene in the matter immediately and bring about the uniformity of the freights on all coals from a particular locality; if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a), (b) and (c). There is no discrimination as freight is calculated on the scale of rates in force on the distance from the chargeable point fixed for each colliery siding. But on export coal a distinction is made between graded and non-graded coal; the former getting a rebate of $37\frac{1}{2}$ per cent. of the freight charges and the latter a rebate of 25 per cent.

(d) No.

(e) Does not arise.

FATAL ACCIDENTS AND CASUALTIES IN INDIAN MINES.

549. ***Seth Govind Das**: Will Government be pleased to state:

- (a) the number of fatal accidents and the number of casualties that occurred in the mines of this country during the year 1934;
- (b) the number of men and women (separately) that received compensation under the Act; and
- (c) the number of cases that went either in default or did not fall within the purview of the sections of the Workmen's Compensation Act?

The Honourable Sir Frank Noyce: (a) There were 177 fatal accidents in mines subject to the operation of the Indian Mines Act, during the year 1934. The number of persons killed and seriously injured was 209 and 725, respectively.

(b) and (c). The particulars are not available, as statistics are not collected in the form necessary to provide them.

Seth Govind Das: Have these accidents increased during the past two or three years?

The Honourable Sir Frank Noyce: I could not say: I should like to have notice.

Mr. S. Satyamurti: May I know if there is any truth in the allegation that certain recommendations were made in order to minimise accidents in mines, that those recommendations have not been carried out, and that was the cause of the latest accident?

The Honourable Sir Frank Noyce: No, Sir, I have no ground for believing that. I have not had a report on the causes of the latest accident yet; the matter is still under enquiry.

Mr. S. Satyamurti: May I know if the Conference, which the Honourable Member is convening, I believe, tomorrow, will go into this question, as to whether at any times recommendations were made by competent authorities to lessen the chances of accidents in mines, and whether those recommendations were fully carried out or not.

The Honourable Sir Frank Noyce: That, Sir, is not the main intention of the Conference tomorrow, which is concerned with the prevention of further accidents. I have, as I have said, no reason to believe that the recent accident is due to failure to carry out any recommendations.

Mr. S. Satyamurti: May I know, Sir, how many coal mines are there working in this country which are not within the scope of the Indian Mines Act?

The Honourable Sir Frank Noyce: I should say very few, if any; but I should like to have notice: no important mines certainly. I do not know quite how we stand in regard to the very small mines.

Mr. S. Satyamurti: Will Government consider extending the scope of the Act, so as to include all mines where miners are working?

The Honourable Sir Frank Noyce: I shall be very glad to find out and inform my Honourable friend exactly what the position is.

Seth Govind Das: Are Government aware that accidents are more frequent in mines owned by private individuals than in those owned by Government?

The Honourable Sir Frank Noyce: If that is so, it would be a testimony to the efficiency with which the Government of India carry out the Regulations in their own mines. But, in regard to accidents, so much depends on the character of the mines, how long they have been working and what their conditions are generally. It is not necessarily a question of ownership.

OPENING OF AN AERODROME AT NAGPUR.

550. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether there was any proposal for the opening of a commercial aerodrome at Nagpur, and whether they subsequently refused to sanction it;
- (b) what are the reasons for such refusal;

- (c) whether they contemplate constructing an aerodrome at Gaya, Gauhati and Jharia; and
- (d) whether they are prepared to consider the advisability of constructing an aerodrome at Jubbulpore at the earliest possible date?

The Honourable Sir Frank Noyce: (a) Yes.

(b) The Government of India have decided to concentrate in the first instance on the development of the ground organisation on the Trans-India air route and the principal feeder routes, Karachi-Madras and Karachi-Lahore. Funds cannot be made available at present for the construction of a civil aerodrome at Nagpur.

(c) There is already a civil aerodrome at Gaya. It is not intended to construct civil aerodromes at Gauhati and Jharia.

(d) Not at present.

BOYCOTT OF INDIAN GOODS BY COUNTRIES AFTER THE OTTAWA TRADE AGREEMENT.

551. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the names of the countries that have either restricted or completely boycotted Indian goods after the Ottawa Agreement;
- (b) what are the restrictions imposed by the European countries;
- (c) whether those countries give any reason either to the Government of India or to that of Great Britain, for their so imposing the restrictions on Indian goods; if so, whether Government took any suitable action in the matter and what the action, if any, was?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member is referred to the reply given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 6 on the 2nd September, 1935, and the supplementary questions and answers arising therefrom.

Mr. S. Satyamurti: What is the answer to part (c) of the question?

The Honourable Sir Muhammad Zafrullah Khan: Whether those countries gave any reason to the Government of India? They were not bound to do so.

Mr. S. Satyamurti: Did they give any reasons at all?

The Honourable Sir Muhammad Zafrullah Khan: No, Sir.

Seth Haji Abdoola Haroon: Is it a fact that because we have lately imposed a duty on Siam rice and Bangkok rice, the Government of France have imposed some duty on our groundnuts and other seeds?

The Honourable Sir Muhammad Zafrullah Khan: I shall require notice of that question.

MALPRACTICES ADOPTED BY JAPANESE TEXTILE MANUFACTURERS BY EXPORTING CLOTH AND YARN INTO INDIA AND PASSING THEM OFF AS "INDIAN".

552. *Seth Govind Das: Will Government be pleased to state:

- (a) whether they are aware of the malpractices adopted by the Japanese textile manufacturers to defraud the Indian consumer by exporting their cloth and yarn to India and passing them as "Indian made";
- (b) what action they have taken to prevent such practices of frauds;
- (c) whether they were apprised by some commercial bodies of this practice and of the handicaps such practices impose on the trade of this country; and
- (d) in the event of the Government not having taken any steps until now, whether they propose to take immediate and effective steps to put an end to this practice, if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a)—(d). I would refer the Honourable Member to the reply given to Mr. Satyamurti's question No. 110, on the 6th February on the same subject.

Mr. S. Satyamurti: Has any progress been made since then?

Mr. President (The Honourable Sir Abdur Rahim): Seth Govind Das.

The Honourable Sir Muhammad Zafrullah Khan: The reply given on that occasion was that the law was adequate. What further progress did the Honourable Member expect?

Mr. S. Satyamurti: Some enquiry into the extent of that competition.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has already called on the Honourable Member to put his next question.

Mr. S. Satyamurti: But the Honourable Member put a question to me, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member (Mr. Satyamurti) is not bound to answer any question, though it may have been put to him.

COOLIES WORKING IN THE TEA GARDENS OF ASSAM.

553. *Seth Govind Das: Will Government be pleased to state the total number of coolies (including their dependents) that are now working in the tea gardens of Assam as permanent tea garden labourers residing inside the gardens?

The Honourable Sir Frank Noyce: The total number of adult labourers (working and non-working) and children living on tea estates in Assam on the 30th September, 1934, was 11,29,000.

Seth Govind Das: Has it increased since the previous year?

The Honourable Sir Frank Noyce: I should require notice of that.

Mr. S. Satyamurti: Have Government any information about the province from which these workers come?

The Honourable Sir Frank Noyce: I must also ask for notice of that question.

LABOURERS IN ASSAM FROM VARIOUS PROVINCES OF INDIA.

554. ***Seth Govind Das:** (a) Will Government be pleased to state the number of labourers in Assam from the various provinces of India that are employed in the various industries and on the public works, including those that are also employed by private concerns?

(b) Is it a fact that a large number of labourers are living in *busties* near about the tea gardens, who are also from the various provinces of the country?

(c) What were the proposals put forward by the Government of Assam to the Delimitation Committee with regard to the workers, referred to in part (b) with regard to their right of representation?

(d) Are Government aware that eight seats have been allotted for the tea planters in the Assam Assembly?

(e) Are Government aware that the local labourers of Assam, whether they are Assamese or from other provinces (immigrants), are excluded from the voters' lists under the suggestion of the Government of Assam? If so, why?

(f) Do Government propose to reconsider the whole subject and give due rights to those who have been excluded under the present suggestion of the Government of Assam?

(g) Are Government prepared to act in this matter on behalf of the various Provincial Governments and protect the interests of the immigrants in the Assam province?

The Honourable Sir Nripendra Sircar: (a) Government have no information.

(b) For the year ending 30th September, 1934, 93,815 *basti* labourers were on the books of tea estates, but Government have no information as to their domiciles.

(c) to (g). The proposals of the Government of Assam were published in the Assam Gazette of the 7th August, a copy of which is available in the Library of the House. The whole matter has recently been under the consideration of the Indian Delimitation Committee and, pending the publication of their report, the Government of India are not in a position to give any detailed reply to the Honourable Member's questions.

Mr. S. Satyamurti: What is the answer in part (e) of the question?

The Honourable Sir Nripendra Sircar: If by part (e) is meant whether they are excluded from the voters' lists under the proposals of the Assam Government, the answer is to be found in the Assam Gazette of the 7th August. There is a complete answer there, and, to the best of my recollection, the answer ought to be in the affirmative, but I cannot remember positively about it.

Mr. S. Satyamurti: When they consider the Delimitation Committee's Report, will Government kindly consider the proposal that these labourers ought not to be excluded from the voters' lists if they are otherwise qualified?

The Honourable Sir Nripendra Sircar: I have already informed the House that we have got to consider all this after we receive the Report of the Indian Delimitation Committee.

Mr. S. Satyamurti: May I remind my Honourable friend that the Delimitation Committee does not deal with franchise questions? They deal only with the delimitation of constituencies, manner of voting, and so on. May I know, if the Government of India find that their report excludes these unfortunate labourers, they will be included if they are otherwise qualified under the general rules of franchise laid down for the people of Assam?

The Honourable Sir Nripendra Sircar: I have not followed my Honourable friend's question put to me just now. It is a question of opinion whether these labourers have been unfortunately excluded or fortunately included, and so on. What have I to answer as a question of fact?

Mr. S. Satyamurti: The question of fact I want an answer on is this, whether, as a matter of fact,—I think my Honourable friend said to the best of my recollection that the answer was in the affirmative that these labourers from other provinces are excluded, and even Assamese, from the voters' lists in the province of Assam—I want to know whether if that is a fact, the Government will consider the desirability of including them, if they are otherwise qualified, as and when they make up their minds at the proper time.

The Honourable Sir Nripendra Sircar: That consideration can only arise at the proper time; as to what Government will do in future is not a question of fact.

Mr. T. S. Avinashlingam Chettiar: What is the answer to clause (f)?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to have listened when the answer was given.

BRITISH EMPIRE FORESTRY CONFERENCE HELD IN SOUTH AFRICA.

555. ***Seth Govind Das:** Will Government be pleased to state:

- (a) when the British Empire Forestry Conference was held last in South Africa;
- (b) how many delegates in all attended the Conference;
- (c) how many from each of the countries of the Empire attended the Conference;
- (d) whether the Empire Forestry Conference is generally held once in five years;
- (e) whether it is a fact that no Indians were sent from this country to represent it;
- (f) whether there are no suitable Indian officers in this country who could represent their cause at that Conference;

- (g) whether the Inspector General of Forests is regarded as the only capable person to represent Indian interests at a Conference like that referred to in part (a) above;
- (h) whether it is a fact that the Provincial Governments have expressed their opinion that there were no officers in their respective provinces, who were capable of representing Indian interests;
- (i) whether there are not non-official Indians in this country who could represent Indian interests at a conference which is held once in five years;
- (j) their reasons for not deputing non-official Indians, in the event of their not finding suitable Indian officers, for the purpose;
- (k) whether the Inspector General of Forests happens also to be the Director of the Dehra Dun Forest Institute;
- (l) whether they are aware of the public indignation expressed at the exclusion of the Indians from the delegation to the Conference;
- (m) the action taken by Government to satisfy the public of this country;
- (n) the cost of a member of the delegation to this conference;
- (o) whether it is a fact that financial stringency has been attributed as one of the reasons for the exclusion of Indians from the delegation to the Conference;
- (p) the revenues and acreage of forests in the other countries of the Empire in comparison to that of India; and
- (q) whether they will place on the table a copy of the proceedings and report of the British Empire Forestry Conference held last in South Africa?

Sir Girja Shankar Bajpai: (a) The Conference was held in September-October, 1935.

(b) About sixty to seventy.

(c) Government have no definite information.

(d) Yes, but owing to general depression the last conference was held after seven years.

(e) The reply is in the affirmative.

(f) to (o). The Conference discusses technical subjects which only forest officers of experience can deal with. The Government of India could not omit the Inspector General of Forests from the delegation as he is the officer best qualified by his experience to explain the problems and practice of their own forests and institutions. Local Governments whose forest areas are much larger than those of the Government of India were also asked whether they would send representatives. For financial reasons only two were able to avail themselves of the invitation; they chose delegates that they considered to be most suitable. The Government of India also approached Messrs. Martin and Company, Calcutta, who are their agents for the sale of their timber in India with a suggestion to depute an Indian member of their firm familiar with the timber trade in India for participation in the Conference as they thought that this was the most suitable method of associating a non-official Indian with their delegation. The firm, however, were unable to spare any one. The

Honourable Member can rest assured that the Government of India fully realise the importance of associating Indians with delegations that go to South Africa. If he will refresh his memory of the personnel of delegations which they have sent to Conferences with the Union Government in the past, he will find practical evidence of their having acted on this principle. Only financial stringency and the highly technical nature of the discussions prevented Indians being sent to the last Forestry Conference.

(p) A statement giving the information asked for is laid on the table.

(q) Copies of the proceedings of the Conference have not yet been received. When they are, the Honourable Member's request will be complied with.

Statement showing the Revenue and Acreage of Forests in India and other parts of the British Empire.

Name of country.	Revenue derived from forests.	Area of State forests including forests owned by corporate bodies and private individuals.
		Sq. miles.
1. India	1933-34 { Rs. 3,51,20,713 = £ 2,634,054	364,913
2. Great Britain	1934 £172,953	4,930
3. Canada (including British Columbia).	Average of 1929-33. \$10,931,000	1,254,083
4. Union of South Africa	1932-33 £81,388	16,527
5. Australia :—		
(1) Federal Capital Territory	Not available.	436
(2) Queensland	Do.	23,310
(3) Tasmania	Do.	7,600
(4) Victoria	1931-32 £77,189	21,854
(5) Western Australia	1933-34 £89,895	5,917
(6) South Australia	1931-32 £58,716	5,937
(7) New South Wales	1933 £139,211	10,337
6. Malay Peninsula	1934 £137,000	41,390
7. Cyprus	1933 £13,224	701
8. North Borneo	1934 \$166,099	24,158
9. Brunei	1934 \$8,292	2,220
10. Sarawak	1934 \$111,557	41,000
11. Uganda Protectorate	1933 £10,467	1,916
12. Tanganyika	Average of 1927-28 to 1930-31. £18,719	4,138
13. Sierra Leone	1933 £22	805
14. Nigeria	1932 £36,574	233,000
15. Colony and Protectorate of Kenya	1932 £26,156	6,021
16. Gold Coast	1931-32 £400	13,900
17. Nyasaland	Average 1931-33 £9,688	4,441
18. Southern Rhodesia	£2,000	88,809
19. Colony of Mauritius	1934 { Rs. 97,580 = £7,319	175
20. Trinidad and Tobago	1932 £11,491	913
21. British Guiana	1933 £10,437	78,294
22. British Honduras	1933-34 \$31,255	8,007

N. B.—The figures are the latest available. In certain cases where proper surveys of forests have not yet been made the figures for area are rough estimates made by the forest authorities concerned.

Mr. M. Ananthasayanam Ayyangar: Is there not a single Indian official technically qualified for that purpose?

Sir Girja Shankar Bajpai: I did not say that: I said that we sent only one representative, because we could not afford to send more, and we sent the Inspector General of Forests.

Seth Govind Das: And that one representative could not be an Indian?

Sir Girja Shankar Bajpai: As I said, we sent the head of the service, the Inspector General of Forests, who happens to be a European.

Seth Govind Das: Has that post ever been filled by an Indian?

Sir Girja Shankar Bajpai: If my Honourable friend will study the facts regarding the recruitment of the Inspector General of Forests, he will find that no Indian officer has yet attained to the requisite seniority to become the Inspector General of Forests.

STATISTICS ABOUT THE POSITION OF UNEMPLOYMENT OF MIDDLE CLASS EDUCATED PERSONS.

556. ***Seth Govind Das:** Will Government be pleased to state:

- (a) whether they have in their possession any statistics with regard to the position of unemployment of the middle class educated in this country;
- (b) their sources of information;
- (c) whether the collection of statistics is complete;
- (d) whether they are prepared to lay a copy of the statement on the table;
- (e) in the event of their collection being incomplete, how soon they are likely to be in possession of the complete statement;
- (f) what action, if any, they have taken to remedy the problem of unemployment in this country; and
- (g) if no action has been taken, their reasons for failing to take suitable measures?

The Honourable Sir Frank Noyce: (a) to (g). I would refer the Honourable Member to the answer given on the 11th September, 1935, to Mr. Asaf Ali's starred question No. 265 and to part (c) of the answer given on the 7th February, 1936, to Mr. Akhil Chandra Datta's starred question No. 183.

AGRICULTURAL INDEBTEDNESS.

557. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the total amount of agricultural indebtedness in British India;
- (b) whether the recommendations of the Banking Enquiry Committee have been given effect to as a measure to remedy the agricultural indebtedness in this country to the fullest extent, and
- (c) the actions taken, and how far they have succeeded?

The Honourable Sir James Grigg: (a) No such information is available.

(b) and (c). The Honourable Member does not specify to which of the many recommendations made by the Indian Central Banking Enquiry Committee he refers. Most of its relevant recommendations fall within the provincial rather than the Central sphere. Debt legislation has been undertaken in many provinces in pursuance of the report. A provision also exists under section 54 of the Reserve Bank of India Act for the creation of an Agricultural Credit Department which will be set up in due course. It is impossible to estimate what success the measures already undertaken have achieved.

Prof. N. G. Ranga: Is it not a fact that the Central Banking Enquiry Committee recommended the passing of a rural insolvency law by the Government of India?

The Honourable Sir James Grigg: I think they did.

Prof. N. G. Ranga: Why is it then that the Government of India have so far failed to bring forward any such legislation about rural insolvency law?

The Honourable Sir James Grigg: That is a matter of history: the Honourable Member had better give me notice of that.

Seth Govind Dās: As far as the reply to part (a) is concerned, may I ask whether the Honourable Member does not think it advisable in the present circumstances to have an inquiry so that we may be able to know to what extent our agricultural population is indebted?

The Honourable Sir James Grigg: No; it is quite impossible.

Prof. N. G. Ranga: Is it not a fact that the Economic Conference, that was held here, under the auspices of the Government of India, has recommended certain methods to relieve agricultural indebtedness?

The Honourable Sir James Grigg: The Conference held by my predecessor?

Prof. N. G. Ranga: Yes.

The Honourable Sir James Grigg: My recollection of that Conference in the matter of agricultural indebtedness was that it firmly passed the buck back to the provinces.

Prof. N. G. Ranga: Is it not a fact that it expected the Government of India to do its best to liquidate this agricultural indebtedness?

Mr. President (The Honourable Sir Abdur Rahim):—That is not a question of fact.

CONSUMPTION OF LIQUOR IN INDIA.

558. *Seth Govind Das: Will Government be pleased to state:

- (a) the population in India addicted to liquor;
- (b) the total annual consumption of foreign liquor in India and its cost;
- (c) the custom duty (total) annually received by Government during the last five years;
- (d) the quantity of liquor manufactured in this country annually since 1930-31;
- (e) the total cost of the liquor so manufactured and sold in this country during these five years;
- (f) the total amount of Government revenues derived by the provincial Governments under this head;
- (g) the total quantity of opium manufactured in this country during the last five official years;
- (h) the total quantity that has been consumed in this country annually during the last five official years;
- (i) the total quantity, if any, that has been exported from this country annually during the last five years;
- (j) the total revenue derived by Government under this head, both from the export duties as well as the opium auction revenues, annually during the last five fiscal years;
- (k) the total quantity of *ganja* and *charas* consumption in this country annually during the last five years;
- (l) the total cost of the quantities of *ganja* and *charas* consumed annually during the last five years; and
- (m) the total revenue received by Government under this head annually during the last five years?

Mr. A. H. Lloyd: (a) Not known.

(b) The consumption of imported foreign liquor is not known, but presumably, is equal over a series of years to the average annual imports. A statement showing the imports of foreign liquor for the last five complete financial years is laid on the table; the values shown in the statement are exclusive of duty.

(c), (f), (g), (h), (i) and (k). The required figures are also shown in the statements laid on the table.

(d), (e) and (l). Correct and complete information could not be obtained without asking for reports from the Local Governments, and even they would have great difficulty in ascertaining the cost of liquors made elsewhere than at Government distilleries. As Excise is a Provincial subject I should not feel justified in troubling them with such a request.

(j) There is no export duty on opium and there have been no auctions of opium since 1926. The gross receipts of Government from sales of opium to foreign Governments during the last five years are shown in the statement laid on the table.

(m) Figures showing revenue from *ganja* and *charas*, separately, are not available. A statement showing total revenue from hemp drugs of all sorts (*ganja*, *charas* and *bhang*) is laid on the table.

Statement showing imports of potable foreign liquor, into India, its value and the amount of Customs duty realised thereon for the years 1930-31 to 1934-35.

	Quantity imported. (Gallons (000))	In thousands.	
		Value (exclusive of duty). Rs. (000).	Custom, duty. Rs. (000).
1930-31	5,936	2,78,06	2,35,48
1931-32	4,503	1,80,09	1,85,26
1932-33	4,451	180,00	2,05,37
1933-34	4,219	1,79,31	2,10,16
1934-35	4,373	1,85,88	2,08,49

Statement showing revenue from liquor (excluding commercial spirits, including denatured spirits and medicated wines) of provincial Governments during 1930-31 to 1934-35.

	In thousands. Rs. (000)
1930-31	11,51,35
1931-32	10,19,90
1932-33	10,52,27
1933-34	10,65,00
1934-35	10,70,63

Statement showing opium (Excise and Provision) manufactured at the Ghazipur Factory during the last 5 opium Seasons—1st October 1929 to September, 1930 to 1st October 1933 to September 1934.

	In chests.	
	Excise opium.	Provision opium.
1929-30	5,489	4082½
1930-31	4,486	3058
1931-32	3,776	1201
1932-33	4,050½	1890
1933-34	3,814	nil

NOTE.—(1) Figures for financial years are not available.

(2) The opium content of a chest is :

Excise opium	60 seers.
Provision opium	68 seers.

Statement showing consumption of opium in British India during 1930-31 to 1934-35.

	In seers.
1930-31	240,900
1931-32	262,764
1932-33	201,584
1933-34	202,471
1934*	196,623

* Figures for 1934-35 not yet available.

Statement showing export of opium (Provision opium) from India and gross and approximate net revenue realised thereon during 1930-31 to 1934-35.

	Quantity exported (in chests).	Gross revenue (in thousands of rupees).	Approximate net revenue (exclud- ing cost). (In thousands of rupees.)
1930-31	4,481	1,79,24	1,27,67
1931-32	3,911	1,56,44	1,07,40
1932-33	1,161	42,88	28,10
1933-34	2,822	1,12,88	82,35
1934-35	663	26,52	19,35

NOTE.—The exports during 9 months, April to December 1935, were 257 chests. Exports of opium, other than opium for medical and scientific purposes, have been discontinued since the 31st December 1935.

Statement showing consumption of ganja and charas in British India during 1930-31 to 1934-35.

	In seers.	
	Ganja.	Charas.
1930-31	179,184	59,389
1931-32	153,598	56,471
1932-33	154,821	55,461
1933-34	162,029	58,926
1934*	160,824	58,956

* Figures for 1934-35 not yet available.

Statement showing total revenue realised from hemp drugs (ganja, charas, and bhang) by Provincial Governments in British India during 1930-31 to 1934-35.

	In thousands.
	Rs.
1930-31	1,70,51
1931-32	1,61,09
1932-33	1,58,65
1933-34	1,58,92
1934-35*	1,60,00

* This figure is approximate only. Full details have not yet been received.

Seth Govind Das: Is it a fact that, during the past three years (since 1932), the revenue under these heads is gradually increasing?

Mr. A. H. Lloyd: If the Honourable Member will kindly put down a question, I will look up the answer.

Mr. Lalchand Navalrai: May I know if foreign liquor is being allowed to be taken from one province to another, whereas the movement of country liquor is restricted as between provinces? If so, why is the distinction?

Mr. A. H. Lloyd: I am not sure that the facts are as stated by my Honourable friend. There is certainly no restriction that I know of on the movement of foreign liquor from one province to another: and I believe rules exist under which country-made liquor can be moved from one province to another. There has been considerable correspondence with Local Governments on the subject, and, to the best of my knowledge, **collective arrangements were made.**

Mr. Lalchand Navalrai: Is it not a fact that country liquor made in Delhi and Punjab is not allowed to be taken to Sind and *vice versa*?

Mr. A. H. Lloyd: May I know what particular kind of country liquor the Honourable Member is referring to?

Mr. Lalchand Navalrai: The Indian liquor that is being distilled in Karnal and other places and sold in Delhi.

Mr. A. H. Lloyd: If the Honourable Member will put down a question, I will have inquiries made.

POWER OF TERMINATION OR RENEWAL OF THE AGREEMENT BETWEEN INDIA AND BURMA AFTER SEPARATION.

559. ***Seth Govind Das:** (a) Will Government be pleased to state whether the power to terminate or renew the agreement between India and Burma, which will be enforced after the separation of Burma, will rest with the Government of Burma or with the Governor for Burma?

(b) Is it not a fact that trade, commerce and immigration are not within the exclusive responsibilities or special possibilities of the Governor (under the new Government of India Act, 1935), and will not the right to terminate or renew the agreement, or any part of the agreement, pertaining to the Government of Burma's rights in relation to this agreement rest with them? If not, why not?

(c) Are Government aware that, under the new constitution the Legislature, not the Governor, is free to develop their own fiscal and economic policy with complete freedom to negotiate agreements with any country?

(d) What actions do Government contemplate taking in the matter of modifying the terms of the agreement? If none, will Government be pleased to state their reasons for not doing so?

The Honourable Sir Nripendra Sircar: (a) to (d). The attention of the Honourable Member is drawn to the provisions of **Article 17 of the draft Indo-Burma Trade Regulation Order** made under sections 160 and 458 of the Government of India Act, 1935, which will give effect to the Agreement to which he refers. The draft Order in its reference only to the Governor General of India and the Governor of Burma is in full accord with the provisions of the Government of India Act, 1935. I presume that the Honourable Member wishes, in effect, to know whether the Governor of Burma will exercise his functions under paragraph 17 of the Order on the advice of his Ministers or in his individual judgment, or in his discretion. The answer is that in so far as other particular special responsibilities may not be concerned, the Governor will act on Ministerial advice.

The Order takes no power to renew its provisions.

REPRESENTATION OF INDIA AT THE INAUGURAL SESSION OF THE INTERNATIONAL
PARLIAMENTARY COMMERCIAL CONFERENCE.

560. ***Seth Govind Das:** (a) Will Government be pleased to state whether India was represented at the inaugural session of the International Parliamentary Commercial Conference, held in the Royal Gallery of the House of Lords on the 1st of October, 1935?

(b) By whom was India represented?

(c) What were the representatives' proposals on behalf of India before the said conference?

(d) Will Government lay on the table a copy of the representatives' representations and the results of such representations?

(e) Did Government provide the representatives of this country with the agenda to put the case of this country before the conference? If so, what was the agenda?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (e). Government have no knowledge of such a conference, and the other parts of the question do not, therefore, arise.

"SPECIAL DUTY" TO BE RENDERED BY SIR JAMES PITKEATHLY, CHIEF
CONTROLLER OF STORES.

561. ***Seth Govind Das:** (a) Will Government be pleased to state whether Sir James Pitkeathly, Chief Controller of Stores, is going to render some "special duty" service to the Bengal Government preparatory to his proceeding Home on leave?

(b) What is the nature of the "special duties" he may likely be entrusted with?

(c) Is he likely to inspect the working systems of the India Stores Department, London?

(d) Is he likely to suggest the amalgamation of the two Stores Departments, London and India?

(e) Is he likely to place orders with any foreign concerns for stores abroad?

(f) What are the special reasons or schemes for which he is going to supervise the workings of the London Branch of the India Stores Department?

The Honourable Sir Frank Noyce: (a) and (b). Sir James Pitkeathly has been permitted to serve, while on leave, as a Member of the Committee appointed by the Government of Bengal to advise on the charges at present levied by the Calcutta Electric Supply Corporation, Limited.

(c), (d) and (f). Later, while in England, he will make a detailed examination of the working of the London Store Department and submit recommendations so that the Government of India may determine whether the amalgamation of the London and Indian Stores Departments is practicable, and, if so, when it should take effect.

(e) No.

Seth Govind Das: Will Government be pleased to state whether this gentleman has been empowered to negotiate and place even orders with whatever firms he likes?

The Honourable Sir Frank Noyce: I have said, Sir, No. The answer to part (e) of the Honourable Member's question is "No". Sir James Pitkeathly has been appointed to examine the practicability of amalgamating the two departments. If he were to place orders with foreign firms when in London, he would be interfering with the internal administration of the London Store Department.

Mr. N. M. Joshi: May I know, Sir, whether the amalgamation of these two departments will not lead to the weakening of the position and prestige of the High Commissioner in London?

The Honourable Sir Frank Noyce: I should imagine not, Sir.

MEMORANDUM *re* GROWTH AND MAINTENANCE OF IMPERIAL SHIPPING.

562. ***Seth Govind Das:** (a) Will Government be pleased to state whether they issued a memo. to all Municipal Councils and Local Bodies, asking all public and semi-public organisations to give fullest support to the Empire Shipping concerns for the growth and maintenance of the Imperial Shipping?

(b) Did the Imperial Shipping administration approach Government to enlist this support from the public bodies in India?

(c) Why did Government seek such direct aid for the Imperial concern and were they aware of the Indian Shipping clamouring for Coastal Traffic Reserve during the last decade?

(d) What were the reasons of Government for taking this step?

(e) Will Government lay on the table a copy of such correspondence as they may have had with the Imperial Shipping concerns in the matter?

(f) Did Government receive response in the form of replies from the public bodies, addressed to on the memo.?

(g) How many public bodies on the coastal districts replied in favour?

(h) How many replied against?

(i) How many, in all, public bodies were addressed to lend their support to the Imperial Shipping concern?

(j) How many in all in the whole country replied in response after consideration?

(k) How many did so in favour, and how many against?

The Honourable Sir Muhammad Zafrullah Khan: (a) to (d). The attention of the Honourable Member is invited to the replies given to starred questions No. 369 asked by Pandit Sri Krishna Dutt Paliwal on the 13th September, 1935, and No. 24 asked by Mr. S. Satyamurti on the 4th February, 1936, and the supplementary questions asked therewith on the subject.

(e) Government have had no correspondence in the matter with any shipping concern.

(f) to (k). The Government of India merely asked Local Governments to address public bodies suggesting increased utilisation of Empire shipping. The action taken did not call for any reply and none has been received.

IMPORT OF WHEAT FROM INDIA INTO THE UNITED KINGDOM.

563. ***Seth Govind Das:** (a) Will Government be pleased to state what preference has been given on the wheat imports into the United Kingdom from India?

(b) What has been the quantity of wheat imported into the United Kingdom from India during the last five years (separately) in comparison to that of the years 1930, 1929 and 1928?

(c) Will Government please state the value in rupees of such imports of wheat from India into the United Kingdom during those years?

(d) Are Government aware that there is no likelihood of India's exporting any appreciable quantity of wheat to the United Kingdom, during the next few years, unless there be the failure of world wheat crops?

(e) How then did Government think it beneficial to India's interests by this present preference on wheat export from India to the United Kingdom?

(f) Do Government consider this preference adequate? If not, are Government prepared to accord better preference, or bargain to secure better preference, for India for the export trade of this commodity? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Indian wheat receives a preference of two shillings per quarter in the United Kingdom.

(b) and (c). I lay on the table a statement giving the necessary information.

(d) and (e). The Honourable Member's attention is invited to pages 3 and 8, respectively, of the Reports for the fiscal years, 1933-34 and 1934-35, on the working of the scheme of preferences resulting from the Trade Agreement concluded at Ottawa between the Government of India and His Majesty's Government in the United Kingdom.

(f) Whether the preference is adequate or not is a matter of opinion but it is clear that the preference is of substantial value whenever Indian wheat prices are in parity with those of the other wheat exporting countries of the Empire.

Statement showing the quantity and value of Wheat imported into the United Kingdom from India.

Year.	Quantity.		Value.
	Cwts.		Rs.
1935	159,532		755,267
1934	166,368		798,320
1933	..		..
1932	..		..
1931	481,665		1,777,360
1930	3,341,551		18,551,413
1929	141,169		1,041,787
1928	1,546,232		12,542,000

Prof. N. G. Ranga: Is it not a fact, Sir, that Australian wheat is still being imported into this country?

The Honourable Sir Muhammad Zafrullah Khan: I do not think so, but I am not quite sure. If, however, the Honourable Member will put down a question, I will look into the matter; but almost certainly Australian wheat is not being imported into this country.

LEVELLING OF THE RAILWAY AND WATERWAY FREIGHTS.

564. ***Seth Govind Das:** (a) Will Government be pleased to state whether they are aware that the freights on railways are much higher comparatively than the waterway freights in India?

(b) Are Government aware that the high railway freight rates greatly hamper the easy transportation of commercial commodities and trade facilities?

(c) Have Government ever considered the advisability and feasibility of levelling the railway and waterway freights in this country?

(d) Are Government prepared to take immediate and effective steps to level up the waterway and railway freight rates to better trade conditions in India? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) No. Railway Administrations are ready and anxious to examine carefully each case brought to their notice alleging that freight rates are affecting the free movement of traffic. The large number of special rates quoted by Railways on a basis which, in many cases, is substantially lower than the basis generally applicable indicate the responsiveness of Railway Administrations to representations made to them.

(c) and (d). No. Government have no control over charges for carriage by waterways.

Mr. S. Satyamurti: Will Government consider taking power in order to regulate water and railway freight rates, so that the maximum benefit may be got for the country?

The Honourable Sir Muhammad Zafrullah Khan: I believe I have answered that question earlier in the Session.

EXPENDITURE ON CINEMA FILMS, LOUD SPEAKERS AND BROADCASTING AS ITEMS OF RURAL DEVELOPMENT.

565. ***Seth Govind Das:** (a) Will Government be pleased to state whether cinema films and loud speakers and also broadcasting are items of rural development?

(b) Are Government aware that large sums have been allotted for cinema films and loud speakers, as also for broadcasting?

(c) How is a wireless transmission installation being regarded as an item of rural development?

(d) Were the Provincial Legislative Councils consulted for the lines of expenditure of this grant for rural development?

(e) Will Government please state whether they received suggestions from the Provincial Governments stating their own beneficiary schemes of which many items were rejected?

(f) Will Government please state their reasons for doing so?

The Honourable Sir James Grigg: (a) Yes.

(b) About Rs. 2½ lakhs only have been allotted for this purpose out of a total of Rs. 92½ lakhs.

(c) It is one of the most effective means of imparting to the inhabitants of villages knowledge on such matters as hygiene, sanitation, etc.

(d) This is a matter for the Provincial Governments.

(e) and (f). The procedure adopted has been fully explained on page 3 of the statement circulated to Honourable Members in September last.

INCREASE IN THE PRICES OF GRAINS AND PULSES.

566. ***Seth Govind Das:** (a) Will Government be pleased to state whether the working of the Ottawa Pact has resulted in improving the market in the direction of increase in prices of grains and pulses?

(b) Have Government considered whether preferential duty on imports could be the cause of the result in the increase of prices?

(c) To what extent have the prices of grains and pulses increased this year, as compared with that of the last year?

(d) What is the value of grains and pulses that were exported from India last year?

(e) What has been the total gain to India on her export trade, year by year, after the Ottawa Agreement was brought into force, in comparison to that of the years before the working of the Agreement?

(f) Will Government state the names of the countries that have benefited most for their trade with India after the Ottawa Pact?

(g) To what extent have such countries been benefited?

(h) What are the retributory benefits received by India from those countries by her trade?

(i) To what percentage has India increased her trade with those countries in comparison with pre-war days?

(j) Is there a Trade Commissioner in those countries representing India to protect Indian trade interests?

(k) What has he contributed to improve the situation?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The Honourable Member can form his own opinion from the material which has been supplied to him.

(c) The index numbers of average prices of cereals and pulses in the different centres of British India show increases ranging between 6 and 11 per cent. and 1 and 11 per cent., respectively, in the year 1935 as compared with 1934.

(d) to (i). The Honourable Member is referred to the monthly and annual volumes of the Sea-borne Trade Accounts of British India, copies of which are in the Library of the Legislature.

(j) There are Indian Trade Commissioners only in three countries, namely, the United Kingdom, Germany and Italy.

(k) The attention of the Honourable Member is invited to the quarterly and annual reports of the Indian Trade Commissioners, copies of which are in the Library.

Prof. N. G. Ranga: Is there any likelihood of appointing any more Trade Commissioners during the next year?

The Honourable Sir Muhammad Zafrullah Khan: I have answered several questions on that subject in this Session already before the Honourable Member began to attend the sittings of the House.

SUBSTITUTION OF THE ELECTION SYSTEM BY NOMINATIONS TO THE MALAYA COUNCIL.

567. ***Seth Govind Das:** (a) Will Government be pleased to state whether they are aware that the election system to the Malaya Council is contemplated to be substituted by the system of nomination?

(b) Did Government receive any representation from the Indians in Malaya, protesting against the contemplated system?

(c) Had Government any despatches from the Agent to the Government in Malaya on this subject?

(d) What action, if any, did Government take to protect the interests of Indians in Malaya?

(e) Did Government approach the Secretary to His Majesty's Government for Colonial Affairs on the subject?

(f) What were the views of the Colonial Secretary in the matter?

(g) Will Government be pleased to lay on the table a copy of the entire correspondence in this matter between the Government and the Colonial Secretary of State for Colonies on the one hand and the Indians in Malaya and the Malaya Government and other authorities there on the other? If not, will Government please state their reasons?

(h) What is the total Indian population in Malaya?

(i) How many seats are allotted in the Malaya Council for immigrant Indians:

(i) nominated,

(ii) elected?

(j) What are the views of Government in the matter of substitution of the election system by nominations?

Sir Girja Shankar Bajpai: (a) to (c). The reply is in the negative.

(d) to (g) and (j). Do not arise.

(h) The total Indian population at the end of 1934 was estimated at 595,647.

(i) Out of 12 nominated non-official members in the Federal Council of the Federated Malay States, one is an Indian. There are no elected members.

PREVENTION OF RATE-WARS BETWEEN SHIPPING COMPANIES IN INDIA.

568. ***Seth Govind Das:** (a) Will Government be pleased to state whether they are aware that there exists a rate-war between the British India Steam Navigation Company and the Indian shipping concerns trading between the coastal districts of India and Burma?

(b) Did Government take any action to prevent such rate-wars, that take place often? If so, what have those actions been? If not, will Government explain their reasons for the non-intervention?

(c) Has Government's attention been drawn to the assurance given by Sir Joseph Bhore in the Assembly, during his tenure of office, to the effect that steps would be taken to prevent such unfair tactics by the mercantile concerns?

(d) Was any action really taken sufficient enough to prevent further unfair rate-war? If so, what was that action? If not, will Government state their reasons for not taking adequate steps to that effect?

(e) Are Government prepared to take measures now to ensure effective prevention of the rate-wars between the shipping concerns? If not, what are their reasons?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b), (d) and (e). Government are not prepared to admit that every reduction of fare or freight below current rates is evidence of the existence of a rate-war calling for Government intervention, nor is it possible to say without reference to the facts of a particular case what action, if any, Government would be prepared to take.

(c) Government's attention has naturally been drawn to all assurances made by Sir Joseph Bhore in the Assembly during his tenure of the office of Member of the Executive Council, but I am not aware to what particular assurance the Honourable Member refers.

Prof. N. G. Ranga: May I know, Sir, what action has been taken to improve the condition of deck passengers?

The Honourable Sir Muhammad Zafrullah Khan: Does that arise out of this question?

Mr. S. Satyamurti: What are the considerations which Government consider must arise before they come to the conclusion that there is a rate-war between the various shipping companies?

The Honourable Sir Muhammad Zafrullah Khan: That is a hypothetical question. I cannot state the considerations which must arise, but I am prepared to examine any considerations that do arise and see whether any case for interference has been made out.

Mr. S. Satyamurti: What are the considerations, then, Sir, which enable the Government to come to the conclusion that, so far as the competition between the British India Steam Navigation Company and the Indian Shipping concerns between India and Burma is concerned, it is not a rate-war, but a mere legitimate competition?

The Honourable Sir Muhammad Zafrullah Khan: I have answered several questions on that subject earlier in the Session as the Honourable Member well knows, as he put several of them himself.

Mr. S. Satyamurti: I got no satisfactory answers.

The Honourable Sir Muhammad Zafrullah Khan: I can give replies, but cannot guarantee satisfaction.

NON-INDIAN PRISONERS IN INDIAN JAILS.

589. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the number of non-Indian State Prisoners who are not in jails, but interned outside;
- (b) the allowance given for their subsistence per month in each case;
- (c) the total cost to the country of such State Prisoners; and
- (d) what the position of the non-Indian State Prisoners will be under the Reforms?

Sir Aubrey Metcalfe: (a) to (c). The requisite information is shown in the statement, a copy of which is placed on the table.

(d) If the Honourable Member is referring to the incidence of cost on these non-Indian State Prisoners, it will be borne by the Federal Government in the Department of External Affairs.

Statement showing the names of non-Indian State Prisoners who are not in Jails, but interned outside and their allowances.

Province or Presidency.	Serial No.	Name.	Allowance (Monthly.)			Remarks.
			Rs.	s.	p.	
Madras Presidency	1	S. Abdur Rahman Khan	600	0	0	Rs. 1,500. Rs. 30 per mensem allowance and Re. 1 daily diet allowance. Rs. 32 per mensem allowance and Rs. 1-6-0 daily diet allowance. Do. Do. Do. Do. Do. Do. Do. Do. Do.
	2	S. Ghaus-uddin Khan	500	0	0	
	3	S. Abdul Hakim Khan	150	0	0	
	4	S. Amin Jan	250	0	0	
Bombay Presidency	5	Khan Baba	60	0	0	
	6	Abdul Qadus	73	4	0	
	7	Mohd. Ibrahim	73	4	0	
	8	Mohd. Hassan	73	4	0	
	9	Ali Ahmad	73	4	0	
	10	Mohd. Ismail	60	0	0	
	11	Taj Mohd.	60	0	0	
			Rs. 473.			

Province or Presidency.	Serial No.	Name.	Allowance (Monthly).			Remarks.
			Rs.	s.	p.	
Central Provinces .	12	S. Abdullah Khan .	600	0	0	Rs. 45 per mensem allowance and Rs. 1-6-0 as diet allowance. Do. Do. Do.
	13	S. Abdul Hamied Khan .	500	0	0	
	14	S. Abdul Quaum Khan .	450	0	0	
	15	Khwaja Abdul Karim .	86	4	0	
	16	Mohd. Nasir .	86	4	0	
	17	Abdur-Rahman Jan .	86	4	0	
	18	Ata Mohammad .	60	0	0	
	Bihar and Orissa .	19	Sardar Abdul Khaliq .	100	0		0	Rs. 160.
20		Sardar Ghulam Jilani .	60	0	0	
Bengal .	21	S. Abdul Aziz Khan .	250	0	0	S/o S. M. Akrem Khan. S/o S. M. Hassan Khan. S/o above. Rs. 30 per mensem allowance and annas 10 daily allowance. Do. Do. Do. Rs. 50 per mensem allowance and annas 10 daily allowance. Do. Rs. 3,943-12-0.
United Provinces .	22	S. Mohd. Azam Khan .	300	0	0	
	23	S. Mohd. Akram Khan .	400	0	0	
	24	S. Mohd. Afzal Khan .	..	..	..
	25	S. Sultan Ahmad Khan .	300	0	0	
	26	S. Sher Ahmad Khan .	250	0	0	
	27	S. Mohd. Sarwar Khan .	250	0	0	
	28	S. Mohd. Umar Khan .	250	0	0	
	29	S. Nur Ahmad Khan .	250	0	0	
	30	S. Abdur Rashid Khan .	150	0	0	
	31	S. Mohd. Hassan Khan .	200	0	0	
	32	S. Abdus Samad Khan .	..	..	..
	33	S. Abdur Rahman Khan .	250	0	0	
	34	S. Mohd. Umar Khan .	100	0	0	
	35	S. Gul Mohd. Khan .	100	0	0	
36	S. Abdul Ali Khan .	350	0	0		
37	S. Abdur Rahim Khan .	250	0	0		
38	S. Abdur Rauf Khan .	..	..	..
39	S. Mohd. Azim Khan .	100	0	0		
40	S. Mohd. Mohsin Khan .	100	0	0		
Ajmer-Merwara .	41	Ghulam Nabi .	48	12	0	
	42	Mohd. Din .	48	12	0	
	43	Mohd. Siddiq .	48	12	0	
	44	Adul Hakim .	68	12	0	
	45	Abdul Majid .	68	12	0	
	46	Mohd. Jan .	60	0	0	
	47	Syed Muhammed <i>alias</i> Bang & Co., Companions .	400	0	0	
			8,595	8	0	

Monthly cost
Yearly cost

Rs.
8,595 8 0
1,03,146 0 0

Seth Govind Das: Are these State Prisoners being kept in this country at the request of the various countries to which they belong?

Sir Aubrey Metcalfe: I cannot answer that question, Sir, without trenching on matters of foreign policy which, on this occasion, in the case of questions, I think, you would probably rule out of order. I will give any information I can.

Prof. N. G. Ranga: Why are they being kept here?

Seth Govind Das: May I ask for your ruling on this question, Sir? When money is being spent from the Indian revenues on these State Prisoners, is this House not entitled to ask whether these prisoners are kept by the Government of India themselves or at the request of the countries to which they belong?

Mr. President (The Honourable Sir Abdur Rahim): It is very difficult for the Chair to give a definite ruling, because it depends upon the circumstances of each particular case. If, in a particular case, the Government are positive that they cannot answer the question without affecting foreign relations, then the Chair is helpless. It has to be left more or less to the Government to say in such cases whether the answer will affect foreign relations or not.

Seth Govind Das: May I ask the Honourable Member how much money is being spent from the Indian revenues on these State Prisoners?

Sir Aubrey Metcalfe: The present charges amount to about one lakh of rupees a year, but they are fluctuating. We are always doing our best to reduce them.

Seth Govind Das: Is there any contribution to this expense from the various countries to which these prisoners belong?

Sir Aubrey Metcalfe: No.

Seth Govind Das: Do not Government think it advisable that, when these prisoners are kept at the request of various other countries, the expense on keeping them should be met by those countries?

Sir Aubrey Metcalfe: The Honourable Member appears to be asking for an expression of opinion.

Mr. S. Satyamurti: Have Government considered, or will they consider, the question of addressing these Governments on the question of their contributing towards the maintenance of these prisoners?

Sir Aubrey Metcalfe: No, not exactly in that form. What we are doing and have been doing all the time is, trying to reduce the expenditure as far as possible by arrangement with the foreign Government concerned. And I can say this, that in no case are we keeping non-Indian prisoners here against the wishes of the Governments concerned, and, in fact, in all cases, it is in accordance with the wishes of that Government.

Mr. S. Satyamurti: Are all these prisoners kept solely at the wishes of the foreign powers concerned, and are no interests of India involved in keeping them?

Sir Aubrey Metcalfe: The interests of India are certainly involved in complying, so far as we can, with the wishes of those Governments.

Mr. S. Satyamurti: Are there any treaty obligations between these States and the Government of India, casting upon us the duty of keeping these prisoners, whenever those Governments want us to keep them?

Sir Aubrey Metcalfe: I would not go so far as to say that they were exactly treaty obligations, but they were certainly obligations of practice which are observed in reciprocity.

Seth Govind Das: The Honourable Member has just said that the interests of the Indian Government are involved in keeping these prisoners in India. May I ask whether the interests of those countries from where these prisoners come are also not involved in keeping them in India?

Sir Aubrey Metcalfe: Certainly. I have not implied that it was only in the interests of India.

Seth Govind Das: In that case, is it not advisable that the Government of India should correspond with those countries and ask them to give something for the maintenance of these prisoners in India?

Sir Aubrey Metcalfe: There, again, the Honourable Member is asking for an expression of opinion.

Mr. S. Satyamurti: What is this reciprocity? Are there any prisoners of India being kept by these States at the request of the Government of India?

Sir Aubrey Metcalfe: Yes.

Mr. S. Satyamurti: How many?

Sir Aubrey Metcalfe: I am not prepared to give any exact figure, but there certainly is reciprocity in the matter.

Mr. President (The Honourable Sir Abdur Rahim): Next Question.

TRAIN EXAMINERS ON THE GREAT INDIAN PENINSULA RAILWAY.

570. ***Seth Govind Das:** Will Government be pleased to state:

- (a) the allotted number of the Train Examiners fixed for each division of the Great Indian Peninsula Railway after the Pope Committee's Report;
- (b) the number of vacancies of Train Examiners which occurred in those Divisions since the year 1926;
- (c) the number of vacancies which were filled up by qualified Assistant Train Examiners waiting for prospects for the last ten years;
- (d) the maximum period required for a qualified candidate, who has been an Assistant Train Examiner, to be promoted to the post of "Train Examiner";

- (e) whether they are aware that the Great Indian Peninsula Railway administration have appointed outsiders as Train Examiners on a starting salary of Rs. 100 and 150, instead of providing the qualified Assistant Train Examiners on Rs. 65 who are available in any number in the many divisions of the Railway;
- (f) whether it is a fact that the Great Indian Peninsula Railway administration have a practice of paying the junior subordinates (fitters) at a scale of Rs. 60 more than their "In-charge" (Assistant Train Examiners) under whom they work;
- (g) whether the Great Indian Peninsula Railway administration are bound by agreement to provide adequate future prospects for the qualified (Passed) apprentices after their completion of the training course;
- (h) the maximum pay of the non-qualified Assistant Train Examiners, working on Bombay Island, and the maximum pay allowed to such employees when they are transferred to other stations;
- (i) the reasons for the variation in the salary in one station from another; and
- (j) the reasons for appointing outsiders as Train Examiners directly on higher salaries, instead of providing qualified and tried hands?

The Honourable Sir Muhammad Zafrullah Khan: Government are informed that the numbers are as follows:

- | | | |
|---------------------|-----|----|
| (a) Bombay division | ... | 85 |
| Sholapur division | ... | 25 |
| Bhusawal division | ... | 64 |
| Jubbulpore division | ... | 15 |
| Jhansi division | ... | 37 |
- (b) Twenty-nine vacancies occurred since 1926.
 - (c) Seventeen were filled by qualified Assistant Train Examiners.
 - (d) There is no maximum period.
 - (e) Only one outsider was recruited during the strike.
 - (f) No.
 - (g) Yes, if a vacancy exists.
 - (h) Presuming that by non-qualified Assistant Train Examiners is meant those who have not passed the examination for Train Examiners, the maximum pay for the Island of Bombay is Rs. 55 per mensem. Rs. 55 per mensem is allowed to qualified Assistant Train Examiners elsewhere.
 - (i) The train examining staff employed in the Island of Bombay were given higher scales of pay chiefly due to the difference in the cost of living between the Island of Bombay and the Mofussil.

At present these scales of pay are under revision and it is proposed to abolish the distinction which at present exists.

- (j) With the exception of one outsider who was recruited as Train Examiner during the strike no other outsiders have been recruited.

Seth Govind Das: How many of them are Indians?

The Honourable Sir Muhammad Zafrullah Khan: I could not say without notice.

Seth Govind Das: Is there any difference in pay of Indians on the one hand and Anglo-Indians and Europeans on the other?

The Honourable Sir Muhammad Zafrullah Khan: That I could not answer either without notice.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member tell this House whether he is aware of the fact that other Railways, besides the G. I. P. Railway, have resorted to the practice of advertising for outside recruitment and employing them in the department to the disadvantage of those who are awaiting promotion in the same cadre?

The Honourable Sir Muhammad Zafrullah Khan: Will the Honourable Member specify which particular Railways do it?

Lieut.-Colonel Sir Henry Gidney: The North Western Railway has recently advertised for Assistant Foremen and Foremen to replace men who are waiting for promotion and whose claims have been ruthlessly cast aside.

The Honourable Sir Muhammad Zafrullah Khan: If the Honourable Member will put down a question, I would be glad to furnish the information.

LEVY OF EXCISE DUTY ON PALMYRA SUGAR.

571. ***Seth Haji Abdoola Haroon:** (a) Are Government aware that excise duty on palmyra sugar is not levied?

(b) If the answer to part (a) above be in the affirmative, will Government state the reasons why it is not done?

Mr. A. H. Lloyd: I would refer the Honourable Member to the reply which I gave to question No. 1 asked by Pandit Krishna Kant Malaviya on the 4th of February.

Prof. N. G. Ranga: Are Government aware of the fact that the manufacture of palmyra sugar is a cottage industry, and that numbers of poor and depressed workers are engaged in it, and, if an excise duty is levied, they will all be hit very badly.

Mr. A. H. Lloyd: I think that is a question which answers itself.

Mr. M. Ananthasayanam Ayyangar: Is it not also a fact that the palmyra sugar industry is in a very infant stage?

Mr. A. H. Lloyd: That I cannot say. I do not know how long it has been in existence, but I should have thought that it has been for a long time, even though it is a small scale industry.

Pandit Nilakantha Das: Is there any mill industry in palmyra sugar, or is it the only cottage industry?

Mr. A. H. Lloyd: I am afraid I did not hear what the Honourable Member asked.

Seth Haji Abdoola Haroon: Are there not palmyra sugar factories in existence in Madras which employ more than 20 labourers?

Mr. A. H. Lloyd: I cannot speak with absolute conviction, but it seems to me perfectly clear that the question of levying an excise duty on palmyra sugar would never have been raised if there has not been factories in existence so as to bring the industry within the scope of the sugar excise duty which is only applied to sugar made in factories.

Seth Govind Das: Is it a regular industry or is it a cottage industry?

Mr. A. H. Lloyd: The words "cottage industry" have no clear definition. If the working of factories, such as Seth Haji Abdoola Haroon referred to, is not a cottage industry, then making palmyra sugar is not exclusively a cottage industry.

Seth Haji Abdoola Haroon: According to the Act, the Government of India have to enquire into this matter as to how many factories there are and whether an excise duty is leviable or not. I want to know whether these factories exist in Madras or not.

Mr. A. H. Lloyd: I can say quite safely that factories do exist in Madras. As I stated in reply to Mr. Malaviya's question to which I have already referred, the conclusion arrived at, as a result of the enquiry that was made last year, was that the imposition of an excise duty on palmyra sugar would probably result in the extinction of the industry which would throw a large number of workers out of employment. It is obvious that, if that is the condition, there must be an industry.

Prof. N. G. Ranga: Industry there is, but no factory.

LEVY OF EXCISE DUTY ON PALMYRA SUGAR.

572. ***Seth Haji Abdoola Haroon:** (a) Will Government be pleased to state whether it is a fact that when Excise Duty Bill was passed in 1934, they had promised to enquire into palmyra sugar industry and to enforce levy of excise duty on palmyra sugar as soon as possible?

(b) If so, what enquiry have Government made up to this time?

(c) Are Government willing to circulate their report on the said enquiry among members of this House and also to publish it in the Government Gazette and newspapers?

Mr. A. H. Lloyd: (a) The Government of India accepted the recommendation of the Select Committee on the Sugar (Excise Duty) Bill that palmyra sugar should be excluded from the general rate of duty and that an enquiry should be made before a rate of duty was fixed. They did not undertake to levy excise duty on palmyra sugar as soon as possible.

(b) I would invite the attention of the Honourable Member to the reply which I gave to question No. 1 asked by Pandit Krishna Kant Malaviya on the 4th of February, 1936.

(c) The Government of India have not compiled a report on the subject and the question of publication, therefore, does not arise.

SUGAR PRODUCED FROM PALMYRA GUR.

573. ***Seth Haji Abdoola Haroon:** Will Government be pleased to state the quantities of sugar produced from palmyra gur during 1932, 1933, 1934 and 1935?

Sir Girja Shankar Bajpai: The average annual production in the Madras Presidency during recent years is understood to be between two and three hundred thousand maunds.

Mr. M. Ananthasayanam Ayyangar: Is it the total for all the years?

Sir Girja Shankar Bajpai: Per annum.

BUDDHISTIC RELICS, STUPAS AND ARCHITECTURAL TREASURES DISCOVERED AT NAGARJUNAKONDA IN THE GUNTUR DISTRICT.

574. ***Prof. N. G. Ranga:** (a) Are Government aware of the fact (i) that very important and interesting Buddhistic relics, stupas and architectural treasures were discovered at Nagarjunakonda in Guntur District, (ii) that these finds have not yet been properly catalogued, (iii) that they are not properly protected from the vicissitudes of weather, (iv) and that no attempt has so far been made either to catalogue them and publish their descriptive and historical account in English or in Andhra or to house them?

(b) If the reply to part (a) be in the affirmative, are Government prepared to consider the advisability of properly housing them and protecting them in every other way and of publishing at a cheap price a historical, descriptive catalogue in order to enable the public to properly appreciate their place in Indian history?

Sir Girja Shankar Bajpai: (a) (i) Yes.

(ii) and (iv). Preliminary reports about the finds have appeared from year to year in the departmental Annual Reports and the inscriptions have been published by Dr. J. Ph. Vogel in the *Epigraphia Indica*. A complete monograph on the excavations is now under preparation by Mr. Longhurst, the excavator in collaboration with Dr. Vogel.

(iii) Steps are being taken to construct a Museum at Nagarjunikonda to house the sculptures.

(b) The question of publishing a cheap guide will be taken up when the monograph already mentioned has been published.

UNSTARRED QUESTIONS AND ANSWERS.

IRON AND STEEL ARTICLES EXPORTED FROM CERTAIN COUNTRIES.

112. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to lay on the table a statement showing the total tonnage of iron and steel articles exported from Great Britain and Ireland, Germany, America and Japan mainly in the shape of beams, rails, bolts and nuts, and corrugated sheets and plain sheets?

The Honourable Sir Muhammad Zafrullah Khan: The information asked for by the Honourable Member is given below as far as it is available.

Statement showing the quantity of Beams, Rails, etc., etc., exported from the United Kingdom, Germany, United States of America and Japan.
[In tons (000).]

Articles.	United Kingdom.					Germany.					United States of America.					Japan.					
	1930	1931	1932	1933	1934	1930	1931	1932	1933	1934	1930	1931	1932	1933	1934	1930	1931	1932	1933	1934	
Beams*	54	25	16	14	26	419	172	132	176	..	..	..	..	..	..	..	..	..	..	..	..
Rails	243	108	47	60	120	..	..	..	..	..	95	33	11	41	..	..	..	..	..	..	†
(Switches & crossings)	..	4	2	1	..	..	..	..	..	..	3	1	1	1	..	..	..	..	..	..	†
Bolts and nuts	26	14	11	12	16	595	372	132	136	..	(c)	(c)	(c)	(c)	..	..	..	..	..	..	†
Corrugated sheets	354	230	199	192	189	(b)	(b)	(b)	(b)	(d)	(d)	(d)	(d)	(d)	(f)	(f)	(f)	(f)	(f)	(f)	7
Plain sheets	398	250	336	302	373	625	875	867	1,332	..	243	149	68	94	9	16	13	18	18	32	(e)

(a) Includes terne plates but excludes Iron plates and sheets.

(b) Galvanised plates and sheets only.

(c) Bolts, machine screws, nuts, rivets, washers and nut locks.

(d) Black and Galvanised sheets.

(e) Rivets, bolts, nuts including washers.

(f) Plates and Sheets.

(g) Rails including fishplate.

* Includes girders, joists, and pillars.

† Separately recorded from 1934.

TELEGRAPH AND CAMP POST OFFICES OPENED EVERY YEAR.

113. **Sardar Sant Singh:** Will Government be pleased to lay on the table a list of the different telegraph and postal camp offices opened every year during the last five years and state if such camp offices are paying?

The Honourable Sir Frank Noyce: Government regret that they are unable to furnish the information as its collection would involve an undue expenditure of time and labour. Camp offices are opened for short periods and for special reasons independently of financial considerations.

POST OFFICES NOT PAYING THE COST OF THEIR UPKEEP.

114. **Sardar Sant Singh:** Will Government place on the table a list of Post Offices which do not pay the costs of their upkeep and state why they are not abolished, keeping in view the principle of commercialisation?

The Honourable Sir Frank Noyce: The information required by the Honourable Member is not readily available and Government do not propose to call for it as its collection would involve an expenditure of time and labour incommensurate with its value. I may, however, inform the Honourable Member that Heads of Circles are required to make periodical reviews of the revenue and expenditure of individual post offices with a view to reduce, where possible, the cost of upkeep where it exceeds the revenue earned and, if this is not possible, to close down unremunerative offices if the loss exceeds a certain annual limit and there is no likelihood of the revenue increasing in the near future sufficiently to cover the cost of upkeep. Certain offices, working at a loss are, however, kept open in the public interest.

COMMITTEES FORMED IN RESPECT OF THE POSTS AND TELEGRAPHS DEPARTMENT.

115. **Sardar Sant Singh:** (a) Will Government be pleased to place on the table a list of the different committees formed by the Department in respect of the Postal as well as Telegraph Branches, combinedly or separately, showing the year as well as the personnel of each?

(b) Will Government be pleased to state:

- (i) which of these Committee Reports are available for sale in the Government Sale Depots;
- (ii) which of these are still followed for regulation of (1) duty hours, (2) night duty, and (3) maximum limit of compulsory overtime? If none of these is followed, will Government be pleased to quote the departmental rules for regulation of duty hours, night duty, and maximum limit of compulsory overtime?

The Honourable Sir Frank Noyce: (a) and (b). There has been a very large number of departmental committees in the Posts and Telegraphs

Department since it was constituted and to give for all of them the particulars which the Honourable Member requires would involve an expenditure of time and labour incommensurate with the value of the result. If, however, the Honourable Member will let me know more exactly the period for which he requires this information I will try to get it for him.

PROMOTION OF JOURNEYMEN ON THE EASTERN BENGAL RAILWAY.

116. **Pandit Lakshmi Kanta Maitra:** Will Government be pleased to place on the table the following particulars:

- (a) the grades in the old scale of pay for the journeymen on the Eastern Bengal Railway; and
- (b) how many European and Anglo-Indian journeymen employed under the Works Manager, Loco, Kanchrapara and Saidpur or transferred to other Districts within the last five years, have been promoted to the grade of Rs. 160—15—250 from Rs. 150 and what is the corresponding number of Indian journeymen similarly promoted?

The Honourable Sir Muhammad Zafrullah Khan: (a) The grades of journeymen in the old scales of pay are as follows:

- (i) Rs. 80—5—95;
- (ii) Rs. 100—10—150;
- (iii) Rs. 200;
- (iv) Rs. 160—15—250.

(b) No European, Anglo-Indian or Indian journeymen has been promoted from Rs. 150 to the Rs. 160—15—250 grade, but one Indian journeyman has been promoted to Rs. 200 grade.

CHARGEMEN AND JOURNEYMEN IN CERTAIN WORKSHOPS ON THE EASTERN BENGAL RAILWAY.

117. **Pandit Lakshmi Kanta Maitra:** Will Government be pleased to place on the table a statement showing the following particulars:

- (a) the names of chargemen and the names of journeymen in each of the different shops within the main Workshops under the Works Manager, Loco., Kanchrapara and the Works Manager, Saidpur, year by year from 1930 to the end of 1935;
- (b) the respective starting pays on being appointed as a regular employee;
- (c) the respective dates of such appointment; and
- (d) the respective present pays?

The Honourable Sir Muhammad Zafrullah Khan: The information is not readily available and Government consider that its collection will involve an amount of labour and expense not likely to be justified by results.

CADETS ADMITTED TO THE "DUFFERIN".

118. **Mr. Amarendra Nath Chattopadhyaya:** Will Government be pleased to state the number of executive and engineer cadets admitted to the Indian Mercantile Marine Training Ship "Dufferin", since its establishment, year by year, with the names of the communities and provinces to which they belong?

The Honourable Sir Muhammad Zafrullah Khan: I lay on the table two statements giving the information desired by the Honourable Member.

Statement of Executive and Engineer Cadets admitted to the Indian Mercantile Marine Training Ship "Dufferin", since its establishment, year by year, by communities.

Communities.	1927	1929	1930	1931	1932	1933	1934	1935.		1936.		Total.
								Exe- cu- tive.	En- gi- neer.	Exe- cu- tive.	En- gi- neer.	
Hindus	18	19	16*	11	8	12	10	9	8	10	12	133
Mohammadans	2	5	4	3	2	5	3	4	2	4	4	38
Anglo-Indians	4	8	6	10	12	9	12	9	8	†6	4	88
Indian Christians	4	2	4	3	4	2	2	2	4	2	..	29
Sikhs	1	..	..	4	2	4	1	..	1	1	1	15
Parsees	1	1	3	1	3	1	5	1	1	3	3	23
Jews . . . . .	..	..	..	..	1	..	..	..	..	..	1	2
Buddhists . . . . .	..	..	1	1	1	..	..	..	1	..	..	4
Total	30	35	34*	33	33	33	33	25	25	†26	25	332

N.B.—*Includes one Hindu Cadet from Bhavnagar State admitted direct without the ship's qualifying examination.

†Includes one Cadet from Ceylon, admitted direct through the Government of Ceylon without the ship's qualifying examination.

Statement showing the domicile of the Cadets who have joined the "Dufferin" since its establishment in November 1927.

Province.	1927	1929	1930	1931	1932	1933	1934	1935.		1936.		Total.
								Execu- tive.	En- gi- neer	Execu- tive.	En- gi- neer.	
Ajmer-Merwara	1	1	..	..	..	1	..	..	..	..	..	3
Assam . . . . .	..	..	..	..	..	..	..	1	..	..	..	1
Bengal	2	2	1	1	1	2	4	5	1	2	..	21
Bihar and Orissa	1	..	..	..	1	1	1	2	..	1	..	6
Bombay	10	9	7	7	9	7	12	4	5	8	4	82
Burma	1	..	3	2	4	1	2	2	2	2	1	20
Central Provinces and Berar . . . . .	..	2	1	1	1	4	2	2	2	1	2	18
Delhi . . . . .	..	..	..	1	1	..	..	..	1	..	1	4
Madras	1	2	4	7	6	3	5	5	7	2	6	48
North-West Frontier Province . . . . .	..	..	..	..	..	1	2	..	..	..	..	3
Punjab	5	3	6	6	5	7	1	1	3	5	5	47
United Provinces of Agra and Oudh	6	12	7	7	3	5	4	3	2	..	4	53
<i>(States and Agencies.)</i>												
Baroda State . . . . .	..	..	1	..	..	..	..	..	..	..	..	1
Bombay States . . . . .	..	..	2*	..	..	..	..	..	..	..	..	2
Central India Agency	1	1	..	1	1	..	..	..	..	..	..	4
Hyderabad State	1	1	..	..	..	..	..	..	..	2	..	4
Travancore State	1	..	2	..	1	1	..	..	2	..	1	8
Mysore State . . . . .	..	1	..	..	..	..	1	..	..	..	..	2
Rajputana Agency . . . . .	..	1	..	..	..	..	..	..	..	2	1	4
Ceylon . . . . .	..	..	..	..	..	..	..	..	..	1†	..	1
Total	30	35	34*	33	33	33	33	25	25	26†	25	332

*Includes one cadet from Bhavnagar State, admitted direct without the Ship's qualifying examination.

†Represents one cadet from Ceylon, admitted direct through the Government of Ceylon, without the Ship's qualifying examination.

SELECTION OF CADETS FOR TRAINING ON THE "DUFFERIN".

119. **Mr. Amarendra Nath Chhattopadhyaya:** Is it not a fact that 140 candidates applied for the executive branch of study in connection with the training on "Dufferin", and 59 were successful and invited to come to Bombay? If not, what was the exact number?

The Honourable Sir Muhammad Zafrullah Khan: I presume the Honourable Member is referring to the qualifying examination held in October, 1934. 141 candidates originally applied for the Executive Course, but owing to withdrawals and other reasons only 132 candidates actually took the examination. Of these 58 were successful.

SELECTION OF CADETS FOR TRAINING ON THE "DUFFERIN".

120. **Mr. Amarendra Nath Chattopadhyaya:** (a) In connection with training on the "Dufferin", will Government lay on the table a list of those successful candidates (marking with asterisks candidates from the Calcutta centre) of the executive branch in order of merit at the examination in October 1984?

(b) How many of them were (i) Anglo-Indians, (ii) Parsees, (iii) Muhammadans, (iv) Hindus?

The Honourable Sir Muhammad Zafrullah Khan: I lay on the table a statement giving the desired information.

List of successful candidates of the Executive Branch in order of merit at the qualifying examination of October, 1984.

(Candidates from Calcutta Centre are marked with asterisks.)

Name.

1. Zal Curssetjee.
2. George Edgar Radford Bonner.
3. Mohd. Hashim.
4. Mangesh Rau Savur.
5. Rober Strickland Ottley.
6. Ved Prakash.
7. V. Srinivasan.
8. Arya Kumar Gupta.*
9. Pandharinath Krishnarao Deshmukh.
10. Narendra Paul.
11. George Charles Nahapiet.
12. Raghbir Sahai.
13. Makhan Lal Barua.*
14. K. S. Thomas.
15. A. M. Madhavan Nambiar.
16. Walter George D'Souza.
17. Ghulam Gaus Samdani.
18. George Wilsteed Rodrigues.*
19. Herbert Harris.
20. Dharm Pal Verma.
21. Anand Prakash Gupta.
22. L. V. Rajagopalan.
23. Shri Ram Gupta.
24. Abdus Salek Shahiduzzaman.*
25. Hattam Lal Syal.
26. Mahesh Chandra Misra.*
27. Horish Chandar.
28. Sadanand Harichandra Hanawar.
29. Austin Brock Myatt.
30. Anadi N. Chackerbutty.*
31. George Edmund Carvalho.*
32. William V. C. Thomas.
33. Gerard Athaide.
34. B. P. Pathak.
35. P. Parameswara Prasad.
36. William G. H. Cooke.
37. Sidney Arthur Croxson.*
38. Vasudeva A. Kamath.
39. Gour Chandra Ghosh.
40. Harold Augustus Hall.*
41. Govind Swarup.
42. Peter Kershaw.*

43. Bhupendra Nath Chaturvedi.
44. Syed Mohd. Zahir Abid.
45. Harold S. M. Bose.*
46. Benedict M. Lobo.
47. Sham Kumar Uberoi.
48. Bimal Chandra Bose.*
49. Mohammed Zaullah.
50. Dominic Braganza.
51. Ghaffar Ahmad Muraj.
52. Maqan Gopal.
53. Asad Ahmad Zuberi.
54. Mustafa Anwar.*
55. John Richard F. Waddle.*
56. Manohar Singh.
57. James Arthur Maaetenoz.
58. Md. Aboul Barkat.*

Distribution of candidates according to communities.

Anglo-Indians	14
Parsis	1
Mohammedans	9
Hindus	27
Indian Christians	6
Sikhs	1
Total	58

SELECTION OF CADETS FOR TRAINING ON THE "DUFFERIN".

121. **Mr. Amarendra Nath Chattopadhyaya:** (a) In connection with the training on the "Dufferin", will Government lay on the table a list of those successful candidates (marking with asterisks candidates from the Calcutta centre) in the executive branch who duly passed the medical examination and eye-sight test at Bombay in January 1935?

(b) How many of them were (i) Parsees, (ii) Anglo-Indians, (iii) Muhammadans, and (iv) Hindus?

The Honourable Sir Muhammad Zafrullah Khan: I lay on the table a statement giving the desired information.

List of successful candidates in the Executive branch who duly passed the medical examination and eye-sight test at Bombay in January, 1935.

(Candidates from Calcutta centre are marked with asterisks.)

Serial No.	Name.
1.	Z. Cursetjee.
2.	G. E. R. Bonner.
3.	M. R. Savur.
4.	R. S. Otley.
5.	V. Srinivasan.
6.	A. K. Gupta.*
7.	P. K. Deshmukh.
8.	Narendra Paul.
9.	G. C. Nahapiet.
10.	Raghubir Sahai.

Serial No.	Name.
11.	M. L. Barua.*
12.	K. S. Thomas.
13.	A. M. M. Nambiar.
14.	W. G. D'Souza.
15.	G. G. Samdani.
16.	G. W. Rodrigues.*
17.	Herbert Harris.
18.	D. P. Verma.
19.	A. P. Gupta.
20.	L. V. Rajagopalan.
21.	S. R. Gupta.
22.	A. S. Shahiduzzaman.*
23.	Horish Chandar.
24.	S. H. Hanawar.
25.	A. B. Myatt.
26.	A. N. Chackerbutty.*
27.	G. E. Carvalho.*
28.	W. V. C. Thomas.
29.	Gerard Athaide.
30.	B. P. Pathak.
31.	P. P. Prasad.
32.	W. G. H. Cooke.
33.	S. A. Croxson.*
34.	V. A. Kamath.
35.	G. C. Ghosh.
36.	H. A. Hall.*
37.	Peter Kershaw.*
38.	B. N. Chaturvedi.
39.	S. M. Z. Abid.
40.	H. S. M. Bose.*
41.	B. M. Lobo.
42.	S. K. Uberoi.
43.	B. C. Bose.*
44.	Mohamad Zaullah.
45.	Dominic Braganza.
46.	G. A. Muraj.
47.	Madan Gopal.
48.	A. A. Zuberi.
49.	Mustafa Anwar.*
50.	J. R. F. Waddle.*
51.	Manohar Singh.
52.	J. A. Maartenoze.
53.	M. A. Barkat.*

Distribution of candidates according to Communities.

Anglo-Indians	14	Hindus	23
Parsis	1	Indian Christians	6
Mohammedans	8	Sikhs	1
Total	53		

SELECTION OF CADETS FOR TRAINING ON THE "DUFFERIN".

122. **Mr. Amarendra Nath Chattopadhyaya:** Is it not a fact that in October, 1934, only 75 candidates appeared at the examination for the Engineering Branch of the training on the ship "Dufferin", and 32, having passed, were invited to go to Bombay for medical examination and interview? If not, what was the exact number?

The Honourable Sir Muhammad Zafrullah Khan: 79 (not 75) candidates appeared at the qualifying examination of October, 1934, for the Engineering Branch of the I.M.M.T.S. "Dufferin", and 31, having passed, were invited to go to Bombay for medical examination and interview.

SELECTION OF CADETS FOR TRAINING ON THE "DUFFERIN".

123. Mr. Amarendra Nath Chattopadhyaya: In connection with training on the ship "Dufferin" will Government lay on the table a list of those successful candidates (marking with asterisks candidates from the Calcutta centre) of the Engineering Branch in order of merit at the examination?

(b) How many of them were (i) Anglo-Indians, (ii) Parsees, (iii) Muhammadans, and (iv) Hindus?

The Honourable Sir Muhammad Zafrullah Khan: I lay on the table a statement giving the information asked for.

List of successful candidates of the Engineering Branch in order of merit at the qualifying examination of October, 1934.

• (Candidates from the Calcutta Centre are marked with asterisks.)

1. S. Kasthuri.
2. C. S. Sundaram.
3. Inderjit Bhattacharjea.
4. K. Parthasarathy.
5. Mahmud Ahmad Ansari.
6. M. Krishnan.
7. R. Thiagarajan.
8. Amar Singh Bhardwaj.
9. Nirmal Chandra Lahiri*.
10. Arjan Gopaldas Bhavnani.
11. Donald Elkins.
12. Yag Dutta Mohindra.
13. Paul Chinnial Martin.
14. Reginald St. Clair Nicholas.
15. W. Ananta Raghavan.
16. Robert George Bushe. *
17. Maung Kaung Nyun.
18. Arjan Singh Sahi.
19. Albert Oswald Nazareth.
20. Donald T. H. Meneaud.
21. Thomas S. Rajan.
22. Desmond Dees.
23. Lakshman R. Mukherji.
24. Philip Pereira.
25. Richard Willoughby Marshall.
26. Danal P. Chakravarthy.
27. Ruston Noshirwan Dalal. *
28. Manohar Morëshwar Deshpande.
29. Bhim Sain Kumar.
30. R. Viswanathan.
31. Vigyan Chandar Devivedi.

Distribution of candidates according to communities.

Anglo-Indians	6
Parsis	1
Mohammedans	1
Hindus	15
Indian Christians	5
Sikhs	2
Buddhists	1
Total	<u>31</u>

SELECTION OF CADETS FOR TRAINING ON THE "DUFFERIN".

124. **Mr. Amarendra Nath Chattopadhyaya:** (a) In connection with the training on the ship "Dufferin" will Government lay on the table a list of those successful candidates (marking with asterisks candidates from the Calcutta centre) of the Engineering Branch who duly passed the medical examination and eye-sight test at Bombay in January 1935?

(b) How many of them were (i) Anglo-Indians, (ii) Parsees, (iii) Muham-madans, and (iv) Hindus?

The Honourable Sir Muhammad Zafrullah Khan: I lay on the table a statement furnishing the information asked for.

List of successful candidates of the Engineering Branch who passed the medical examination and eye-sight test at Bombay in January, 1935.

(Candidates from Calcutta centre are marked with asterisks.)

1. S. Kasthuri.
2. C. S. Sundaram.
3. Inderjit Bhattacharjee.
4. K. Parthasarathy.
5. M. A. Ansari.
6. M. Krishnan.
7. N. C. Lahiri.*
8. A. G. Bhavnani.
9. Donald Elkins.
10. Y. D. Mohindra.
11. P. C. Martin.
12. R. S. C. Nicholas.
13. W. Ananta Raghavan.
14. R. G. Bushe.
15. M. K. Nyung.
16. A. S. Sahi.
17. A. O. Nazareth.
18. D. T. H. Meneaud.
19. T. S. Rajan.
20. Desmond Dees.
21. L. R. Mukherji.
22. Philip Pereira.
23. R. W. Marshall.
24. D. P. Chakravarthi.
25. R. N. Dalal.
26. M. M. Deshpande.
27. B. S. Kumar.
28. R. Viswanathan.

Distribution of candidates according to communities.

Anglo-Indians	6
Parseis	1
Mohammedans	1
Hindus	13
Indian Christians	5
Sikhs	1
Buddhists	1
Total	<u>28</u>

SELECTION OF CADETS FOR TRAINING ON THE " DUFFERIN ".

125. **Mr. Amarendra Nath Chattopadhyaya:** (a) In connection with the training on the ship "Dufferin", will Government lay on the table a list of those disappointed candidates (marking with asterisks candidates from the Calcutta centre) of the Engineering Branch who duly passed the medical examination and eye-sight test at Bombay in January, 1935, but were finally rejected?

(b) How many of them were (i) Anglo-Indians, (ii) Parsees, (iii) Muhammadans, and (iv) Hindus?

The Honourable Sir Muhammad Zafrullah Khan: I lay on the table a statement giving the information asked for.

List of candidates of the Engineering Branch who passed the medical examination and eye-sight test at Bombay in January, 1935, but were finally rejected.

(Candidates from Calcutta centre are marked with an asterisk.)

Serial No.	Name.
1	N. C. Lahiri*.
2	A. G. Bhabhani.
3	Y. D. Mohindra.
4	P. C. Martin†.
5	L. R. Mukherji.
6	R. Viswanathan.

NOTE.—Candidate P. C. Martin, who stood next in order of merit after the 25 selected candidates, was rejected, and was subsequently called back in the vacancy caused by the withdrawal of a selected Cadet Inderjit Bhattacharja.

Distribution of candidates according to communities.

Anglo-Indians	0
Parseis	0
Mohammedans	0
Hindus	5
Indian Christians	1
Total	<u>6</u>

SELECTION OF CADETS FOR TRAINING ON THE "DUFFERIN".

126. Mr. Amarendra Nath Chattopadhyaya: (a) In connection with the training on the ship "Dufferin", will Government lay on the table a list of those successful candidates (marking with asterisks the candidates from the Calcutta centre) who having applied for either of the two courses duly passed the medical examination and eye-sight test at Bombay in January, 1935?

(b) How many of them were (i) Anglo-Indians, (ii) Parsees, (iii) Muhammadans, and (iv) Hindus?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I lay on the table a statement giving the desired information.

List of successful candidates who having applied for either of the two courses, passed the medical examination and eye-sight test at Bombay in January, 1935.

(Candidates from the Calcutta Centre are marked with an asterick.)

Serial No.	Name.
1	*George Humphrey Leather.
2	Denzil Robert Esteves.
3	*Mian Shafique Anwer.
4	Wilson Hayaraj Chellappa.
5	*Dhirendra Kumar Halder.
6	Eustace Maxwell Clements.
7	Mohammaddullah Khan.
8	Syed Zahid Hasnain.

Distribution of candidates according to communities.

Anglo-Indians	.	.	.	.	.	.	.	.	.	.	.	3
Parsees	.	.	.	.	.	.	.	.	.	.	.	0
Muhammadans	.	.	.	.	.	.	.	.	.	.	.	3
Hindus	.	.	.	.	.	.	.	.	.	.	.	1
Indian Christians	.	.	.	.	.	.	.	.	.	.	.	1
												<hr/> 8

SELECTION OF CADETS FOR TRAINING ON THE "DUFFERIN".

127. Mr. Amarendra Nath Chattopadhyaya: (a) In connection with the training on the ship "Dufferin", will Government lay on the table a list of those successful candidates (marking with asterisks the candidates from the Calcutta centre) who, having applied for either of the two course, were finally selected as cadets of the "Dufferin"?

(b) How many of them were (i) Anglo-Indians, (ii) Parsees, (iii) Muhammadans, and (iv) Hindus?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). I lay on the table a statement giving the desired information.

List of successful candidates who having applied for either of the two courses were finally selected in January, 1935.

(Candidates from the Calcutta centre are marked with an asterisk.)

Serial No.	Name.
1	*George Humphrey Leather.
2	Eustace Maxwell Clements.
3	Syed Zahid Haseen.

Distribution of candidates according to communities.

Anglo-Indians	.	.	.	.	2
Parsees	.	.	.	.	0
Muhammadans	.	.	.	.	1
Hindus	.	.	.	.	0
Total					3

SCHOLARSHIPS GRANTED TO CADETS FOR TRAINING ON THE "DUFFERIN".

128. **Mr. Amarendra Nath Chattopadhyaya:** (a) Are Government aware that the following paragraph appears at page 12 of the prospectus for training on the ship "Dufferin"?—"Scholarships:—Six scholarships each of the value of a remission of half fees, viz., Rs. 25 per month, have been granted by the Government of India. These are tenable for three years provided that the boy makes satisfactory progress. The object of these scholarships is to assist those parents or guardians who are not in a position to pay the full fees to send their boys to the training ship".

(b) Will Government lay on the table a list of the recipients of these scholarships up-to-date?

(c) How many of them were, (i) Anglo-Indians, (ii) Parsees, (iii) Muhammadans, and (iv) Hindus?

The Honourable Sir Muhammad Zaftrullah Khan: (a) Yes; the page referred to is of the 1934 edition of the Prospectus. The paragraph in question now appears on page 14 of the 1935 edition in a slightly modified form.

(b) and (c). I lay on the table a statement giving the desired information.

Holders of the Government of India Half Fees Scholarship since 1927.

1927—1930.

Serial No.	Name.	Remarks.
1	A. W. Correa.	
2	E. J. Moon.	
3	Pren Nath Kohli.	
4	S. K. Kumarhia.	
5	E. G. Carroll.	

1929—31.

6	H. R. Claudiue.
7	D. K. Tamhane.
8	A. K. Mukherji.
9	S. M. Rizvi.
10	G. D. Plomer.
11	M. S. Ibrat.

Serial No.	Name.	1930—1932.	Remarks.
12	A. N. Hussein Khan.		
13	J. H. G. Clay.		
14	C. E. Oates.		(The one released by M. H. Maw, awarded for the 3rd to 6th term.)
15	H. H. Maw .		Held for 1st & 2nd terms only.
16	L. P. Clarkson.		
17	D. B. Kashyap.		
18	Abul Khair.		
1931—1933.			
19	A. R. K. Pasha.		
20	D. St. J. Cameron.		
21	L. Blake.		
22	T. V. Ganpathy.		
23	N. M. Hill .		I to V terms only.
24	H. S. Marker.		
1932—1934.			
25	S. Masood Hussain .		From II to VI terms only.
26	P. T. M. O'Kelly .		I term only (II term penalty fees).
27	L. L. Lopez .		Disabled and left ship in 1st term.
28	S. J. Dolan .		From II to VI terms only.
29	B. A. Samson.		
30	G. Tinley.		
31	P. Isidore.		
32	P. N. Seth.		
1933—1935.			
33	Safdar Ali.		
34	Jaspal Singh Chowdury.		
35	J. V. Lobo .		II to VI terms only.
36	Pretam Singh.		
37	A. P. Mathur.		
38	C. E. Plomer.		
1934—1936.			
39	Gur Saran Singh.		
40	W. G. Smith		
41	C. N. Linoel .		
42	S. C. Pinto.		
43	D. V. R. Curry.		
44	M. A. Alavi.		
1935—1937.			
45	Desmond Dees.		
46	E. M. Clements.		
47	R. S. C. Nicholas.		
48	Mustafa Anwar.		
49	T. S. Rajan.		
50	H. S. M. Bose.		

Serial No.	Name.	1936—1938.	Remarks.
51	S. A. Samson.		
52	Surendra Ratra.		
53	Sheriar Khudabux.		
54	R. C. Pereira.		
55	C. V. G. Reddy.		

Distribution of recipients of scholarships according to communities.

Anglo-Indians	20
Parsees	1
Muhammadans	9
Hindus	11
Indian Christians	8
Sikhs	3
Jews	2
Buddhists	1
Total	55

REMOVAL OF THE KACHISARAI POST OFFICE TO KALYANI CROSSING IN MUZAFFARPUR.

129. **Mr. Satya Narayan Sinha:** (a) Will Government be pleased to state if the Kachisarai Post Office has been removed to Kalyani Crossing in the town of Muzaffarpur?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if the income has since been increased by its location at Kalyani Crossing?

(c) If the reply to part (b) be in the affirmative, will Government be pleased to state the percentage in the increase of income?

(d) Are Government aware that Saraiyagunj and Kalyani are the only two places in the town of Muzaffarpur from a commercial point of view?

(e) Is it a fact that a representation signed by a very large number of people inhabiting round about Kalyani submitted a representation to the Director General and the Postmaster General, Bihar and Orissa, to remove the Post Office at Kachisarai, as it has got no importance as compared with Kalyani from the commercial or any point of view?

(f) Does the Department of Post and Telegraphs contemplate removing the Post Office located now at Kalyani Crossing to Kachisarai? If so, why?

The Honourable Sir Frank Noyce: (a) Yes.

(b) and (c). Yes—by more than 50 per cent.

(d) Yes.

(e) So far as Government are aware, no such representation was received.

(f) There is at present no proposal to move the Post Office from its present site.

**DEMAND FOR A PUBLIC CALL TELEPHONE IN THE KACHISARAI POST OFFICE
IN MUZAFFARPUR.**

130. Mr. Satya Narayan Sinha: (a) Is there any demand from the public to have public call telephone in the Kachisarai Post Office, now located at Kalyani, which is situated at the central place of the town?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if they propose to satisfy the same demand? If not, why not?

The Honourable Sir Frank Noyce: (a) In February, 1935, the Postmaster-General, Bihar and Orissa Circle, received a joint representation from certain residents of Kalyani requesting the opening of a Public Call Office in the Kachisarai town sub-office.

(b) After full consideration the Postmaster-General decided to open a Public Call Office in the Muzaffarpur Telegraph Office which, it was thought, was the more suitable place for it and it was not considered necessary to open an additional Call Office in the Kachisarai town sub-office. The Postmaster-General will, however, be asked to examine the question again and open a public call office in Kachisarai post office if it is likely to be liberally patronised by the public.

**COMMUNAL COMPOSITION OF THE STAFF OF THE INCOME-TAX DEPARTMENT,
BIHAR AND ORISSA.**

131. Mr. Anugrah Narayan Sinha: (a) Will Government be pleased to state the number of officers of the Income-tax Department in the Province of Bihar and Orissa of different ranks, clerks, inspectors, Income-tax Officers and Assistant Commissioners of different communities—(i) Bihari Hindus, (ii) Bihari Muhammadans, (iii) Oriya Hindus, (iv) Oriya Muhammadans, (v) domiciled Bengalees, (vi) non-domiciled Bengalees, and the proportion of each of the community to the total population?

(b) Is it not a fact that, in spite of the assurance given by Sir George Schuster, in reply to question No. 492, dated the 17th September, 1931, of Maulvi Badi-uz-Zaman to the effect that there was room for communal adjustment of service and that due consideration would be made in future recruitments, out of five appointments of Inspectors made since then, three belong to the domiciled community and one only to Bihari Hindu and one to Bihari Muhammadan?

Mr. A. H. Lloyd: (a) A statement is laid on the table.

(b) The Government are satisfied that in making the appointments in question the Commissioner of Income-tax did not depart from the prescribed rules.

Statement showing the population in Bihar and Orissa and the number, by communities, of officers, etc., in the Income-tax Department, Bihar and Orissa, as it stood on the 1st September, 1935.

Services.	Behari Hindus.	Behari Muhamadans.	Oriya Hindus.	Oriya Muhamadans.	Domiciled Bengalis.	Non-domiciled Bengalis.	Indian Christians.	Total No. of posts in each service.	Population in Bihar and Orissa.
<i>Permanent.</i>									
Assistant Commissioners	1	..	..	..	1	..	..	2	Total = 3,76,77,576. Hindus = 3,10,11,474. Muhamadans = 42,64,790. Christians = 3,41,894. Information in details required is not available.
Income-tax Officers	6	2	1	..	5(a)	2	..	16	
Inspector Accountants	6	3	2	1	2	1	1	16	
Clerks	42	16	5	..	18	3(b)	4	88	
<i>Temporary.</i>									
Assistant Commissioners	..	..	..	..	1(c)	..	..	1	
Income-tax Officers	..	..	..	..	..	..	..	..
Inspector Accountants	4	1	1	..	3	1(d)	..	10	
Clerks	14	5	1	..	9	..	2	31	

(a) One has been appointed as temporary Assistant Commissioner.

(b) One has been promoted as temporary Inspector Accountant.

(c) Promoted from the permanent cadre of Income-tax Officers.

(d) Promoted from the permanent cadre of clerks.

APPOINTMENT OF INSPECTORS OF INCOME-TAX IN BIHAR AND ORISSA.

132. **Mr. Anugrah Narayan Sinha:** (a) How many Inspectors have been appointed by the present Commissioner of Income-tax, Bihar and Orissa, and to which of the communities each of those belong and the dates of their appointment?

(b) When was the last appointment made by him, how many posts were advertised for, and how many appointments were made?

(c) Is it not a fact that a Bengali Inspector was appointed to a post for which no advertisement was made?

(d) Is it not a fact that the last officer, who was appointed later than other officers, has been declared to have been put on the permanent cadre, while several others who were appointed before him have been declared to be temporary Inspectors? If so, why?

The Honourable Sir James Grigg: (a) and (b). The present Commissioner of Income-tax had, up to the latest date for which I have information, appointed six Inspectors: three Hindus in July, 1932, one Muslim and one Hindu in June, 1933 and one Hindu in August, 1933.

(c) and (d). I have satisfied myself that there was no impropriety connected with the appointment of the Inspector to whom reference is made.

COMMUNAL COMPOSITION OF INSPECTOR ACCOUNTANTS OF INCOME-TAX IN BIHAR AND ORISSA.

133. **Mr. Anugrah Narayan Sinha:** (a) Will Government state the names of all the Inspector Accountants, the community to which they belong and the date on which each of them passed the departmental examination completely by the lower and higher standards, and for what periods has each officiated as Income-tax Officer and worked as Assessing Officer during the last three years?

(b) Is it not a fact that some of the Biharis (Hindus and Muhammadans), who passed the departmental examination by the higher standard and have had much better records of work have been superseded in matters of officiating appointments as Assessing Officers and Income-tax Officers, by Bengalee officers, who passed the examination by lower and higher standard much later than the former?

The Honourable Sir James Grigg: (a) I do not regard it as expedient, in the interests of the administration, to obtain and publish such detailed information regarding a number of individual officers by name.

(b) There is no foundation for the implication that, in the selection of officers to officiate in higher appointments, Bengalis, as such, are given a preference over others in Bihar and Orissa.

COMMUNAL COMPOSITION OF CLERKS IN THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA.

134. **Mr. Anugrah Narayan Sinha:** (a) How many clerks in the Commissioner's Office belong to the domiciled community, and how many are Biharis and Muhammadans?

(b) Is it not a fact that Bihari clerks have been transferred from their home districts and that Bengalee clerks desiring to come back to their places of domicile have been posted in the place of the former?

Mr. A. H. Lloyd: (a) Four domiciled Bengalis, one Behari Hindu and one Behari Muhammadan.

(b) No.

CREATION OF A NEW POST OF ASSISTANT COMMISSIONER OF INCOME-TAX IN BIHAR AND ORISSA.

135. **Mr. Anugrah Narayan Sinha:** Is it not a fact that in the Province of Bihar and Orissa posts of five of the Income-tax Officers were abolished on the recommendation of the present Commissioner, Babu Haridas Chatterjee, on the ground of retrenchment due to economic depression, and that a new post of an Assistant Commissioner has been created and filled?

Mr. A. H. Lloyd: Yes. As a result of the reorganisation sanctioned in 1928, the number of sanctioned posts of Income-tax Officers in Bihar and Orissa was reduced from 21 Income-tax Officers and three Assistant Income-tax Officers to 15. The posts in excess of the sanctioned strength were treated as supernumerary and were counted against the posts of Inspector Accountants to be abolished as and when vacancies occurred in

the Income-tax Officers cadre. In 1932, five posts were abolished, three as a measure of retrenchment and two on the promotion of the two Income-tax Officers to the post of Assistant Commissioners. Even with the abolition of five posts, the strength was in excess of the sanctioned strength by one officer in 1932. A new post of Assistant Commissioner has been temporarily sanctioned up to February, 1936, mainly as a result of increase in the number of appeals owing to "lower income" assessments.

COMMUNAL COMPOSITION OF THE PERSONS APPOINTED IN THE INCOME-TAX DEPARTMENT, BIHAR AND ORISSA.

136. Mr. Anugrah Narayan Sinha: Will Government be pleased to lay on the table a statement showing the names of persons, and their communities, appointed to fill up all posts, gazetted or non-gazetted, permanent or temporary, during the regime of the present Commissioner of Income-tax, Bihar and Orissa?

The Honourable Sir James Grigg: I do not consider it to be expedient, in the interests of the administration, that I should obtain and publish such detailed information regarding officers by name.

SUPPLY OF COPIES OF THE ORDERS OF APPEALS AND REVISIONS TO THE APPELLANT IN INCOME-TAX CASES IN BIHAR AND ORISSA.

137. Mr. Anugrah Narayan Sinha: (a) Will Government be pleased to state if there is a Government circular to the effect that the copies of the orders of appeals and revisions should be supplied to the appellant in income-tax cases as soon as the order is passed?

(b) Is it a fact that this circular is not followed in the province of Bihar and Orissa?

(c) Will Government be pleased to state the number of cases in which copies of the order were supplied in more than one month from the date of application in the three offices of Income-tax, Assistant Commissioners' and Commissioners', separately?

Mr. A. H. Lloyd: (a) No.

(b) Does not arise.

(c) Assistant Commissioner of Income-tax, Central Range, 12;
Assistant Commissioner of Income-tax, Northern Range, six;
Assistant Commissioner of Income-tax, Southern Range, *nil*.
Commissioner of Income-tax, Bihar and Orissa, one.

AMENDMENT OF THE INDIAN MEDICAL COUNCIL ACT.

138. Mr. V. V. Giri: Will Government be pleased to state:

(a) whether under the provisions of the Indian Medical Council Act, an elected representative of a University who ceases to be a member of the Faculty of the University concerned, may continue his membership on the Indian Medical Council;

- (b) whether it is a fact that the Madras Medical Registration Act has been amended in 1935, providing for a member elected by a University from its Faculty of Medicine, vacating his seat on the Medical Council automatically on his vacating his seat on the Faculty of Medicine of the University concerned; and
- (c) whether Government propose to consider the desirability of amending the Indian Medical Council Act with regard to the University representatives on the lines of the Madras Medical Registration Amending Act of 1935?

Sir Girja Shankar Bajpai: (a) Yes.

(b) Yes.

(c) Government will consider the question.

REPORT OF THE INSPECTORS OF THE INDIAN MEDICAL COUNCIL ON THE ANDHRA UNIVERSITY DEGREES AND VIZAGAPATAM MEDICAL COLLEGE.

139. **Mr. V. V. Giri:** (a) Will Government be pleased to lay on the table a copy of the report of the Medical Inspectors of the Indian Medical Council, on the Andhra University Degrees and the Vizagapatam Medical College?

(b) Will Government be pleased to state whether it is a fact that the majority report was in favour of considering the Medical College, Vizagapatam as sufficient for recognition and whether only one of the Inspectors dissented?

(c) What were the grounds on which the dissent was based?

(d) Was it one of the principal grounds, on which one member dissented from the majority report, that he saw no reason to assume that the Government of Madras, who were the final authority to give sanction to the plans and projects for the improvements of the Vizagapatam Medical College, which had been repeatedly placed before them without success in the past, were certain to give an answer other than the one they had previously given?

(e) Will Government please state, whether, and when, the Indian Medical Council had considered the above report and decided about the recognition of the Andhra University Medical Degrees and the Course of Instruction given in the Vizagapatam Medical College? If so, what were the decisions taken by the Indian Medical Council and when?

(f) If the decisions of the Indian Medical Council were adverse, what were the grounds on which the recognition was refused?

(g) Will Government be pleased to place on the table the proceedings of the Council on the subject?

Sir Girja Shankar Bajpai: (a) A copy of each of the reports has been placed in the Library of the House.

(b) Yes.

(c) and (d). The Honourable Member is referred to the report, a copy of which has been placed in the Library of the House.

(e) Yes, in October, 1935. The Council recommended that the medical degrees of the Andhra University be not placed on Schedule I of the Indian Medical Council Act of 1933.

(f) The decision was based on the reports made by the Inspectors.

(g) A copy of the resolutions passed by the Medical Council of India has been placed in the Library of the House.

RECOGNITION OF THE MEDICAL DEGREES OF THE ANDHRA UNIVERSITY BY THE INDIAN MEDICAL COUNCIL.

140. **Mr. V. V. Giri:** (a) Will Government be pleased to state whether the Indian Medical Council received any communication or representation prior to its last meeting from the Andhra University, and/or the Government of Madras, and if so, the date on which the Indian Medical Council received these communications? Will Government be pleased to lay the copies of these communications on the table of this House?

(b) Did the Indian Medical Council receive any representations or communications from the Government of Madras, or from its Surgeon-General, assuring the Indian Medical Council that the recommendations of the Indian Medical Council's Inspectors, regarding the improvements in the Medical College and the attached King George Hospital, would be effected at an early date?

(c) Is it a fact that the Indian Medical Council was informed by the Madras Government that the proposals for expenditure submitted by the Andhra University for the improvement schemes of the Vizagapatam Medical College, and the attached Hospital, were far in excess of the actual requirements for carrying into effect the recommendations of the Indian Medical Council's Inspectors in their report, and whether this was stated as a reason for the inability of the Government of Madras to take action immediately on the Inspectors' Report?

(d) Did the Indian Medical Council receive any communication from the Andhra University, and/or the Government of Madras after their decision not to recognise the Andhra University Medical Degrees; and if so, will Government be pleased to lay copies of the communications on the table?

(e) In view of any such communication, do the Indian Medical Council contemplate reconsideration of the question of the recognition of the Andhra University's Medical Degrees at their next meeting?

(f) In view of the recent decision of the Indian Medical Council regarding the Andhra University Medical Degrees, what is the status of the Andhra University Medical Graduates regarding their eligibility to:

- (i) the I.M.S.,
- (ii) service in provinces other than Madras and in the Native States,
- (iii) registration as graduates in other British Indian Provinces than Madras, and
- (iv) registration and service in the British Empire outside India?

Sir Girja Shankar Bajpai: (a) A representation from the University authorities was received by the Council on the 28th October, 1935, one

day before the meeting. This representation enclosed a long list of proposed reforms submitted by the University to the Government of Madras. Government do not consider it necessary to place the documents on the table of the House.

(b), (c) and (d). No.

(e) Does not arise.

(f) The medical graduates of the Andhra University are not at present eligible for appointment to the Indian Medical Service or for registration in British Colonies in which registration is dependent upon registration in the United Kingdom. Service in the provinces and Indian States as well as registration in the provinces is not affected by the decision of the Medical Council of India in question.

ENTRY OF INDIANS INTO STATES, DOMINIONS AND COLONIES.

141. **Mr. Husenbhai Abdullabhai Laljee:** Will Government be pleased to lay on the table a statement with regard to:

- (a) the conditions laid down by the States, Dominions and Colonies, enumerated in the list below, on the entry of Indians into their countries:
 - (i) as tourists, or
 - (ii) for carrying on trade and commerce, or insurance, or banking business, or for any similar purpose, or
 - (iii) for establishing industries, or
 - (iv) for entering into services, or
 - (v) for owning residential or other properties, or
 - (vi) for agricultural purposes;
- (b) any legislations, prevailing in any of these countries, discriminating between the status of Indians living there and that of the natives of those countries; and
- (c) conditions placed by the Government of India on the nationals of these countries when they enter India for any of the above objects, and/or when they reside in India for any of the above or similar objects?

List.

- (1) *Europe.*—France, Germany, Norway, Sweden, Belgium, Holland, Switzerland, Austria, Hungary, Italy, Poland, Czecho-Slovakia, Jugo-Slavia, Spain, Portugal, Greece, Roumania, Turkey and Russia.
- (2) *Dominions of New Zealand and Commonwealth of Australia.*
- (3) *America.*—U. S. A., Canada, British Columbia, Mexico, Panama, British Guiana, Dutch Guiana, Brazil, Argentine and Chile.
- (4) *West Indies.*—Jamaica, Trinidad and Cuba.
- (5) *Africa.*—Egypt, Sudan, British Somaliland, Italian Somaliland, Abyssinia, Kenya, Zanzibar, Uganda, Tanganyika, Portuguese East Africa, Northern Rhodesia, Southern Rhodesia, Nyasaland Natal, Transvaal, Cape Colony, Belgium Congo, Madagascar, Mauritius, Gold Coast Colony and Tripoli.

- (6) *Asia*.—Palestine, Iraq, Hedjaz, Persia, Afghanistan, Ceylon, British Malaya, Borneo, Dutch East Indies, Siam, Fiji, French Indo-China, Japan, Korea, Manchuko and China.

Sir Girja Shankar Bajpai: As regards Empire countries such information as can be made available is being collected and will be laid on the table in due course.

As regards the rest of the world the Government regret that they are unable to furnish a statement of the kind desired by the Honourable Member without an expenditure of time, labour and expense which would be incommensurate with the results that might be achieved.

APPLICATION OF THE NEW SCALES OF PAY TO THE RE-EMPLOYED STAFF OF THE AUDIT AND ACCOUNTS DEPARTMENT.

142. Pandit Sri Krishna Dutta Paliwal: (a) Will Government please state if they are aware of the extreme distress prevailing among the re-employed staff in the Audit and Accounts Department owing to the application of the new scale?

(b) Is it a fact that the new scales have been applied to these men because they got the retrenchment concessions at the time of their discharge? If so, will Government please state whether the special gratuity which was granted to them was admissible to these men? If not, why was the amount granted to them?

(c) Is it a fact that they got the gratuity under the special orders of Government framed for the purpose?

(d) Is it a fact that they were not warned of the adverse consequences of the acceptance of the retrenchment concessions? If so, will Government please state why this fact is being allowed to stand in their way in attaining their former status?

The Honourable Sir James Grigg: The information is being obtained and will be laid on the table of the House in due course.

HARDSHIPS OF THE RE-EMPLOYED STAFF IN THE AUDIT AND ACCOUNTS DEPARTMENT.

†143. **Pandit Sri Krishna Dutta Paliwal:** (a) Will Government please state whether they have verified that the amount of gratuity paid at the time of retrenchment to the re-employed staff in the Audit and Accounts Department, hardly exceeded Rs. 200 in any case, but the total earning of a re-employed clerk during the course of his service, taking into consideration the advance increments granted by the Auditor General in respect of his past service, will be reduced from Rs. 48,000 to Rs. 28,000. *i.e.*, a decrease of about Rs. 20,000 each, and that the pay fixed in the new scales falls short by about 40 per cent., taking into consideration the advance increments, of what he would have got had the old scale of pay been allowed to him?

(b) Is it a fact that the majority of these men entered service originally some seven or eight years ago and now have advanced in age and are not

†For answer to this question, see answer to question No. 142.

likely to be confirmed during the next four or five years, and that consequently they will not be able to put in more than 20 years qualifying service? If so, is it a fact that they are not likely to reach even the low maximum of the new scale, and thus the amount of their pensions will be considerably reduced?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government please state what further action they propose to take to mitigate their hardships?

HARDSHIPS OF CLERKS DISCHARGED FROM PAY AND ACCOUNTS OFFICES IN THE UNITED PROVINCES AND IN DELHI.

†144. **Pandit Sri Krishna Dutta Paliwal:** (a) Is it a fact that, on the abolition of the various Pay and Accounts Offices in the United Provinces and in Delhi, it was decided that the clerks discharged from these offices should be re-employed in the offices of the Accountant General, United Provinces, and Central Revenues, and waiting lists have been maintained for that purpose just as in the Railway Department? If so, will Government please state why they decided to extend the special concessions, particularly in the Audit Department, without intimating its adverse consequences?

(b) Are Government aware that the gratuity granted at the time of their discharge was drawn by them under the reasonable belief that, when they will be re-employed, they would refund the amount and get the benefit of Article 511, Civil Service Regulations, and Fundamental Rule 22?

(c) Is it also a fact that the re-employed personnel submitted memorials in 1932 to be allowed to refund the gratuity and to get the old scales? If so, why was their request not accepted, although the terms offered on re-employment were finally settled in 1934?

HARDSHIPS OF THE RE-EMPLOYED STAFF OF THE AUDIT DEPARTMENT.

†145. **Pandit Sri Krishna Dutta Paliwal:** (a) Are Government aware that the Railway Board, the Governments of Madras and the United Provinces in their Notification No. 807-E. G.-II, dated the 31st August, 1934, paragraph 5 of G. O. No. 311-Public (Services), dated the 13th April 1933 and paragraph 3 of G. O. No. F. L.-1517/X-216, dated the 11th January, 1932, have ordered that all Government servants, whether permanent or temporary, who were in service prior to the dates fixed for the application of new scales, will get the old scales on re-employment?

(b) Will Government please state why they have not extended the benefits of the old scales to the re-employed men in the Audit Department who entered service so many years before that date?

(c) Is it a fact that even in the Audit Department Government allow the benefits of old scales to all persons who reverted as a result of scrapping of the Separation Scheme and to such discharged men who were able to get some employment elsewhere and thus keep up the continuity of service? If so, why are the old scales not given to all re-employed men who originally entered service before 15th July, 1931?

(d) Is it a fact that the Separation Scheme was scrapped on grounds of financial stringency, and that the financial position of Government has considerably improved? If so, are Government prepared to reconsider the case of the re-employed staff of the Audit Department sympathetically?

NON-GRANT OF OLD SCALES OF PAY TO THE STAFF OF THE RAILWAY ACCOUNTS UNDER THE AUDITOR GENERAL IN INDIA AND THE AUDIT DEPARTMENT.

†146. **Pandit Sri Krishna Dutta Paliwal:** (a) Is it a fact that the Governments of Madras and the United Provinces and the Government of India (Railway Department) have allowed the old scales of pay to the re-employed personnel, who entered service prior to the 15th August, 1931—introduction of the new scales—and the 15th July, 1931, respectively, irrespective of any break? If so, will Government please state why the same has not been done in the case of the staff of the Railway Accounts under the Auditor General in India and the Audit Department?

(b) Do Government propose to rectify the anomaly? If not, why not?

NON-GRANT OF OLD SCALES OF PAY TO THE RAILWAY STAFF AND THE STAFF OF THE AUDIT DEPARTMENT.

†147. **Pandit Sri Krishna Dutta Paliwal:** Is it a fact that the control of the subordinate services both in the Railway Department and the Audit Department, is vested in the Governor General in Council? If so, why have the retrenched men under the Railway Board been given the old scales of pay, while the Railway staff and the staff of the Audit Department under the Auditor General in India, have been brought under the new scales of pay?

NON-GRANT OF OLD SCALES OF PAY TO RAILWAY STAFF, ETC.

†148. **Pandit Sri Krishna Dutta Paliwal:** (a) Will Government please state their policy in respect of the re-employed personnel?

(b) Is it a fact that their policy varies from department to department? If so, how do Government justify this? If not, do Government propose to take up the question of the Railway staff and other staff discharged without any concessions under the Auditor General in India and extend the old rates of pay and scales, as has been done in the Railway Board?

DISABILITY PENSION TO MILITARY EMPLOYEES INVALIDED DURING THE GREAT WAR.

149. **Pandit Sri Krishna Dutta Paliwal:** (a) Is it a fact that Government replies to questions No. 592, dated 4th September, 1933 and 1182 (a), dated 27th November, 1933, in this House still stand? If not, will Government be pleased to state when the replies, referred to, were modified or altered, and what are their present modified and altered correct wordings?

†For answer to this question, see answer to question No. 142.

(b) Is it a fact that the final reply, given by Government to question No. 331 of 2nd March, 1934, in this House, still stands? If not, will Government be pleased to state when the final reply was modified and what its present modified or altered correct wording is?

(c) Is it a fact that paragraph 741A, Civil Service Regulations, stands as it was on the date of the final reply to question No. 331 of 2nd March, 1934? If not, will Government be pleased to state when the said paragraph was modified, and what its present modified correct wording is?

(d) Is it a fact that in the case of those, retiring on a pay of Rs. 200 per mensem and over, on account of diseases contracted on field service, relative ranks are to be determined on the basis of permanent pay, drawn on the date of final retirement from the service in accordance with Government's final reply to question No. 331 of 2nd March, 1934?

(e) Is it a fact that according to paragraph 738, Civil Service Regulations, an officer or subordinate is eligible to disability pension in addition to such ordinary civil pension as he may be eligible to under the Civil Service Regulations?

(f) Is it a fact that an officer or subordinate getting only the ordinary civil pension under the Civil Service Regulations is also eligible for the disability pension if disabled on account of diseases contracted during the Great War 1914—18 on field service?

(g) Are Government and the Finance Department now prepared to act fully according to their views stated in the replies to the above-mentioned questions?

Mr. G. R. F. Tottenham: The question is being examined and a reply will be laid on the table in due course.

INCONVENIENCES OF PASSENGERS AT THE GHUTKU STATION ON THE BENGAL AND NAGPUR RAILWAY.

150. Seth Sheodass Daga: (a) Is it a fact that Ghutku Station in Bengal Nagpur Railway, a B class Station, is open for passenger traffic since its opening, *i.e.*, about 1892?

(b) Is it a fact that at night, 2 Up and Down trains halt there?

(c) Is it a fact that the said station is about three-quarters mile away from the town and is surrounded by fields?

(d) Is it a fact that since the demolition of the old station building, *i.e.*, 25 years past, only a temporary shed, with tin roofing, is erected and the waiting room is open from three sides?

(e) If the reply to part (d) be in the affirmative are Government aware that it is very troublesome and inconvenient all round the year, for the passengers, *i.e.*, at noon in summer, on account of the hot winds and hot tin roofing, during rainy season on account of the showers coming in and in winter nights because of the chilly cold weather?

(f) Is it not a fact that the platform of the said station is so low that it is very inconvenient and risky for passengers to get in and out of trains?

(g) Are Government prepared to get the said inconveniences of the passengers with regard to the station building and the waiting room redressed by the Railway authorities concerned?

The Honourable Sir Muhammad Zafrullah Khan: I would refer the Honourable Member to the reply to his question No. 51, asked in the Legislative Assembly on the 9th September, 1935. Government are not aware of any further developments.

**TEMPORARY TECHNICAL STAFF OF THE FOREST RESEARCH INSTITUTE,
DEHRA DUN.**

151. **Pandit Sri Krishna Dutta Paliwal:** (a) Is it a fact that the Forest Research Institute, Dehra Dun consists of 70 per cent. temporary technical non-gazetted staff and economic and Silviculturist Branch taken together, the temporary staff is 90 per cent. ?

(b) Is it also a fact that the majority of the above staff have put in about ten years' service, minimum being 15 years ?

(c) Is it a fact that the work of the Institute is of a permanent nature ?

(d) Is it further a fact that Technical Assistants are directly responsible for the actual derivation of all the experimental data under the officers and a very high degree of accuracy and efficiency of work is demanded of them ?

(e) Are Government aware that technical staff of similar Research Institutes, functioning under the Government of India, are all on a permanent basis and that the Forestry Commission of 1929 reported in favour of the permanency of service ?

(f) If the answer to the preceding parts be in the affirmative, will Government please state the reason or reasons for not making the service of the Technical Assistants of the above Research Institute permanent ?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The information given by the Honourable Member is approximately correct, except that the maximum, and not the minimum service rendered by any member of the staff mentioned by him, is 15 years.

(c) The Institute, which is devoted to forest research, is permanent.

(d) If the Honourable Member wishes to suggest that the technical assistants employed on scientific duties in this Institute have to do their work accurately and efficiently, the answer is in the affirmative. I would point out that these are qualities which every scientific institute worth the name requires of its scientific workers.

(e) and (f). The practice in this respect is not uniform. The recommendations of the Forestry Committee of 1929 related to the superior technical staff. Government do not admit that the whole of the temporary staff employed at the institute should be made permanent by reason of the work which it does. Some part of the staff must be temporary in the interests of economy. The question of making a portion of the posts, now temporary, permanent has engaged attention from time to time, but, owing to financial stringency, it has not been possible to effect the changes recommended. It is doubtful whether, until financial conditions improve substantially and permanently, any change in the existing system would be found feasible.

**TEMPORARY TECHNICAL STAFF OF THE FOREST RESEARCH INSTITUTE,
DEHRA DUN.**

152. **Pandit Sri Krishna Dutta Paliwal:** (a) Is it a fact that some of the members of the temporary technical staff, of the Forest Research Institute, Dehra Dun who had then put in about nine years of service, were retrenched without any gratuity and compensation?

(b) Have they received any increment during the last five years? If so, what? If not, why not?

(c) Is it a fact that the technical staff does not get promotions automatically, whenever a vacancy occurs? If so, why?

(d) What steps do Government propose to take to remove the grievances of these Technical Assistants?

Sir Girja Shankar Bajpai: (a) All members of the temporary staff retrenched in 1931-32 were given a month's notice, or leave due, upto one month in lieu thereof. Of these there were only two men with nine years' service but in accordance with the general rules no compensation, gratuity or pension could be granted to them.

(b) Men on the temporary establishment are not ordinarily employed on an incremental scale of pay but increments have been granted occasionally in exceptionally deserving cases.

(c) Promotion is, as a general rule, allowed within the staff and recruitment from outside is restricted to the lowest grade. Direct recruitment is resorted to only if no suitable man on the existing staff is qualified for it.

(d) In view of the answer given to the other parts of the question this does not arise.

**INCONVENIENT TIMINGS OF CERTAIN TRAINS ON THE HOWRAH BURDWAN
CHORD OF THE EAST INDIAN RAILWAY.**

153. **Mr. Akhil Chandra Datta:** (a) Will the Honourable Member in charge of the Railway Department be pleased to state whether he is aware:

(i) that, on the 2nd July, 1935, the monthly ticket holders and other casual passengers to and from the Begumpur Station sent to the Chief Operating Superintendent, East Indian Railway, Calcutta, a petition pointing out the inconvenient timings of trains Nos. 105, 107 and 109 Up and 102, 104, 106 and 112 Down on the Howrah Burdwan Chord of East Indian Railway; and

(ii) that, on all days except Saturdays, the long interval of nearly five and seven hours between the running of trains Nos. 37 and 48 Up and 88 and 44 Down respectively on the Howrah Burdwan Chord has compelled the above passengers to travel by the morning Up and the afternoon Down trains to and from Janai Station of the Howrah Sheakhala Light Railway of Messrs. Martin & Co., resulting in loss of traffic to East Indian Railway and consequent loss of "Railway Revenue"?

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state whether Government are considering the desirability of issuing the necessary instructions to the East Indian Railway Administration to remove the above grievances of the passengers, in order to bring more traffic and thereby augment the Railway Revenues?

The Honourable Sir Muhammad Zafrullah Khan: (a). (i). The petition does not appear to have been received by the Chief Operating Superintendent.

(ii) The introduction of an additional train, namely, 108 Down, from 1st October, 1935, has reduced the interval of seven hours to 3 hours 50 minutes.

(b) I understand that, while a few passengers may find it more convenient to travel by the Light Railway, there is not sufficient traffic to justify the running of an additional train.

TAKING OVER BY THE GOVERNMENT OF THE HOWRAH SHEAKHALA LIGHT RAILWAY.

154. **Mr. Akhil Chandra Datta:** (a) Will Government be pleased to lay on the table a statement showing the total amount paid by the East Indian Railway to Messrs. Martin & Co., as compensation for loss of traffic sustained by their Kalipur, Chanditala and Janai Stations of the Howrah Sheakhala Light Railway during the years 1933-34 and 1934-35?

(b) Will Government be pleased to state whether they are further aware:

(i) that, during the last ten years, the compensation paid by East Indian Railway to Messrs. Martin & Co., on account of loss of traffic, sustained by their Kalipur, Chanditala and Janai Stations of the Howrah Sheakhala Light Railway was more than the capital amount of the above Light Railway;

(ii) that the above heavy compensation, paid by the East Indian Railway to Messrs. Martin & Co., has considerably retarded the improvement of the Dankuni and the Begumpur Stations of the Howrah Burdwan Chord of East Indian Railway, which have got heavy passenger traffic; and

(iii) that the lease of the Howrah Sheakhala Light Railway granted to Messrs. Martin & Co., for thirty years expired long ago?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state whether, in view of the heavy loss, caused to "Railway Revenue" by the payment of the above heavy compensation by East Indian Railway to Messrs. Martin & Co., Government are considering the desirability of taking over the Howrah Sheakhala Light Railway from the above Company, in order to effect improvement to the Dankuni and the Begumpur Stations of the East Indian Railway to augment the traffic and thereby the Railway Revenue?

The Honourable Sir Muhammad Zafrullah Khan: (a) The amount of compensation paid by the East Indian Railway to the Howrah-Sheakhala Light Railway during the last two years was as follows:

	Rs.
1933-34	30,322
1934-35	42,999

(b) (i). During the last ten years ending March, 1935, the compensation paid amounted to over rupees 4½ lakhs. The capital outlay on the light railway on that date was a little over 8½ lakhs.

(ii) Government have no reason to believe that this is the case.

(iii) The position is explained at page 276 of the History of Indian Railways, a copy of which is available in the Library of the House.

(c) No.

REGULATIONS REGARDING DISCIPLINARY ACTION AGAINST RAILWAY STAFF.

155. **Mr. Amarendra Nath Chatterpadhyaya:** (a) Will Government please state:

- (i) whether the Railway Board have framed regulations regarding disciplinary action against non-gazetted staff, including discharge and dismissal;
- (ii) whether these rules have been sent to the Agent, Eastern Bengal Railway; if so, when;
- (iii) whether the Agent has circularised these rules to the Heads of Departments, District Traffic Superintendents, Divisional Superintendents, etc.; if so, when;
- (iv) whether it is obligatory on the Agent and his subordinate officers to observe these rules;
- (v) whether any cases of non-observance of these rules have been reported to the Agent; if so, with what results;
- (vi) whether these rules have been published in that Railway's Gazette for the information and guidance of the staff who are governed by them; if not, why not;
- (vii) whether the East Indian, the Great Indian Peninsula and the North Western Railways have published these rules in their Gazettes;
- (viii) whether the Agent, Eastern Bengal Railway, has framed any subsidiary rules; if so, whether these will be published in that Railway's Gazette; if not, why not;
- (ix) whether the Agent has delegated any powers; if so, to whom and to what extent; and
- (x) whether the powers delegated, and to what extent to each officer will be published in that Railway's Gazette?

(b) Have any provisions been made for the issue of Charge Sheets to the employees? If so, are such Charge Sheets to be issued by gazetted officers only or are subordinate officials, such as Chief Booking Clerks, Head Parcel Clerks, Station Superintendents, etc., empowered to issue them?

(c) Do Government propose to take disciplinary action against the officials responsible for the non-publication of the rules which govern the staff? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House, in due course.

REGULATIONS REGARDING DISCIPLINARY ACTION AGAINST RAILWAY STAFF.

156. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact:

- (i) that the Railway Board have, with their letter No. E/34/R. G.-6, dated the 22nd June, 1935, to the Agent, East Indian Railway, issued regulations regarding disciplinary action against non-gazetted staff including discharge and dismissal;
- (ii) that the Agent has published these regulations in his Railway's Gazette No. 19 of 1935, dated the 18th September, 1935; and
- (iii) that there has been an unusual delay in communicating these regulations to the staff who are governed by them?

(b) Will Government please state:

- (i) whether any subsidiary rules have been framed by the Agent; if so, whether these subsidiary rules will be published in the Gazette; if not, why not;
- (ii) whether the Agent has delegated any powers to his subordinate officers; if so, to whom and to what extent; and
- (iii) whether this delegation of powers will be published in the Gazette?

(c) Have any provisions been made for the re-delegation of powers by the officers to whom powers have been delegated by the Agent? If so, will the re-delegation of powers be published in the Gazette? If not, why not?

(d) Is it a fact that when any penalty is imposed upon a railway servant, an appeal shall lie to the authority next above that imposing the penalty, if so, will Government please state whether, it is incumbent on the officer imposing the penalty to inform the railway servant the authority who has punished him; or will such letters be issued as from the Divisional Superintendent?

(e) Is it further a fact that provision has been made in these rules that the officer competent to pass the order of discharge may dispense with the departmental enquiry and may make an enquiry in any manner deemed proper by him? If so, do Government propose to consider the deletion of that portion from the rules? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) (i) and (ii). Yes.

(iii) No.

(b) (i). The reply to the first part is in the affirmative, as regards the latter part it is not intended to publish the subsidiary rules in the East Indian Railway Gazette, as they are meant for official use only.

(ii) Yes, as permissible under the rules.

(iii) No.

(c) No.

(d) The answer to the first part of the question is in the affirmative and as regards the latter part, the point is under examination.

(e) I would invite the Honourable Member's attention to rule 9(a) of the "Rules regulating discipline and rights of appeal of non-gazetted railway servants", a copy of which is in the Library of the House. As regards the latter part of the question, Government consider the retention of this rule necessary.

**SUBMISSION OF PETITIONS OR MEMORIALS TO THE GOVERNOR GENERAL
IN COUNCIL.**

157. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact:

(i) that the Railway Board have issued as an appendix to their letter No. E/34/R. G.-6, dated the 22nd June, 1935, to the Agent, East Indian Railway, Notification No. F./6/7/33-11, dated Simla, the 19th June, 1933, by the Home Department regarding the submission of petitions or memorials to the Governor General in Council; and

(ii) that Rule 7, consisting of 19 clauses and numerous sub-clauses governs the withholding of petitions by the Local Government?

(b) Will Government please state why Divisional Superintendents have been included in the words "Local Government"?

(c) Is it a fact that the Divisional Superintendents are under the administrative control of the Chief Operating Superintendent and the Chief Commercial Manager and that both these Heads of Departments are under the Agent?

(d) Is it also a fact that when an aggrieved employee has once submitted an appeal to any of the local authorities, he is debarred from submitting a petition or memorial to the Governor General in Council?

(e) Does the expression "the terms of contract" mentioned in Rules 15 and 16 refer to such contracts which are executed by those engaged for special work and for fixed periods only or does it include the ordinary service agreements executed by all the non-gazetted staff appointed on State-managed Railways?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House, in due course.

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CONTINUANCE OF THE CUT IN PAY BY THE EAST INDIAN RAILWAY.

158. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that in the Explanatory Memorandum of the Railway Budget of the Government of India, 1935-36, it is stated:

"As it has been decided that the cut in pay, originally imposed for 16 months in December 1931 and retained on a reduced scale for the two years 1933-34 and 1934-35, will not be continued beyond the end of March 1935, the recoveries shown as 'Emergency deductions from pay' during 1935-36 will accrue only in April, representing the deductions made in salaries and wages for March 1935, they are estimated at eight lakhs"?

(b) If the answer to part (a) be in the affirmative, will Government please state whether the cut in pay or special pay has been continued after March, 1935, by the East Indian Railway? If so, why?

(c) Do Government propose to take disciplinary action against those officials responsible for the continuation of the cut in pay? If not, why not?

(d) Will the amount deducted from the pay of the employees concerned be refunded, if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) No.

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

DIFFERENTIAL TREATMENT TO PASS HOLDERS OF DIFFERENT CLASSES ON THE EAST INDIAN RAILWAY.

159. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that the Chief Commercial Manager, East Indian Railway, has published in that Railway's Gazette, No. 25 of 1935, dated the 11th December, 1935:

"847. Pilgrim tax on Passes.—Free pass holders are exempt from paying pilgrim or terminal taxes at stations where leviable. But in cases of third class passes issued for distances more than 300 miles in terms of clause (13) of Rule 89, chapter VIII, at page 69 of Conference Rules, Part II, 1935-36 Edition, if the destination station be one where pilgrim or terminal taxes are chargeable, such taxes should be recovered along with 1/3rd fare for the distance in excess of 300 miles, such pass holders being treated as Privilege Ticket Order holders for the portion of the journey over 300 miles"?

(b) If the answer to part (a) be in the affirmative, will Government please state the reasons for this differential treatment between the first, second and intermediate classes and the third class free pass holders?

(c) Is it a fact that, prior to the introduction of the revised Free Pass Rules, first class passes were granted to gazetted officers, second class, passes to subordinates in receipt of a salary of Rs. 116 and over, intermediate class passes to the rest of the subordinate staff, and third class passes to the menial staff?

(d) Is it also a fact that under the revised Free Pass Rules, intermediate class passes will be granted to the staff in receipt of pay of Rs. 50 up to Rs. 125 and that third class passes to the subordinate staff in receipt of pay below Rs. 50 and to the menial staff?

(e) Is it the policy of Government in the Railway Department to differentiate against the humblest of their employees? If not, what action do Government propose to take? If none, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) As the maximum distance for which a third class free pass is issued, over the East Indian Railway to an employee of another railway is 300 miles, fares at the concession rates admissible under a Privilege Ticket Order are payable for the distance in excess of 300 miles. In the case of tickets for all classes issued under Privilege Ticket Orders, pilgrim or terminal taxes are invariably recovered.

(c) Yes, except that third class passes were also given to employees generally in the lower grades.

(d) Yes.

(e) The revised rules were intended to obtain some degree of uniformity in the scale of passes admissible to staff on State-managed Railways. In the circumstances, a curtailment of some of the privileges in certain cases was unavoidable.

RECRUITMENT, CONFIRMATION, ETC., OF CERTAIN STAFF ON THE EAST INDIAN RAILWAY.

160. Mr. Amarendra Nath Chattopadhyaya: (a) Will Government please state whether the powers conferred by the Agent, East Indian Railway, in his Circular No. 462, dated the 21st October, 1926, to the Divisional Superintendents are still in force? If so, are Divisional Superintendents prohibited, without the previous sanction of the Agent or of a higher authority, to recruit, appoint or confirm, promote or reduce, accept the resignation of or discharge of the undermentioned non-gazetted staff Engineering Department:

(a) Overseers, Supervisors, Sub-Engineers, Bridge Foremen.

(b) Inspectors, Assistant Inspectors, Surveyors, Telephone Exchange Operators?

(b) If the answer to part (a) be in the affirmative, will Government please state:

(i) whether the non-gazetted staff referred to in part (a) are employed on the Divisions; and

(ii) whether they work under the supervision of Engineering officers (Superintendents and Assistant Superintendents) attached to each division and under the orders of the Divisional Superintendent?

(c) If the answer to part (b) be in the affirmative, under whom were this staff employed before the introduction of the divisional system of operation?

(d) Does a similar system, referred to in part (a), operate so far as the non-gazetted staff of the Transportation, Commercial, Rolling Stock, etc., attached to the divisions are concerned? If not, what are the reasons for this differential treatment?

(e) Is it a fact that two posts of Divisional Superintendents are reserved for Engineer Officers and that of the remaining four are filled by officers with Transportation, Commercial etc., experience?

(f) Do Government propose to treat all the staff attached to the divisions alike in the matter of recruitment, appointment or confirmation, promotion or reduction, acceptance of resignation or discharge? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) Yes.

(b) (i). Yes, most of them.

(ii) Yes, so far as men attached to the divisions are concerned.

(c) District and Assistant Engineers.

(d) Yes.

(e) The posts of Divisional Superintendents are selection posts and they are not reserved for the officers of any particular department.

(f) Does not arise.

ABOLITION OF THE POSTS OF SUPERINTENDENT AND ASSISTANT SUPERINTENDENT OF THE WATCH AND WARD DEPARTMENT, EAST INDIAN RAILWAY.

161. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact that the Railway Board, *vide* their letter No. E./34. E. C. 229, dated the 11th.

June, 1935, decided that the posts of Superintendent and Assistant-Superintendent of the Watch and Ward Department of the East Indian Railway were to be abolished from the 22nd August, 1935, and that the section was to be supervised by a Deputy with a Lower Gazetted Scale Officer to assist him?

(b) Is it also a fact that the orders of the Railway Board had the effect of having a uniform system of management of the Watch and Ward section on the State-managed Railways?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government please state whether the orders of the Railway Board, given "after a careful consideration of the question" were carried out? If not, why not?

(d) Is it a fact:

- (i) that the orders of the Railway Board, referred to in part (a), were subsequently amended and were to be given effect to from 1st January, 1936;
- (ii) that a further extension to the end of March, 1936, has been granted;
- (iii) that re-appropriations or a supplementary sanction was not necessary as provision had been made in the budget for these posts up to the 31st March, 1936;
- (iv) that these extensions have been granted as the Superintendent had declined to work as a Deputy;
- (v) that in order to enable him to earn a special additional pension of Rs. 1,500 per annum a further extension has been granted; and
- (vi) that the Agent has supported the resistance of the officiating Superintendent to the orders of the Railway Board?

(e) If the answers to parts (d), (i) to (vi) be in the affirmative, will Government please state:

- (i) whether the monetary benefits given to the Superintendent are in accordance with the canons of financial propriety; if so, under what rule;
- (ii) whether the Agent, on the suggestion of the Superintendent, approached the Agent, Eastern Bengal Railway, to amalgamate the Watch and Ward Departments of the two Railways with the Superintendent of the East Indian Railway in charge on the old rate of pay, namely, Rs. 2,300;
- (iii) whether the Eastern Bengal Railway declined the idea of such amalgamation;
- (iv) whether the Railway Board was kept informed of these attempts to frustrate the Board's decision;
- (v) whether the Chief Operating Superintendent and the Chief Commercial Manager on the East Indian Railway are under the orders of the Agent;
- (vi) whether both these officers have agreed, under the Agent's pressure, to retain the post of Deputy Superintendent, Watch and Ward, under the Agent;

- (vii) whether the Watch and Ward Departments on the other State-managed Railways are attached to the Agent's office;
 - (viii) whether the Agent has arranged that the Watch and Ward Department will be given a number of the ticket checking staff;
 - (ix) whether the Agent has obtained the consent of the Chief Commercial Manager to this suggestion; and
 - (x) whether the attachment of a certain number of the ticket checking staff to the watch and ward prevails on the other State-managed Railways, and if not, what are the special features on the East Indian Railway?
- (f) What action do Government propose to take? If none, why not?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House, in due course.

POSTING OF OFFICERS TO A DIVISION ON THE EAST INDIAN RAILWAY.

162. **Mr. Amarendra Nath Chattopadhyaya:** Will Government please state whether the senior and junior scales officers on the East Indian Railway are permanently posted to a Division? If not, what is the normal period these officers are retained in a Division?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part is in the negative. As regards the latter part it depends upon the exigencies of the service.

IRREGULARITIES IN CHARGING SALARIES OF THE SUBORDINATES ON THE EAST INDIAN RAILWAY.

163. **Mr. Amarendra Nath Chattopadhyaya:** (a) With reference to the reply given in this House on the 18th September, 1933, that there are instructions already in force on the East Indian Railway laying down that the salary of a Government servant must not be charged against a post other than that in which he is working, is it a fact that the Howrah Division has been exempted from the application of these instructions?

(b) If the answer to part (a) be in the negative, will Government please state against what posts the pay of Messrs. L. McNeill, J. Gillard, N. Whaley and E. Goff were charged during the months of November and December 1935 and whether they performed the duties of those posts?

(c) Is it a fact:

- (i) that the Transportation Inspector, Commercial, was utilised to carry on the duties of certain staff in the Chief Commercial Manager's office;
- (ii) that his pay was not debited to the Commercial Department;
- (iii) that the Chief Accountant and Booking Clerk, Howrah Station, had to perform the coaching duties of the Transportation Inspector, Commercial;
- (iv) that a relieving guard was deputed to work as Chief Accountant and Booking Clerk jointly with the permanent incumbent;

- (v) that the Goods Supervisor, Howrah Goods, performed the goods duties of the Transportation Inspector, Commercial in addition to his own; and
 - (vi) that both the Chief Accountant and Booking Clerk and the Goods Supervisor had to leave their headquarter stations frequently to perform such additional duties?
- (d) What disciplinary action do Government propose to take against the offending officials for breaches of the rules framed by Government? If none, will Government please state whether their gazetted officers on the East Indian Railway are exempted from punishment when they disobey rules? If so, why?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay it on the table of the House, in due course.

ALLEGED IRREGULARITIES IN THE SELECTION OF CERTAIN EMPLOYEES ON THE EAST INDIAN RAILWAY.

164. Mr. Amarendra Nath Chattopadhyaya: (a) Is it a fact:

- (i) that the Controller of Railway Accounts issued instructions that 50 per cent. of the posts of Sub-Heads in the Accounts Department of the East Indian Railway were to be reserved for those non-gazetted employees who passed the Appendix E or D examinations; and
 - (ii) that this reservation was acted up to by the Chief Accounts Officer, East Indian Railway, to the end of December, 1934?
- (b) If the answers to part (a), (i) and (ii) be in the affirmative, will Government please state the reasons why this reservation has been discontinued?
- (c) What is the object of having departmental examinations?
- (d) Will Government please state how many promotions, officiating and permanent, have been made during 1935:
- (i) from among unpassed employees;
 - (ii) from those unpassed employees who have been reduced for inefficient work as Sub-Heads; and
 - (iii) from Appendix E or D passed employees?
- (e) Is it a fact that, in order to fill up some vacancies as Sub-Heads in the Traffic Accounts Branch, a Selection Board was convened and only the first twenty clerks in class I were summoned to appear before the Selection Board?
- (f) Will Government please state whether all the clerks in class I were eligible to appear before the Selection Board, if so, why were the remaining clerks excluded? If not, what are the rules governing the promotions to the posts of Sub-Heads?
- (g) Is it further a fact that some of the twenty clerks were compelled to sit for a written test while others were given the privilege of being examined orally? If so, are Government prepared to institute an inquiry into this method of selecting the most suitable employees? If not, why not?

Mr. P. R. Rau: (a) (i). Yes, without prejudice to the claims of those who have already held such posts satisfactorily for a number of years.

(ii) Yes, subject to the proviso mentioned in (i) above.

(b) The reservation has not been discontinued but in making such promotions, in addition to the claims of the unqualified men referred to in (a) (i) above, the claims of such of the ex-Company employees who have not passed the Appendix D examination have also to be considered. During Company management no such examinations were prescribed and in order to ensure that the pay and prospects of ex-Company staff do not suffer by the State taking over the management of the Railway it has been decided that ex-Company employees who are otherwise fit for promotion to Accountants' rank should be considered eligible for such appointment even though they have not passed the examinations prescribed for other staff.

(c) To test the efficiency and fitness of an individual for promotion to posts carrying responsible duties.

(d) (i). Twenty-nine men were promoted to officiate out of whom 14 have since reverted.

(ii) Nil.

(iii) Five men were promoted to officiate; three have since reverted.

(e) Yes.

(f) All the class I clerks are eligible for promotion to the grade of sub-head. Promotion to the rank of sub-head is based on efficiency as well as seniority and as the number of vacancies in the grade was small, it was not considered necessary to examine all the Class I clerks.

(g) A written test was at first held, but later on this was considered unnecessary and all the clerks were examined orally. Government do not think any enquiry is necessary.

CONFIRMATION OF CERTAIN EMPLOYEES OF THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT AS ACCOUNTANTS.

165. **Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government please state why the non-gazetted employees of the Accounts Department of the East Indian Railway who have passed the Appendix E examination are held eligible to officiate as Accountants but are held ineligible for confirmation in the posts of Accountants?

(b) What is the policy of Government in the case of an employee considered qualified to officiate in a post with regard to his claim for confirmation?

(c) What action do Government propose to take? If none, will Government please state what procedure is in force in the Accounts Department of the other State-managed Railways?

Mr. P. R. Rau: (a) and (b). Under the rules of the Department only men who have passed the Appendix D examination are eligible for confirmation as Accountants. In view of the shortage of Accountants at the time of separation, men who passed the Appendix E examination were declared to be eligible for officiating as Assistant Superintendents (corresponding to Junior Accountants) but they cannot be confirmed as Accountants without passing the Appendix D examination.

(c) Government do not propose to take any action. The procedure in force in all the State Railway Accounts Offices is the same.

INELIGIBILITY OF CERTAIN STAFF TO OFFICIATE AS ACCOUNTANTS ON THE EAST INDIAN RAILWAY.

166. **Mr. Amarendra Nath Chattopadhyaya:** (a) Is it a fact that 57 men were appointed in 1928 to the Training School for Railway Accountants, East Indian Railway, Calcutta?

(b) If the answer to part (a) be in the affirmative, will Government please state whether they were intended, due to the separation of the Audit from Accounts from 1st April, 1929, to fill the posts of Accountants on all State-managed Railways?

(c) Is it a fact that, due to the Controller of Railway Accounts surrendering 37 out of these 57 men to the Auditor General, the Appendix D examination was then prescribed to be passed by those men who had passed the Appendix E examination before they could be confirmed as Accountants? If so, were the men informed of this likelihood before they were appointed? If not, what were the reasons for the imposition of the Appendix D examination on the men of the Training School several months after their training had started?

(d) Is it further a fact that the Controller of Railway Accounts has issued orders recently that all men who have passed the Appendix E examination will lose their eligibility even to officiate as Accountants unless they pass the Appendix D examination by November, 1936?

(e) What action do Government propose to take in the matter, if none, why?

Mr. P. R. Rau: (a) The number of men appointed was 59.

(b) The object of having the school was to train people to fill the posts of Accountants on State-managed Railways when there were vacancies for them, but it was intended that they would not be appointed permanently till they passed the prescribed, i.e., the Appendix D examination.

(c) No men who passed the Appendix E examination were surrendered to the Auditor General. The men who were sent to the Calcutta Training School were told that they would be eligible for acting as Assistant Superintendents (or Junior Accountants) on their passing the Appendix E examination, but, as I have already said, it was always understood that they could not be confirmed as Accountants without passing the Appendix D examination.

(d) Yes.

(e) Government do not consider any action is necessary. The concession hitherto allowed to men who had passed the Appendix E examination was due to shortage of fully qualified Accountants, but now that there is no shortage and as some of the men have made no serious attempt to pass the qualifying examination, the concession is being withdrawn.

JOINING TIME ALLOWED TO STAFF UNDER THE CHIEF ACCOUNTS OFFICER, EAST INDIAN RAILWAY.

167. **Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government please state what joining time is allowed to the staff under the Chief Accounts Officer, East Indian Railway, when they are transferred?

(b) Are Government aware that due to the short margin allowed, the staff have been compelled to take casual leave to enable them to carry out orders?

Mr. P. R. Rau: (a) Staff governed by the State Railway Rules are allowed joining time on transfer admissible under the Fundamental Rules. Those governed by the East Indian Railway Company Rules (*i.e.*, the *ex-Company* employees of the East Indian Railway) are not eligible for joining time.

(b) In the case of the latter, the time necessarily spent on the journey to join new posts is treated as duty, any extra time taken being treated as leave.

FILLING UP OF VACANCIES IN THE HIGHER GRADES OF THE SUBORDINATE RANKS ON THE EAST INDIAN RAILWAY.

168. **Mr. Amarendra Nath Chattopadhyaya:** (a) With reference to the reply given in this House to starred question No. 530 on the 19th March, 1934, that Government have no reason to doubt that in filling up vacancies in the higher grades of the subordinate ranks of the East Indian Railway, the claims of all persons having any claims are considered are Government aware that this procedure is not observed on the Howrah Division?

(b) Will Government please state, when promotions to higher grades depend on the passing of certain departmental examinations:

(i) whether only those employees who have passed the required examinations are considered as qualified and having claims for promotions to those posts; or

(ii) whether those employees who have not passed the required examinations are also considered as qualified and as having claims for promotions to those posts?

(c) Is it a fact that the Agent, East Indian Railway, in his Minute Sheet No. A. E.-2178, dated the 17th June, 1933, has stated:

"when promotion to a higher grade depends on passing an examination, the vacancy shall be filled by the most senior qualified man"?

(d) Will Government please state whether promotions to the posts of Head Goods Clerk and Assistant Goods Clerk, Howrah, Goods Clerk at Ramkristopore, and Assistant Head Parcels Clerk, Howrah, depend on passing the Goods Audit and the Coaching Examinations respectively?

(e) If the answer to part (d) be in the affirmative, have the instructions of the Agent been observed when filling these posts recently? If not, what action do Government propose to take to remedy the grievances of those of the staff who have qualified themselves by passing the requisite examinations and whose claims have been ignored?

(f) Will Government please state whether unqualified staff, after promotions to posts which depend on the passing of examinations, are to be granted leave and other privileges in order to enable them to sit for the necessary examinations? Have any such instances occurred in the Howrah Division? If so, why?

(g) Is it, the duty of the Superintendent, Staff, to point out to the competent authority that the posts can only be filled from among those

who have qualified themselves by passing the necessary examinations, if so, was this done? If not, what action do Government propose to take to ensure that due regard is paid to the rules that are in force by those whose duties require them to be aware of the rules?

The Honourable Sir Muhammad Zafrullah Khan: I am collecting information and will lay a reply on the table of the House, in due course.

REDUCTION IN THE SCALES OF PAY OF JOURNEYMEN AND CHARGEMEN ON THE NORTH WESTERN RAILWAY.

169. Mr. Nabi Baksh Illahi Baksh Bhutto: (a) Will Government be pleased to state whether it is a fact that with the revised scales of pay introduced from 1st August, 1934, for subordinate services of State Railways, the pay of journeymen and chargemen (North Western Railway Workshop Technical Staff) has been reduced by 50 per cent., while the scales of pay of other employees have been reduced by only ten per cent. or less as the sub-joined tables indicate?

Old Scale.		New Scale.
Journeymen . . .	Rs. 100—10—170	65—5/2—85
Senior Chargemen . . .	Rs. 185—15—350	100—10/2—120—140 (Fixed)— 160 (Fixed)—180 (Fixed).

(This means a cut of more than 50 per cent. in their pay).

Clerical Grade.

1 39—3—60	30—5—50—5/2—60.
2 68 4—80—5—95	65—5/2—85.
3 100—5—140	100—10/2—120 & 140 (Fixed).
4 160—10—200 ?	

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state their reasons for differential treatment to journeymen and senior chargemen as compared with clerical staff?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The old and revised scales of pay quoted by the Honourable Member are correct. The revised scales of pay were fixed after taking into consideration the nature of work and the degree of responsibility attached to each category of staff.

LETTER IN THE TRIBUNE HEADED "NORTH WESTERN RAILWAY PERSONNEL".

170. Mr. Nabi Baksh Illahi Baksh Bhutto: Will Government be pleased to state whether the letter appearing in the *Tribune*, dated 4th April, 1935, on page 13 under the heading "N. W. R. Personnel" has come to their notice, and whether they intend to take any steps thereon? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: The reply to the first part is in the affirmative. As regards the latter part I would invite Honourable Member's attention to my replies to his unstarred questions Nos. 169 and 171.

DIFFERENTIAL TREATMENT TO JOURNEYMEN IN THE MATTER OF SCALES OF PAY.

171. Mr. Nabi Baksh Illahi Baksh Bhutto: Will Government be pleased to state:

- (a) whether under the old scales of pay (applicable in the case of employees recruited before 16th July, 1931) the junior chargemen and journeymen drew equal pay.
- (b) whether under the revised scales of pay, whereas the junior chargemen still draw Rs. 100—10/2—120, the pay of journeymen has been reduced to Rs. 65—5/2—85;
- (c) whether it is a fact that the journeymen are literate and better qualified in Engineering (theory and practice) than junior chargemen who are promoted from semi-literate mistry class; and
- (d) if the answers to parts (b) and (c) be in the affirmative the reasons which have actuated them to give such differential treatment to journeymen?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Yes.

(c) A journeyman although literate is an improver, who has completed his apprenticeship but has yet to acquire practical experience by working with his own hands before he is capable and can be allowed to supervise the work of others, whereas a junior chargeman is an employee with long service during which he has acquired all the practical experience necessary to enable him to supervise the work of others.

(d) In view of my reply to part (c) this does not arise.

APPLICATION OF THE OLD SCALES OF PAY TO SUBORDINATE SERVICES ON THE NORTH WESTERN RAILWAY.

172. Mr. Nabi Baksh Illahi Baksh Bhutto: Will Government be pleased to state:

- (a) whether the new scales of Railway subordinate services have been applied even in the case of those employees who fall under exception No. 1 of paragraph 2 on page 1 mentioned in the North Western Railway Gazette Extraordinary, dated 24th September, 1934; and
- (b) if so, whether they intend to revise their decision in respect of these employees and apply the old scales to them in view of the aforesaid exception? If not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) No.

(b) Does not arise.

SELECTION OF JOURNEYMEN ON THE NORTH WESTERN RAILWAY.

173. Mr. Nabi Baksh Illahi Baksh Bhutto: Will Government be pleased to state:

- (a) what considerations govern the selection of journeymen on the North Western Railway;

- (b) whether seniority in passing apprenticeship course is also taken into consideration at the time of making the selection; and
- (c) if the reply to part (b) be in the negative, whether they are prepared to consider the advisability of taking seniority into consideration, particularly in cases in which an apprentice has qualified himself and has been recommended as fit for journeymen's appointment?

The Honourable Sir Muharamad Zafrullah Khan: Government have no information. These are matters of detailed administration which must be left to the Agent to decide, whom a copy of the question has been sent for information.

GRANT OF PRESIDENCY ALLOWANCE TO THE STAFF OF THE ACCOUNTS DEPARTMENT ON THE EAST INDIAN RAILWAY.

174. Mr. Amarendra Nath Chatteropadhyaya: (a) Will Government be pleased to state if it is a fact that a sort of Presidency allowance is granted to the staff appointed on the East Indian Railway and stationed in Calcutta, Howrah and Lillooah in consideration of comparatively costlier house-rent, etc.?

(b) If the reply to part (a) be in the affirmative, is it a fact that the staff of Accounts Department appointed in 1925, or after have been singled out in not being allowed to draw such an allowance? Is it a fact that the staff appointed in other than Accounts Department is in the enjoyment of the privilege all along and even the staff recruited in the Accounts Department recently, *i.e.*, in 1935, under the revised scales of pay, are also entitled to it?

(c) If the reply to part (b) be in the affirmative, do Government propose to take necessary steps early to extend the same privilege to the staff of the Accounts Department appointed between 1925 and 1934 as well and remove the anomaly?

(d) Will Government be pleased to state if it is a fact that class II and III clerks of the Accounts Department of the East Indian Railway are transferred from one Division to another, otherwise than by way of punishment to make up adjustment of promotion on the same pay?

(e) If the reply to part (d) be in the affirmative, are Government prepared to take steps to stop such transfers?

Mr. P. R. Rau: (a) Yes, except to the accounts staff on the old co-ordinated scales of pay.

(b) The scale of pay introduced for the Accounts Department in 1925 was fixed with reference to the cost of living at the various localities at which accounts staff were likely to be posted, whereas the scales of pay introduced in 1935 have not been so fixed. The scales of pay and allowances of the other departments of the Railway do not exactly correspond to the accounts scales.

(c) In view of the reply to part (b), Government do not propose to take any action.

(d) and (e). Yes—but such transfers cannot be avoided owing to the promotion of other clerks to Class I or as sub-heads.

CONSTRUCTION OF A LEVEL CROSSING OVER CULVERT NO. 15 NEAR BALLY STATION ON THE EAST INDIAN RAILWAY.

175 **Mr. Amarendra Nath Chattopadhyaya:** (a) Will Government be pleased to state if they are aware that the subway under the East Indian Railway main line culvert No. 15 near Bally Station is so low that there accumulates knee-deep water under it throughout the rainy season, as a result of which the school-going children have to suspend attendance to school for the time being, doctors cannot attend their patients living on the western side of the Railway and the farmers, finding it impossible to carry baskets of vegetables on their heads through this low culvert, are compelled to cross the Railway lines with heavy loads on their heads even at the risk of their lives?

(b) If the reply to part (a) be in the affirmative, are Government prepared to take necessary steps to remove the grievance by constructing a level-crossing over the said culvert?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). Government consider that such matters are best left to the Administration to decide in consultation with the Local Advisory Committee. A copy of the question is being sent to the Agent for consideration.

SHORT NOTICE QUESTIONS AND ANSWERS.

RIOTS IN ZANZIBAR.

Mr. S. Satyamurti: (a) Will Government be pleased to make a statement on the riots which are reported to have taken place in Zanzibar and the disturbance in Uganda with particular reference to:

12 Noon.

(i) the number of Indian casualties in Zanzibar and also in Uganda (if any), both among Indian officials and Indian residents;

(ii) the area or areas in which disturbances have taken place; and

(iii) the causes which led to the outbreak of violence on the part of the Arabs and the natives?

(b) Has the attention of Government been drawn to a press statement made in Bombay on the 9th January by Mr. Tyab Ali, who was one of the members of the Agricultural Indebtedness Commission in Zanzibar, attributing the outbreak in Zanzibar to the operation of the moratorium and to the feeling on the part of the Arabs and the natives that they were under the special protection of the Government of the Colony?

(c) What steps do Government propose to take to see that Indian lives and property are protected from mob violence?

RIOTS IN ZANZIBAR.

Mr. M. Ananthasayanam Ayyangar: (a) What was the cause of the rioting in Zanzibar?

(b) What is the extent of casualties?

- (c) Has there been any loss of lives among the Indians?
 (d) What, if any, are the steps taken to protect the Indians?

RIOTS IN ZANZIBAR.

Mr. T. S. Avinashlingam Chettiar: Will Government state:

- (a) whether there has been severe rioting in Zanzibar, on account of Government rules regarding copra;
 (b) whether Indian life and property has been destroyed;
 (c) if so, to what extent; and
 (d) what is the latest news in that matter?

Sir Girja Shankar Bajpai: With your permission, Sir, I shall answer the three questions together. As I informed the House on Monday, the 10th of this month, the Government of India telegraphed for information as soon as they saw the press report of the occurrence. They are informed that apart from the Indian Police Inspector, who like Mr. Rolleston, the District Commissioner was unfortunately killed in the encounter with the rioters, no Indians have been injured in any way, that the situation is returning to normal, and that there is no need for apprehension as regards the safety of Indian life and property. This disturbance was confined to Zanzibar, has no political or anti-Indian significance and its origin was due to attempts to improve the standard of the copra exported from the island. I have seen the statement referred to by Mr. Satyamurti, but I have been unable to trace any statement by Mr. Tyab Ali to the effect that the disturbance was due to the operation of the moratorium. The disturbance is also entirely unconnected with the trouble in Uganda referred to by the Honourable Member in regard to which particulars have been called for separately and will be furnished to the House in due course. Full details have been promised by the air-mail which left London on the 15th instant. This should ordinarily arrive here on the 21st, and I propose soon after that, to lay a further statement on the table of the House.

RESOLUTION RE EXTENSION OF THE SAME LEVEL OF ADMINISTRATION TO THE PEOPLE OF THE EXCLUDED AND PARTIALLY EXCLUDED AREAS.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Resolution* moved by Mr. Ram Narayan Singh on the 11th February, 1936, and the amendment† moved thereon by Pandit Nilakantha Das.

*"That this Assembly recommends to the Governor General in Council that he may be pleased to take such steps as he thinks necessary and proper to extend the same level of administration to the people of Excluded areas, partially Excluded areas, and Chief Commissioners' Provinces including the British Baluchistan, positively from the 1st of January, 1937."

†"That at the end of the Resolution, the following be added :

'Particularly by immediately moving His Majesty's Government to secure an appropriate amendment to the recent Order in Council on the subject of Excluded and partially Excluded Areas.'

Mr. C. H. Witherington (Assam: European): Sir, in what I have to say, I shall speak generally of my own province, Assam, but what I say of Assam may equally apply to conditions in other provinces.

Honourable Members, who have spoken so far, have urged the need to apply education, and so on, to the Excluded and Partially Excluded Areas in India, which is likely to result from the extension of the ordinary administration to these areas. I am not going to argue on the merits or demerits of that question, but I am definitely opposed to the sudden application of the ordinary administration to these areas. The primitive people of the hill tribes are ignorant of the changes which are shortly coming to India, and it will be most unwise to thrust a sudden change in their lives at this time—a change of conditions they do not want and which, as far as I know, they have never expressed any desire to have. These people among the hill tribes of Assam are generally a care-free people, self-contained, self-supporting and self-sufficient. They are happy in the lives they lead and are intensely intolerant of interlopers from beyond their borders.

Mr. S. Satyamurti (Madras City: Non-Muhammadan Urban): Except the British?

An Honourable Member: The British are always welcome?

Mr. C. H. Witherington: They have their own tribal customs and laws which they themselves rigidly enforce, and I believe they are generally moral people. They live the ideal life of those who know nothing of the worries of the outside world. All they want is to be left alone to manage their own affairs in their own way. If there is to be any change in their status and life, I consider the change should be made gradually, in a very painstaking and careful manner, and I do not think a sudden change in their status would be a wise thing at the present time. We know they are not ready yet for the responsibilities which the ordinary administration would entail, and I believe that a sudden and greater contact now with the outside world with its different mode of living and different outlook on life would have a very demoralising and deteriorating effect upon them. In this connection I want to read a Resolution passed by the Anthropological Section of the Indian Science Congress held in Calcutta on the 3rd of January, 1928, under the presidency of Dr. B. S. Guha. The Resolution reads as follows:

“Whereas it is prejudicial to the economic and cultural interests of the aboriginal tribes of India that there should be unrestrained contact between them and individuals representing a different state of culture and progress,

Whereas their growth, and even continued existence, is threatened by an inrush of traders, tourists, settlers, planters, missionaries, etc., whose callousness or ignorance in many cases are a source of constant danger to the primitive tribes,

Whereas Government are at present perhaps more alive to considerations of revenue and easy administration than to the real and ultimate well being of the aborigines and

Whereas the rapid decrease in numbers, noticeable among the Andamanese, the Todas, the Birhors, Karoas, some South Indian hill tribes and certain other tribes, demands immediate action.

Be it Resolved—That Government be approached by the Indian Science Congress to institute an immediate inquiry by competent anthropologists and other men into the situation and go in for protective legislation in the light of such inquiry.

Be it further Resolved—That the proper authorities be approached to specially consider the case of the aborigines of India and to allow the Anthropological Section of the Indian Science Congress to state before the Commission in detail the case of the aborigines of British India and the Indian States."

That, Sir, is the opinion of Indian scientists who saw the danger to the primitive tribes being brought into closer contact with outside influences, and it is the considered opinion of Indian scientists who have given the greatest study to the primitive tribes all over India.

Now, Sir, let me refer to the subject of Representation. If the ordinary administration of a province is extended to the backward areas, it must be admitted that the people of these areas must be allowed to have proper representation in the Legislature. True representation is impossible if we consider that the Akas, Daffas, Nāgas and the rest of the hill tribes in Assam speak languages which are absolutely incomprehensible one to the other. I saw quite a lot of Daffas every year when I was camping on one of the rivers in Assam near the foot-hills as small parties of them passed my camp on their periodical trek to the plains to do their annual trading. I used to speak to them through one of my Miri boatmen who knew a little of one of the Daffa dialects, and I learned some interesting things about them, one of which was that all Daffas do not speak the same language and it is quite a common thing for the people of one village to be unable to understand the language spoken in another village. It seems more impossible than ever that proper representation can be procured in the Legislature when even one tribe amongst themselves speak different dialects. And when I speak of representation, I mean proper and real representation—not representation in name—I mean representation by a person who is thoroughly conversant with all the languages, tribal customs, the needs and necessities of all the peoples and tribes he is representing. And I do not see how it can be possible that *intelligent* views and opinions on their needs and necessities can be formulated by primitive and savage tribes. Surely, Sir, the whole question of proper and real representation is impossible.

Then as to the financial aspect of the question if the terms of this Resolution are carried out. There is no need for me to go into details about the extra cost of administration: I think it must be clear to all Members of this House that the extension of the ordinary administration to these backward areas would cost a great deal of money.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): How much? †

Mr. C. H. Witherington: Well, Sir, I am not prepared to say, but I doubt very much whether the Assam Government would be prepared to put up the extra money for this enterprise. It is well known that Assam's finances are in a most insolvent state.

They have so many social services to extend and to maintain, that I do not think that it would be at all right for them to spend this extra money. We, in Assam, are hoping, Sir, that the Central Government will make a very substantial grant this year to Assam in order to allow the province to start its autonomous career in a solvent state, and, moreover, we are hoping that thereafter the Central Government will make a yearly grant to Assam in order to maintain that solvency. Will the Central Government be prepared to increase the financial assistance over and

[C. H. Witherington.]

above what is ordinarily necessary in order to permit of the extra expenditure to be incurred in administering the Excluded and Partially Excluded Areas on all fours with the rest of the Province? These are important questions, Sir, and I do urge the Honourable Members of this House to consider them very carefully before they give their verdict on this Resolution.

Eventually, Sir, I suppose these primitive tribes will be brought within the fold of civilized peoples, but it must be done slowly and carefully: and, I can think of no better method of doing this than by the present method of administration. As to whether the transition from their present happy and pleasant life to a sense of political consciousness, the doubtful advantage of the vote, and a change in their mode of living will be a good thing for them, I very much doubt; I prefer to leave that question to experts and scientists. But I am definitely opposed, Sir, to forcing the ordinary administration suddenly upon these contented people at the present time. They are not ready for it and it will take many years before they can benefit by such administrative machinery.

Mr. T. S. Avinashlingam Chettiar: How long?

Mr. C. H. Witherington: Sir, I oppose this Resolution.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Mr. President, at the outset, I offer my sincere thanks to the Mover of this Resolution for bringing it forward before this House, for, I believe, it is a very important matter and it requires serious attention and careful consideration. Sir, I listened with great interest to the speech of my friend from the European Group who represents Assam. He gave us a certain version, but so far as my recollection goes, I can only say from reading the report of the first Round Table Conference that a certain factor emerged at a later stage, which I hope will convince this House how this policy with regard to Excluded Areas has come to be evolved. First of all, there was no idea of an All-India Federation, on the ground that the people of the States were not equally cultured with the British subjects, but after successive conferences it was definitely decided that Federation was to be a settled fact. Now, if there was not to be any All-India Federation, one could understand certain parts being segregated from the rest of India, but when you are bringing the States and British India together by means of an All-India Federation, I cannot understand this policy. Then, Sir, my Honourable friend, who spoke last, was expressing grave doubts whether the Assam Government would be able to meet the cost, but has he calculated what amount it will come to? I think that if the sum under the police administration in Assam is curtailed, this can meet all the deficiencies that will come if the Excluded Areas are included in the province of Assam.

Then, Sir, there is another important factor of vital interest to me. I find, Sir, that my own district is affected, and a certain portion of my district is being segregated, and for what reason? The only reason mentioned is that their education and culture is not the same. But I can tell you with confidence, and I hope my Honourable friend from

my own district, who is here as a nominated official from the Government of Bengal, will bear me out, that there are a good many sections of the people concerned who are highly educated and cultured. For instance, Sherpur and Susang have been declared as Excluded Areas. Sir, I can hardly believe that any Honourable Member in the House or outside can assert that the education or culture prevalent in these areas is of any inferior order. I am related to the Maharaja of Susang, and I know what culture he has got, and what education he has got. And not only that, I may mention another area, that of Sherpur. Now, there are at least twelve Members who have votes in my constituency and they are equally educated, Sir, with any Member in this House. If they are to be excluded for the only reason that they are wanting in culture and education, then, may I ask why do you want a Federation of a bigger India? When you can think of a bigger unit of this country in order to satisfy the political aspirations of the people, then why do you exclude certain portions from that unit? I see no justification for keeping these areas excluded and segregated from the other portion of British India. On this point that these areas should not be excluded, I stand shoulder to shoulder with all my Honourable friends who support the Resolution.

I have a shrewd suspicion that the real reason as to why these areas are sought to be excluded is that the demand of the people of this country for self-determination is rancouring in the minds of the Britishers here and they want to keep a certain portion of India where they can give free play to their domination and they want to keep these poor people under their heels in the name of culture and education. I am glad that the Honourable the Leader of the House said the other day that the Government were keeping this matter under their consideration. So far as the Mymensingh district is concerned, I want to know definitely from my Honourable friend as to what is the actual position today. As to the exclusion of Sherpur and Susang, I can safely say that they ought not to be excluded. They are inhabited by people who have the same culture and education as the people in any other part of British India. With these words, I strongly support the Resolution and I hope the House will carry this motion.

Pandit Nilakantha Das (Orissa Division Non-Muhammadian): Sir, it is said that the people in these areas are primitive, and, therefore, they ought to be excluded from the purview of the ordinary administration. But the areas or their people are not primitive—they may not be so. It is really the primitive instinct still lurking in the people that hold and mould our destinies that want to keep these areas for the play of their savage propensity. Whatever may be the character of the Constitution that is proposed to be given, practically everything is excluded there. We have already said that the Constitution which is proposed to be given is worse than the Montagu-Chelmsford Constitution of 1919-1920. What is then the move in this further exclusion? It is savage instinct laid bare. This characterisation of Excluded and Partially Excluded Areas is moreover something which is galling to the self-respect of the people of this land on the very face of it. It is mistrust of Indians incarnate. I may say that in the constitutional phraseology there is some cloak of culture and civilisation and this exclusion in phrase and spirit is, to use a Biblical expression, the cloven feet which appear unhidden.

[Pandit Nilakantha Das.]

In the present instance, I am not concerned with the question as to finance and such other things as has been hinted, for I am now in the Province of Bihar and Orissa, and from the 1st April next, I shall be in the Province of Orissa. So, I am mainly and primarily concerned with these two Provinces. There everything is partially excluded. I do not know yet whether any money from the Centre will ever be given for the administration of the Partially Excluded Areas in the hands of the Governor in his individual judgment. Here the Governor has got some special powers. I know that Government are determined to keep at least a portion, if not two thirds of the area, as at present proposed, as partially excluded in my Province, and I hope that the Government of India will give some adequate money to Provinces like Orissa and Assam for the administration of these Partially Excluded Areas. Please pay for it if you like to have the luxury of uncovered autocracy.

Anyway, in Bihar and Orissa, there were eight districts which were under special Regulations under section 52-A of the Government of India Act. In 1927, on the 10th February, a Resolution was passed in this House demanding the bringing of these eight districts under the regular constitutional administration like the rest of the Province. In the Bihar and Orissa Legislative Council, also, this demand was often repeated and the representatives of those very people, for whose interest it is said these areas are going to be partially excluded, moved and supported that demand. But nothing has come out of all this and that for obvious reasons. Here I may quote a pertinent sentence from a great authority :

"wherever there is discretion, there is room for arbitrariness, and that discretionary authority on the part of the Government must mean insecurity for legal freedom on the part of its subjects."

This is what Dicey's Constitutional Law says. This craving for arbitrary powers is, as I have hinted, the natural savage instinct of man, which was in full play in this country in the days of the East India Company. But we are told that we have emerged like butterflies from the cocoons from the age of that East India Company. I believe those that say it mean it. I am not here today simply in a mood of carping criticism. That means very little. I hope and trust that those, who give us a Constitution embodied in constitutional and legal phraseology, really means something. I hope they will prove in actual details that we have emerged from the days of the East India Company. But I shall presently give you a picture which will show what is the real meaning of the expression "Excluded and Partially Excluded Areas". It is nothing else; if not the hideous remains of the East India Company.

You know, Sir, that in my Province, Singhbhum is partially excluded. Even the Bihar Government and the District Officers in their letters say that there is little reason why it should be partially excluded. In fact, many of those areas are recommended to be put in a short time under ordinary administration. Yet, for some reason or other, some calculation this way and that and some description of the aboriginal or primitive people, it is still sought to be kept as an excluded area. We all know that just after the Simon Commission days, the Government of Bihar and Orissa themselves recommended that most of this

area should not be excluded or partially excluded except a few *thanas* or some such thing. But there practically came a mandate in the name of Instructions and here they are.

The Government of India write to the Secretary of State :

"We read the instructions communicated to us in your letter as indicating that you wish that, so far as local circumstances may permit, the selection of Excluded and Partially Excluded Areas, throughout British India, should now be subjected to a general uniformity of treatment with the possible consequence of a considerable increase in specially protected areas." (White Paper, pp. 1 and 2.)

This now clearly shows what was conveyed to the Government of India in their instructions from above. And we know that a division like Chota Nagpur, specially the district of Singhbhum, is particularly an area where there is wealth which can be exploited. Though there is a town like Jamshedpur in the Dhalbhum sub-division of the district, which has, according to official calculations, only less than half the population, what are called by the officials aboriginals or backward classes, it is not recommended for normal administration. And we know how companies after companies are cropping up there to loot the mineral wealth in the dark. I can give an instance of the Copper corporation of Ghatsila; nobody knows whom they pay, what they pay, what amount they raise, etc., for it is in an excluded and scheduled area. Now, I was reading the other day, in the papers, that the Raja of Dhalbhum wanted to lease some land to some gentlemen who are perhaps resident in Jamshedpur. It is fallow land and he has to pay revenue for it and he cannot perhaps go to any High Court to establish his right of leasing out so far as this land is concerned. Perhaps some Ordinance is there saying that he could not give it to this man or that man, and it must lie fallow. These are the things going on in an area which is full of mineral resources, for that should be a pocket land. Then, I come to Orissa

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, may I correct a mistake, if my Honourable friend will allow me? The Raja of Dhalbhum has often gone to the High Court on mining questions.

Pandit Nilakantha Das: But I shall now speak of a district which is better in point of culture than Dhalbhum, and people there are not allowed to go, not to speak of the High Court, even to a Munsiff's Court. And I come to Angul in Orissa. Both the Local Government and the Government of India agree in their opinion that this area is not at all backward and it should not be treated as a Partially Excluded Area. But the District Officer, the man on the spot, on whose report even people like Major Cadogan can move their amendments in the House of Commons, reported that it cannot be an ordinarily administered area on account of the special village administration and special arrangements in village self-government. That was the only disqualification for which it remained in the Partially Excluded Area Schedule. I shall presently show why this village system is so dear to the "man on the spot" that he wants to exclude it from ordinary administration.

About Angul it is said :

"The Sadar sub-division under direct Government management is stated now to be so advanced that it should be possible within a few years to place it on a level with the normal districts." (White Paper, p. 12.)

[Pandit Nilakantha Das.]

This is the India Government's opinion, and I need not quote the opinion of the Government of Bihar and Orissa, which is exactly to that effect. The Khondmal sub-division of the district is, of course, different. I may here explain that Angul is a district which has now two sub-divisions, one 90 miles distant from the other. One is now to be included in the Ganjam and Vizag agency. That sub-division is Khondmal, and that has nothing to do with the Angul I am speaking of. What I mean by Angul is the Sadar sub-division, and it is a distinct area. This Sadar sub-division is also called Angul Sub-division. In their report to the Government of India, the Bihar and Orissa Government say :

"The whole district of Angul is entirely withdrawn from the purview of the Central and Provincial Legislatures. Its present position corresponds to that of an 'Excluded Area' under the new constitution. In other districts of Bihar and Orissa the protection is less complete."

—Again—:

The Angul sub-division is different. There the aborigines form 18 per cent. of the population, the rest being Oriyas, and the retention of this area as a backward tract is due not so much to the lack of development as to the fact that it is completely surrounded by Feudatory States and that it preserves a special system of village self-government and village administration." (Page 110.)

This is the reason given by the Local Government, and all this has been taken from the report of the District Officer, though, according to the Census 1921, the aborigines, it may be stated here, are "negligible", and in the whole district they are only 26 per cent.

Then, there is another very advanced district, as advanced as any other district in the province, and it is Sambalpur. In that case, it is said that the Sambalpur "problem is somewhat analogous to that of the Angul sub-division". (White Paper p. 111). The Khariar Estate of C. P. is coming to Sambalpur in the new Province, and the India Government says :

"The Khariar Estate will pass to the Sambalpur district when Orissa is separated, but the Local Government express their opinion that it need not be treated as a Partially Excluded Area." (White Paper, p. 31.)

But, for some time, for certain reasons ready at hand, both these areas, i.e., Sambalpur and Khariar together will have to remain as Partially Excluded Areas. And the House will be surprised to hear that for these Excluded Areas, probably in contravention of the spirit of the new Constitution, the Governor, perhaps in his discretion or individual judgment, is going to nominate four members to the Orissa Legislative Assembly. That is, of course, the recommendation of the Hammond Committee. I do not know whether we shall here sit in discussion over those recommendations. I asked a supplementary question yesterday, and I hope my Honourable friend, the Leader of the House, will consider the advisability of considering at least these relevant questions in this House. But it is so in the recommendations of the Local Government of Bihar and Orissa as well as of the Hammond Committee that there should be four nominated members on account of these Partially Excluded Areas.

Mr. M. S. Aney (Berar Representative): Has the report of the Hammond Committee been published?

Pandit Nilakantha Das: I know it for a fact that they have recommended it. The Provincial Delimitation Committee recommended it and the Hammond Committee accepted it.

Now, the people of Sambalpur are very much perturbed as they did not expect such a measure. Here is a telegram I have received:

“The people of Sambalpur in a mass meeting protest against the proposal of the India Government recommending the district with areas transferred from the Central Provinces to be a Partially Excluded Area and authorise Messrs. Nilakantha Das and B. Das to press for recommendation of its declaration as a normally administered area.”

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has only one minute more.

Pandit Nilakantha Das: Yes, Sir, I am finishing. I wish to say that here in Sambalpur the people can at least hold meetings, but in Angui, where the village system is particularly tasteful and dear to the “man on the spot”, it is not at all possible. Nothing can be discussed there and nobody can enter there. Under the Notification of the Governor General in Council, No. 4-G, dated the 3rd February, 1920:

“The district of Angul is entirely withdrawn from the purview of the Central and Provincial Legislatures.”

Its present position, as I have said, corresponds closely to that of an entirely excluded area under the new Constitution. There is no law there, and no lawyer can enter there. The Deputy Commissioner, as I said on the last occasion, is a little Tsar there—civil, criminal, police, revenue, jail, P. W. D., all rolled into one without fear of appeal.

Mr. N. M. Joshi (Nominated Non-Official): Is there forced labour there?

Pandit Nilakantha Das: Yes; and here is a memorandum of the Angul people placed before the Government so that the matter might be pressed in the Joint Parliamentary Committee. It says:

“Apart from the administrative drawbacks, there is prevalent in the district the pernicious system of supply of *rasad* (provisions) and *Bethi* (forced labour) to the local officers in the district, just as are in force in the neighbouring Orissa States. Under this cruel system, the *Sarb Mokars* (village headmen) and the tenants are bound to supply *rasad* of every description—from rice, *dal*, vegetables, ghee, milk, fish, fowl and eggs, down to fuel, charcoal and even straw—either free or at an abnormally low rate fixed by the local officials, and this occurs at such frequent intervals that the people are taxed unreasonably and unseasonably.”

Many of my friends perhaps know that even this low rate is oftener than not drawn from the treasury to find its way to the pockets of the officer himself or his menials. Again:

“At the time of Kheda for elephants (catching flock of wild elephants for taming which has been recently abolished owing to uneconomic sale of Government elephants), forced labour”

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up.

Pandit Nilakantha Das:

" forced labour used to be exacted even at a stretch for one month, while this invariably used to synchronise with the harvest season. *Bethi* (forced labour) is exacted from the tenants in the shape of carrying the luggage of, and rendering other menial and domestic services to the local officers and to any Government servants touring the district, even to constables transferred from one station to another, and also supplying labour for *shikar* (hunting) or beats (for *shikar*) for which they are seldom paid—and invariably the beaters provide their own food—be it for ordinary *shikar* or elephant *Kheda*. Under the *bethi* and *asad* rules, any tenant can be demanded to provide any commodities or under any service at any time to the detriment of his fundamental rights of person and property. It may be particularly noted that these are exacted with the help of notices and *parwanas* issued from time to time from the different courts and offices of the district."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must conclude; his time is up.

Pandit Nilakantha Das: I shall only read some official orders to show how these things are actually done:

"BY THE ORDER OF THE DEPUTY COMMISSIONER, ANGUL.

Here is the seal of the Court.

Sd.....

Dy. Commissioner.

7-4-30.

To

The President, Mouza.....

Perganna.....

Whereas Sree Huzur Bahadur (Deputy Commissioner) will arrive at Puranagarh on the 7th of April 1930 and whereas he will require coolies in order to beat round the Langalmunda hill, you are hereby ordered that you are to present 70 coolies from amongst the different mouzas of your Circle on the evening of the 8th of April 1930 at the Circuit House at Puranagarh and to take note that you do not neglect this. Dated 7-4-30.

BY THE ORDER OF THE SUB-DIVISIONAL OFFICER, ANGUL.

Here is the seal of the Court.

Sd.....

S. D. O.

23-7-30.

To

The Sarbarakar, Mouza.....

Perganna.....

Whereas the Sree Huzur (S.D.O.) does require bullocks with ploughs, you are hereby ordered that you are to supply at his Kothi 6 pairs of bullocks with ploughs on the early morning of tomorrow, the 24th instant. Take note that this is very urgent. Dated 23-7-30.

To

The Sarbarakar, Mouza.....

Perganna.....

Here is the seal of the Angul Police station.

February 10, 1931.

Angul District.

Whereas carts are required for conveying cow-dung manure to the compound of the Police Sahab Bahadur (S.P.), you are to send two carts with baskets with the accompanying constable tomorrow. Treat this as very urgent. Dated 10-2-31.

Sd.....

Angul Sadar Thana.

BY THE ORDER OF THE DEPUTY COMMISSIONER, ANGUL.

Here is the seal of the Court.

Sd.....

For Deputy Commissioner.

22-2-31.

To

The Sarbarakar, Mouza.....

Perganna.....

Whereas there is necessity for straw for tents to be pitched at the Sree Husur's Kothi (Deputy Commissioner's Bungalow), you are hereby ordered that you are to supply 4 Gootia (carts) loads of straw at the Nazir Khana in the early morning of tomorrow, the 23rd February, 1931 at 6 A.M. sharp. Take note that you do not neglect this.

Dated 22-2-31.

[N. B.—The straw is supplied free].

VERY URGENT.

To

(Here is the seal of the Court).

The Sarbarakar, Mouza.....

The vegetables that you sent for the Saheb (D.C.) were not sufficient. He is having many guests and a good many people are coming. So send immediately one *dhār* (load) of brinjals, 2 pumpkins and one full bunch of plantains tomorrow.

Dated 4-2-27.

By Order

Sd.....

Nazir.

[Pandit Nilakantha Das.]

BY THE ORDER OF THE DEPUTY COMMISSIONER, ANGUL.

Seal of the Court of S.D.O.

Sd.....

For D.C.

To

The President & Sarbarakar of Mouza.....

Perganna.....

Whereas the Political Agent & Commissioner will arrive at Angul on the 18th instant and stay till 20th. You are hereby ordered that you are to send every day from 18th to 20th big fish from your village tank to the Nazir Khana. Note this as urgent.

Dated 14-3-29.

BY THE ORDER OF THE DEPUTY COMMISSIONER, ANGUL.

Seal of the Court.

Sd.....

To

The Sarbarakar, Mouza.....

Perganna.....

Whereas it appears that inspite of repeated Parwanas to you to supply paddy and straw for the feed of Government elephants, you have not as yet supplied the same, you are hereby warned and ordered that within 24 hours of the receipt of this Parwana you are to supply paddy and straw as per list below and have its price. In case you neglect, you are to be punished on a charge of disobedience of orders.

Dated 17-3-22.

BY THE ORDER OF THE SUB-DIVISIONAL OFFICER, ANGUL.

Seal of the Court.

Sd.....

To

The Sarbarakar, Mouza.....

Perganna.....

Whereas the Registrar (Co-operative Department) has arrived at Angul, you are hereby informed that immediately on receipt of this Parwana, you are to supply 3 Rohits, Bhakurs or some other big fish from your village tank and present the same without delay at the Nazirkhana. You are warned that you are to treat this as very urgent.

Dated 25-5-25.

To

The Sarbarakar.....

You are hereby informed that you are to supply one Bharia (cooty with carrier) to the accompanying Constable who is on transfer to Bantola.

Seal of the Angul P. S.

Sd.....

Please mark the dates of notice for execution. Sometimes distance to be covered is even 40 miles.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's time is up. The Chair cannot allow him any more time.

Pandit Nilakantha Das: One thing more, this new association of the people for this memorandum was the only one of its kind and it was stopped by order, and since then no meeting in the area has been possible. And here are orders

Mr. President (The Honourable Sir Abdur Rahim): The Chair asks the Honourable Member to sit down.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I approach this subject not as an anthropologist or as one who is full of that savage instinct of domination described by the last speaker. My qualification to speak on this debate is the fact that I have lived in the very closest terms with many of these backward tribes for many years of my official life. Indeed, I suppose I can lay claim to having entered certain backward tracts where man had not entered before, and, as such, Sir, I feel I can, with a certain amount of authority, enter into this debate. May I, as a preliminary remark, state that when I was a member of the Round Table Conferences and the Joint Parliamentary Committee, I always opposed this recommendation on the part of the Government of India Bill? I considered that to exclude large tracts of India from the operation, even in part, of the Government of India Act, was not a wise move; and when I include, in my remarks the inexplicable exclusion of Darjeeling, the seat of the Local Government, which has been made a partially Excluded Area,—I do not think I require further support for my contention and I do not think there should be any opposition to this measure. (Applause.)

It is not necessary to deal with this question with the details stressed by the last speaker. There are one or two main facts on which it should be decided. Hitherto, there is no doubt that the people in these backward tracts have looked upon the Deputy Commissioner as a God, as a *Mai-Bap* and he certainly, in many cases, has been their adviser, but that is the history of many years ago. Whereas the rest of India is progressing, the Government of India Act wishes that these backward areas should remain static, that they will remain entirely dependent on the Deputy Commissioner and must not be given a voice in the administration of their province. Let us take the province of Assam. I speak subject to correction when I say I believe that there are more inhabitants in the totally or partially excluded tracts than there are in Assam proper itself. I say I speak subject to correction, but if I am correct in this, it does seem to me to be an extraordinary policy to exclude from the franchise, and to deny to such a large number of people even a whisper in the administration of their province. It is idle for any Member to say that the condition of these backward areas today is the same as it was 20 or 30 years ago. I know from personal experience, having professionally visited these places, that many of these people are rapidly

[Lieut.-Colonel Sir Henry Gidney.]

attaining a state of civilisation with some knowledge as to how they can administer themselves, and certainly they have vastly improved compared to what they were when I was stationed in Assam in 1914. Take, for instance, the Naga Hills where I spent a few years of my service. I know that, today, the condition of the Naga Hills has vastly improved to what it was when I was there in 1912. Missionaries have settled there for decades, schools have been established, the Naga Hill language has been put into gramatical form—our friend, Dr. Hutton, here will testify to this as there is no greater living authority on Naga Hills than him—and many things have been done in these backward areas which show that, today, they are capable of exercising their votes or at least some voice, however partial it be, in the administration of their province. When we discussed this subject in the Joint Parliamentary Committee in London, I made a point of stressing before that Committee, that, in the event of any backward area not finding a sufficient number of men to represent it, there were certainly many who lived and died in those tracts, such as the missionaries and other educated people who lived and died in the service of the backward tracts who could safely be entrusted with the votes and voices of the people. But let us examine the Resolution: It is worded in such a way, Sir, that I feel I cannot go the whole extent, as it demands, *i.e.*, to extend the "same level of administration" to these backward areas. I have no hesitation in admitting that most of these backward tracts are not in a fit state to receive the same level of administration, but I feel I must admit that they are fit to receive some amount of administration and should not be excluded from a voice in the development of their areas. I ask, is it the policy of the Government of India to keep these tracts for ever backward, or is its policy to help them to progress and advance forward in the political world? I submit by adopting such an attitude, as the Government of India suggests, you are certainly retarding the progress and civilization, indeed you are closing the doors to these backward areas, and placing them in the state in which they were before, instead of allowing them an opportunity to advance. If this House is going to allow these backward areas to be excluded and refused any participation in this great administrative experiment that India is to be subjected to, I say, we are not doing the right thing at all. There may be financial difficulties but surely the whole of this new Government of India Act is enveloped with financial difficulties and obstacles, otherwise we would not have had the necessity to bring out a financial expert—Sir Otto Niemayer, who is called upon to decide how each province stands in the operation of the Government of India Act, and on whose opinion depends the grant of Provincial autonomy. But to bring in finance as a *raison d'être* to deny backward tracts the franchise and the benefits of the new Government of India Act is a very weak peg on which to hang one's argument. The point is this: is this House, claiming as it does to be representative of the Indian people, going to accept this Resolution, even if modified in some such way as I have suggested. Or is it going, for ever, to close the door of advancement and progress to the very areas which it is our duty to protect and advance and not keep back? This is the important and all absorbing question this House has to decide today, and I for one whole-heartedly support the Resolution in so far as it affords these areas some form of Government, some voice in its administration. With these words, I resume my seat and support this Resolution.

Mr Suryya Kumar Som (Dacca Division: Non-Muhammadan Rural): Sir, I rise to support this Resolution. I will not go into the general principle that has been urged against this Resolution, but I will, first of all, ask, as a point of information from the Leader of the House, what is meant by keeping the Parganas of Sherpur and Susang as Partially Excluded Areas. Does it mean that only the tracts inhabited mainly by the Garos, Hajangs and Koches will be excluded, or does it mean that the whole Pargana will be treated as a Partially Excluded Area, that is, if some of the Regulations that will apply to the Totally Excluded Areas will be applied only to these Parganas, and not to the whole? Does it mean that only particular areas will be excluded or the entire area of the Parganas will be excluded? I want information on that point.

The Honourable Sir Nripendra Sircar: I do not mind telling my friend that if I get five minutes for a final reply, I will make this point perfectly clear, but I can give him an idea of what is happening. I thought in my opening speech I said that an amendment was moved in the House of Commons which related to this exclusion of areas from Mymensingh, and the idea now is that instead of having these two Parganas, Sherpur and Susang, it will now be very much restricted to the area which is described by the names of the six police stations. I shall give that in my reply later: I wish just now to give him that information: the main idea is to restrict the area to the narrow strip to the north, which is inhabited principally by the Garos.

Mr. Suryya Kumar Som: That point is now clear. Then, in regard to the partial exclusion of these two Parganas, I find that the reason put forward in support is that in these Parganas a large number of Garos, Hajangs and Koches used to live. That was the ground. We find from the census that the population for the whole district is 41 lakhs, of whom only 34,000 are Garos in these two Parganas, and the Hajangs and Koches come to another 60,000, making a total, in all, of about 94,000 in the whole district out of a total population of 41 lakhs. That comes to about 1/25th for these aboriginal tribes to the total population, or not even that. So, if we consider from the point of view of the total population, these tribes form an infinitesimal portion of the total population as compared with the others. So, that test does not apply. I have been living in the district for the last 35 years, practising as a pleader. Oftentimes I meet these Garos, Hajangs and Koches as my clients. As my friend, Sir Henry Gidney, has also observed, these people are not as original as their names indicate. I have found that these Garos and Hajangs are very very intelligent. So far as the cultivators in these two districts are concerned, I am not certain whether these Garos and Hajangs are not more intelligent than the Hindu and Muhammadan cultivators there. Their customs and habits are just like those of the other cultivators—they are not inferior in culture, and in habits, to the others. On the other hand, some of the Garos who have come under the influence of the Christian missionaries seem to be as advanced as the middle class people of the Mymensingh district. So, from the point of view of culture, education and intelligence, I do not think it is proper to give them a different kind of administration from that which the people in other districts will get, and I do not see any reason for doing so.

[Mr. Suryya Kumar Som.]

Lastly, I will refer to the opinion of the Bengal Government. We find from this book that the Bengal Government also opposed Major Cadogan's amendment. The Government of India's despatch says:

"Mr. Cadogan's amendment of the 10th May, 1935, recommended the partial exclusion of the Sherpur and Susang Parganas of the Mymensingh district. In reply to our earlier reference, the Government of Bengal opposed this recommendation. They assumed the proposal to have been made because of the presence of Garos in these Parganas. On the other hand, they took the point that the total Garo population in the Mymensingh district is only 34,300 approximately out of a total population of 4,130,000. They stated that hitherto no special measures have been deemed necessary to protect Garos in Bengal and added that the Local Government had at no time received any indication that the existing administrative system has worked inequitably for the Garos."

That is the opinion of the Bengal Government and these Garos have been under the British administration, administered under the same laws as are prevailing in the district, and there was no complaint against it and the executive and administrative authorities did not find any difficulty or any necessity to introduce separate sets of laws for these people. But, Sir, I do not understand why the Sherpur and Susang Parganas have been thought of for inclusion in the Partially Excluded Areas, nor do I know the motives which prompted this gentleman who proposed this amendment in England. During the two or three Round Table Conferences and during the Parliamentary debates, we never heard of this exclusion, inclusion or partial exclusion of any districts in India. However, at the last moment, these proposals have come up, and whether there are any political reasons behind all these proposals I do not know. But one thing I can understand, and that is, that this is a sort of sop to irresponsible executive who use their powers in a most irresponsible way, because perhaps they want to keep some of these portions for them, that is to say, some of the civilians may not like to be brought under the present administration, and Government want to provide them in those areas, so that they can carry on their irresponsible activities unchecked by any one. That is the only reason I can surmise for this proposal; otherwise, so far as these two Parganas are concerned, I am rather surprised that these two Parganas, Sherpur and Susang, which are two of the most advanced Parganas in the Mymensingh district, should be thought of for inclusion in the Excluded Areas. Sir, the Zamindars of Sherpur and Susang are the most enlightened, advanced and educated people among the Zamindars in the district. It is really a pity that these people should be considered fit to be included in the Excluded Areas. With these observations, I support this Resolution, and oppose the proposal of Government to include these two Parganas in the Excluded Areas, and particularly to create any Excluded Areas or Partially Excluded Areas.

Mr. H. A. Sathar H. Essak Salt (West Coast and Nilgiris: Muhammadan): Sir, in rising to support the motion before the House, I am breaking my long silence, and I crave the indulgence of the House for calling its attention to the sad case of an area which is proposed to be excluded, and which falls, in a general manner of speaking, within my constituency. In doing so, I am not in the enviable position of my friend, Mr. Gadgil, who, for a wonder, can quote the Provincial Government and the District Collector in his favour. Mine, Sir, is the usual position which is the lot

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in this country of non-officials whose task invariably is to convince the Government against the opinion of their officials. Sir, the very first item in the Schedule for Excluded Areas is the Laccadive Islands (including Minicoy) and the Amindive Islands. Further, this is the only tract which is to be declared an excluded area in the Madras Presidency.

These are a group of Islands lying off the Malabar coast, the most important of them being Androth, Karvathi, etc. The inhabitants who number about 16,000 are wholly Moplahs. It is true that they are in a backward condition, but their backwardness is in the matter of education only and is wholly due to the neglect by Government which has done pretty little for their cultural and educational upliftment. They are a hardy race, and the fact that they carry on an extensive trade with Malabar coast shows that they are not as primitive as they are described to be. Their "odams" or seafaring vessels carry on an extensive trade with Calicut and Mangalore, bringing cocconut and other island products and taking back manufactured goods.

They are, Sir, a very intelligent people, and some little attention from the Government towards their education and general well-being will certainly bring them up to the level of their brethren on the coast. But let me assure the House through you, Sir, that the political condition under which they are labouring is solely responsible for their present "backward condition". These islands at present form an excluded area in that the system of Government obtaining there is peculiar. They originally belonged to the only Muhammadan Rajah in Malabar, the Sultan Ali Rajah of Arackal, from whom the Madras Government obtained them in 1909. They are at present administered under the Scheduled Districts Act of 1874 and the Regulation No. I of 1912.

I do not wish to tire the House by going into the details of the system of administration, but, suffice it to say, the Collector of Malabar is the supreme authority in all matters including the administration of justice. How far his authority goes was made clear when he tried about two months ago a murder case, which, according to some people, was the first murder case in the history of the islands. The House will be surprised and shocked to hear that under the terms of the Regulation, no advocates were allowed to appear on either side, and the parties and witnesses, who speak only Malayalam, were heard and examined by the Collector, who is an Englishman, with the help of a Malayalee clerk in his office. There is no shadow of doubt that the Collector, handicapped as he was under the Regulations, tried his utmost to get at the truth. I cannot say anything beyond this, because, I understand that this case, in another form, is at present pending before an appeal Court. I cannot refrain from calling the attention of the House to the dangers lurking under such a system of administration. I do not think, therefore, that this Honourable House will find it possible to agree with the Collector when he says:

"The Regulation of 1912 is.....adequate for its purpose and.....the islands should continue to be so administered after the new Constitution is introduced."

I say God forbid it. This remark of the Collector shows that the condition of these islands people has not improved within the last quarter of a century during which these Regulations were in force, and that in itself is sufficient condemnation of the system of Government obtaining there. I, therefore, request that the administration of these unfortunate

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islands may now be placed within the purview of the Reforms and that these islands be governed in the usual normal way with particular care for the education of the people and their moral and material upliftment.

Knowing from the fate of these islands what the administration of Excluded Areas will be, I strongly support the Resolution which has been so ably moved by my friend, Mr. Ram Narayan Singh.

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, as one representing one of the so-called Excluded Areas, I feel I should support this Resolution. Although I am not a Sonthal, yet I fulfil one of the conditions imposed by the Government as I am an elected representative from the Sonthal Parganas, and, therefore, I feel I should give expression to what the Sonthals themselves feel. Government may be aware of the fact that in the last week of January, there was a conference of the people of Sonthal Parganas in which a large number of Sonthals and Paharias took part and passed a Resolution protesting against their inclusion in "Partially Excluded Areas". I attended that Conference and saw personally their enthusiasm and their desire not to be excluded as political outcasts from the rest of the country. However, Sir, I may tell the Government that I am only a message carrier from the assemblage of the people of Sonthal Parganas to this Assembly, and I claim that I have a better and greater right to speak on behalf of the people of Sonthal Parganas than any person or body of philanthropists who have taken upon themselves the task of protecting the undefended. If, even in spite of the tests I satisfy about my right to speak on behalf of the people of Sonthal Parganas, there is any genuine doubt in the mind of Government, I would suggest to them to call upon the Sonthals and other tribal people in those Parganas to send representatives from amongst themselves to express their desire, and I feel confident they will corroborate me. I know, Sir, that I am speaking to persons who have got to perform a self-imposed task with diverse motives. Although I am not in a position to say about the other parts of the country which are going to be Excluded or Partially Excluded Area, I can say with definiteness about the Sonthal Parganas that there is much more anxiety on the part of the protector to protect themselves than to protect the so-called Sonthals.

The real fact is that, out of a population of 20 lakhs and odd, the Sonthals are eight lakhs and odd, and the remaining 12 lakhs are Hindus and Mussalmans. These eight lakhs of Sonthals are mostly inhabiting the Daminkoh area. They are a simple folk, and, by their nature, they are freedom-loving. Their needs are few and they have their own standard of civilisation which requires no protection.

And, after all, what protection has been given to them? Have Government done anything to ameliorate their condition? Have Government provided extra facility for the education of the Sonthals and Paharias? Have Government done anything for their social uplift? From the Census Report, we get that the number of the people migrated from Sonthal Parganas, as coolies, are as follows:

in 1901, 34,885,
in 1911, 59,004,
in 1921, 64,188.

The Government have not even to provide police for their protection. They have their own police system. The organisation of their society is on the lines of village communities resembling more or less the Russian Soviet. What is pitiable is that they delight in the darkness of ignorance. And do the Government care to advance the cause of education amongst them? There is no attempt whatsoever to bring the so-called Sonthals and Paharias to the standard of life led by the rest of the so-called civilised people; rather there is a retrogressive step to keep down the so-called civilised or non-tribal people to the standard of the Sonthal in the name of protection to the Sonthals and Paharias. I ask you, Sir, is it fair and just that the 12 lakhs of non-Sonthals should be deprived of the facilities of rudiments of civilised government only to satisfy the protector of the backward people in having the pleasure of keep 8 lakhs of Sonthals and Paharias in a state of barbarity?

Perhaps you may be led away by the idea that the so-called Sonthal Parganas by its very name, must be the original abode of Sonthals, and hence the new emigrants, the non-Sonthals, must abide by the convenience or inconvenience they may meet with in the home of the Sonthals. *It is not so.* The so-called Sonthal Parganas is not the original home of the Sonthals, nor are the non-Sonthals emigrants there. Rather the Sonthals migrated to these Parganas at the end of the 18th century and the beginning of the 19th century, and the so-called Sonthal Parganas was not only inhabited by non-Sonthals, but it played a very important part in the past. The very fact that it contains some important places of pilgrimage of the Hindus like Baidyanath Dham and Harlajori in Deoghar sub-division, Basuki Nath in Dumka, Singheswar Nath in Godda, and Garjeshwar Nath in Rajmahal, is a proof that these parts of the country must be once important centres of Hindu culture and civilisation. Even now, the majority of the people are non-Sonthals and they may justly claim to bring the tribal people to the standard of life they are entitled to lead, and not that they should be dragged along with the Sonthals to live a savage life as desired by the people in authority.

Sir, there have been many debates in the local Council of Bihar and Orissa on the subject of status of Sonthal Parganas, and arguments for and against are legion in number for lifting its position, but the fact remains that the popular will is in conflict with the will that predominates and the people must suffer. Instances of whims of the official are too many, a sample of which has already been quoted by the Honourable the Mover of the Resolution regarding the criminal trial in which a son was punished for the offence of his father. It is on account of such whimsical administration of the officials that the people, conscious of their rights, feel the pinch of arbitrary administration.

Sir, before I conclude, I must inform the Government that the behest of the Government to protect the so-called backward people by having exclusive and arbitrary powers in the so-called Partially Excluded Area of Sonthal Parganas is regarded by the people as also an act of partiality for the Christian missionaries who, it seems, have been given a sort of *bandobast* to carry on the work of conversion amongst the Sonthals and other tribal people, whereas any act of non-Christian missionaries is attempted to be suppressed by the authorities. Circulars were issued by the Government against the peaceful Hindu missionaries in Chota Nagpur which is also a so-called Partially Excluded Area. The reasons and motives for keeping the so-called Excluded and Partially Excluded Areas

[Babu Kailosh Behari Lal.]

under a rigorous system of administration are various, but if only one general rule of golden hypocrisy, the theory of trusteeship, can be sufficient to hold the rest of India, why apply different standards? Let there be one uniform system of administration under the same right of trusteeship. With these words, I support the Resolution.

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 (The Honourable Sir Abdur Rahim) in the Chair.

Dr. J. H. Hutton (Assam: Nominated Official): Mr. President, the first point which I would like to put before the House is a formal one arising from the wording of the Resolution which recommends to the Governor General in Council to extend the same level of administration to the people of the Excluded Areas, Partially Excluded Areas and Chief Commissioners' Provinces from the 1st of January. That, I take it, can only mean one thing—that those three areas are to be administered alike. The words have no reference to anything except the three areas mentioned and it does not say whether it wants them to be partially excluded, or totally excluded or all treated like Chief Commissioners' provinces. I take it that that alone vitiates the Resolution.

I take it that what the Honourable Member who moved this Resolution desires is that no areas should be totally or partially excluded, and that is a proposition which the Government of Assam, which I have the honour to represent here, cannot possibly accept. I should like, at this stage, to repudiate the suggestion that we base our claim for Excluded Areas or Partially Excluded Areas on a lack of education. The Khasi Hills, which is a Partially Excluded Area under the Draft Order, has supplied a Minister to the Local Government and it has supplied a Professor of Philosophy in the University of Calcutta. There is no question but that the Government has every opportunity of knowing what these people want. Again in the Lushai Hills, if reference be made to the Census of 1931, it will be found that the Lushai tribe approaches the standard of Brahmins, taking the whole of India, in literacy and that of the Nayars in literacy in English, and that is no mean standard. There are other parts of the Assam areas which are not so fortunate, but that is due to circumstances which are unrepeatable anywhere on the face of the earth and to which I will refer later. I have followed the newspapers and tried hard to find why Honourable Members of this House are so anxious for a scheme of uniformity in administration. I had always thought that the desire for uniformity was a peculiar vice of the English people and I was totally unprepared for its advocacy in this House. Apparently the fact that Mr. Churchill supported it has caused a good deal of feeling. Now, if Mr. Churchill has for his own purposes supported this scheme, it ought to be put down to our misfortune and not our sin; *non tali auxilio*. The Order in Council, I would point out, is a "Closed Order". It cannot be extended to any area not mentioned in the draft. Further, although no extension in the direction of exclusion is possible, every provision is made for including, in the fulness of time, Excluded

Areas and Partially Excluded Areas in the fully administered areas, a point which I think my friend, Sir Henry Gidney, did not appreciate.

The reason on which the Assam Government advocated exclusion depends very largely on the extremely different conditions to be found in the fringes of the Hill and Frontier Tracts, as compared with the adjoining population in the plains, both in their languages, their customs, their interests and their administrative necessities, and there is every danger of a clash of interest arising between the people in the hills and the people in the plains. The Minister who deals with them, and who depends on a majority in the House, must be guided by that majority, and this would cause serious danger to the minority in the hills, which, on a population basis, is very much smaller than that in the plains, and the minority will in consequence suffer without any remedy. Such a clash is likely in connection with land revenue, forests and fisheries, to mention only three which occur to me straight off and the representation of an insignificant minority, as the hills will be under those circumstances, is not, I submit, any protection.

Then, I take it that it is axiomatic that under a representative government, all parts of the country should have easy access to one another, and should be readily in touch with their representatives in the representative body. That is a condition which cannot be fulfilled in the case of some of these areas. The Laccadive Islands including Minicoy are scattered at a distance of from 125 to 250 miles from the nearest point on the west coast of India. There are no regular steamer services or communications. The people have their own administration, a representative council of their own, a Darbar presided over by an *Amin* with powers which have been generally found adequate to administer the islands. The powers consist of being able to impose the terrific punishment of a fine of Rs. 15 or 15 days' detention, as I understand that there is no prison at all. The nearest Collector is able to visit the islands only once in two years and even then he cannot go to all of them. I would remind the House that even in the British Isles, where communications are considerably developed, from the point of view of the representative House at Westminster the Channel Islands and the Isle of Man are totally excluded areas. They do not send any representative and they have their own administration; and the only time that Great Britain attempted to force her administration on an adjacent island, it succeeded for a time with disastrous results to many of my fellow countrymen and to the ultimate satisfaction of nobody at all. Another point, that came to my notice when conducting the census of 1931, was that in order to get a return of the population of Lahaul and Spiti at the end of March, it was necessary to take the census in September, because the passes might be closed by snow, to say nothing of the difficulty of interior communications, so that nobody could carry out any census operations in winter. In six months' time a Government might fall and go to the country, and another Government might come into power, without the people of Lahaul and Spiti knowing anything whatever about it. Is it reasonable, in such circumstances, to bring them into a system of representative Government along with India? The same thing applies in a lesser degree to the frontier districts of Assam, where there are no communications, where people are cut off by torrents and precipitous hills and it would take months instead of weeks to carry out an election campaign.

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Besides this difficulty in Assam we have the linguistic question. In the Partially Excluded Areas, it is true we have only four different languages approximately, although there are differences of dialect—and they are totally different from the language of the plains; but in the areas, which it is proposed by the Order in Council to exclude totally, we have over 30 different languages, and in the Naga Hills alone there are 16 different languages, and to give them thirty representatives would greatly out-balance their population value in the local Council. These languages—I do not mean dialects; there are differences of dialects apart from languages—are as different from each other as Bengali from Mahratti and Mahratti from Tamil, and there are cases in which in the same village different languages are spoken on opposite sides of the street. Now, in conditions of this sort, the people are not yet ready to elect a representative to any House that can be devised. That will come in time. We have been hard at work trying to improve things for many years now, and it is unfair to accuse the Assam Government of being slack in the matter. But the difficulties are such that I do not think any Honourable Member of this House who has not lived in those districts and worked in those districts can possibly understand them. Then again the local customs are absolutely different from the customs in the plains. I do not think that Members of this House would feel much sympathy with the fraternal polyandry which is the custom in Spiti, although it is found very suitable in that environment (Laughter), and the people are attached to it. Similarly, in the Garo hills a man is compelled by local custom—not by law of course—to marry his mother-in-law—and this system works very well, that is, when the father-in-law dies, a man marries his mother-in-law. In the conditions and environment that prevail there the system is excellent (Laughter) and has been long in practice, and it works out all right. Now I suggest that if you have customs like that, which are likely to shock the local Council, there is a real danger that someone may try, against the wishes of the inhabitants, to introduce legislation which they do not like; and such danger is, I contend, proved by the fact, for instance, that there is now a Gond Succession Bill before the Central Provinces Council. Now, there is every reason to think that the Gonds as a whole, the bulk of them, are against it, and I cannot help suspecting that that measure is merely devised in order that in the next Census all the Gonds, whether they profess a tribal religion or Hinduism, may be returned to swell the Hindu majority. Again, many Members have talked about the arbitrary nature of the Deputy Commissioner's powers in these excluded areas. As far as Assam goes, I can say that it is because they are unaware of the conditions. The Deputy Commissioner of the Naga Hills at any rate, if he tried to advocate measures or introduce an administration that was really unpopular, would be running a great risk of causing very serious trouble, and it might cost a great deal to Government, and for that reason Government are very careful that these districts are administered in accordance with the wishes of the inhabitants. The Deputy Commissioner is really more an arbitrator than a judge, and in the cases that come before him tries them according to local custom, acting in criminal cases as a transformer to step down the somewhat barbarous voltage of their criminal punishments into the more civilized voltage of the Indian Penal Code. These districts do their own policing,—and that is an important point; because, as long as they do

their own policing, they are not troubled with a foreign police who may give them all sorts of trouble,—as possibly some Honourable Members opposite have experienced (Laughter). The danger of a rebellion is a very serious danger from certain points of view because it is so expensive. As late as 1918 the Kuki Operations were caused by a misunderstanding between the Kuki tribe and the administration of a local State and the trouble spread over the borders of that State to the Naga Hills and the North Cachar Hills on each side. No actual rebellion took place in the Naga Hills, but the people were in sympathy with the rebels and in the North Cachar, they in some cases joined them: and to restore order, Sir, in those areas, without communications, cost us, up to the time I went on leave, some twenty lakhs of rupees from the Assam side; I do not know how much it cost from the Burma side, but it was an exceedingly expensive business. Now that danger has not completely passed away. There are feuds going on between the different tribes themselves in these districts rather than between them and the British Government. It is only a few years ago that one Jadunang got into touch with the anarchists in the plains of Cachar, misunderstood their message, and then went back and started a new religion in which he set up a new god and inaugurated the performance by the sacrifice of half a dozen unfortunate Manipuris; that movement was fortunately nipped in the bud, but only five months ago the rumour went round in the Kachha Naga tribe bordering on that State and on the North Cachar Hills that Jadunang had recently risen from the dead, that he had succeeded to the throne of king Gandhi (Laughter) and that he was coming back with fifty thousand men to expel the foreigner (that is to say, Indians and Britishers) and to extirpate the whole Kuki tribe. Sir, it will take a long time to bring about a state of things in which rumours like that could not get about, owing to the difficulty of communications between village and village and the absence of any newspapers, telegraphs and the other paraphernalia of civilization.

That brings me to the economic point of view, the cost of introducing civil and criminal Courts, of introducing the land revenue Act, of establishing police *thanas* everywhere and above all of constructing communications in country in which they are peculiarly difficult to construct. Sir, the cost of providing all these things cheaply is going to be prohibitive, and, as my Honourable friend from Assam pointed out, Assam cannot afford this expense. But it would also involve some other changes: if you are going to turn those areas into regular units of administration and to get them to send members to a representative body, you will have to have a hard and fast frontier line. That is going to mean a reversion to the system of block houses which was used and found wanting before the hills were taken over, or rather part of the hills. I would point out that the occupation of the hills was not a thing which was undertaken for the benefit of the hills or for any increase of revenue; it was done as an insurance policy to protect the plains from raids. Now it is essential that this insurance policy should be cheap and efficient: and if you are going to convert your hilly districts (as long as there is an unadministered frontier) into administered areas, you must have unadministered areas beyond that, your hard and fast line, with defences, and this is all very expensive; and in any case there would be no return at all in revenue for all this additional administration.

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But what I think is the strongest point against the acceptance of the Honourable the Mover's plea is that, as far as the hill people of Assam at any rate are concerned, they themselves do not want it. I do not think Honourable Members realize the tenacity and affection with which the Mongolian peoples on the fringes of India cling to their habits and customs. They are Mongolians, and although they are in India geographically, they are not of her, but they are attached to their own institutions and to their own ideas and their own individuality. They do not love Europeans. They may dislike them, but they dislike Indians just as much because to them we are both foreigners, and we have to bear that in mind. When in the Nicobar Islands there was a vague rumour in 1931 that they were coming under Indian administration, they sent up a petition to the Crown—it went at any rate as far as the Chief Commissioner—asking that they should be made a separate unit of administration directly under the Crown or, failing that, amalgamated with Burma because they did not wish to be amalgamated with India; and the same feeling is to be found in the Mongolian districts on the fringes of the Himalayas. Sir, the Khasis, as I have said, possess an ex-Minister, they have many educated men among themselves and they live in immediate contact with the headquarters of Government. No Assam Government can possibly be unaware of what they feel and think, and I certainly know that well. There was a strong party for total exclusion from the reforms. There was another party which was equally vocal, more vocal probably, for partial exclusion. No Khasi in the Khasi hills wants total inclusion at all, and that is a feeling which I think Honourable Members ought to respect. From the Naga's point of view also, it is inadvisable to include them. I have lived among these people for over twenty years and I can tell the House their point of view. These Nagas come down to the plains every year and their general complaint is that they are swindled very often. They say, "we are treated like mud, we are not allowed to get into railway carriages and we are abused as '*sala Noga—Kukur-khowa jat*' and things of that sort. In former days we used to come down and raid them and we do not wish to be thrown to the tender mercies of their administration now". They attach great importance to their local traditions and their tribal organisations and they do not want the introduction of any foreign element which will endanger their local customs any more than they are endangered at present. They say:

"We do not want to lose our democratic village institutions. We do not want our Chiefs to become landlords and probably ultimately oppress us; nor do we want them to be reduced to mere nonentities because there is no place for them in the regular administration. We do value our right to clear ourselves of accusations and to establish a claim for relief by our oath on compurgators of our own clan, instead of being reduced to the tedious, uncertain and expensive methods of law courts. Above all we do not wish to come anywhere within the purview of the Land Revenue Act, under which our terraced fields which we have revetted with stone and improved for centuries by our own toil and by the toil of our ancestors might be sold because of a temporary want of cash to pay land revenue."

This, I think, fairly represents the Naga point of view. Time will bring its own changes, and the arrangement first of total exclusion and then of partial exclusion will bring them into line with the rest of the population in time, but it is not fair for them that they should be hurried. They have hurried things too much among the primitive population in many parts of the world and this hurrying has adversely affected them.

I would urge that since there may be two opinions on this point, it would be safer to exclude first, and then, if it is found necessary, partially to include rather than to include straightaway against the wishes of those people themselves. Honourable Members opposite want evidence as to whether protection is needed for these people and I would refer the Honourable Members to a number of pages in the report issued with the Draft Order in Council [pp. 124-126, 159, 171-176 and 190] which have made it perfectly clear that they do require protection, and I would ask the Honourable Members to reflect and to pause before they support the Honourable the Mover of the Resolution in his desire to include all these areas. For if they do so, it is to advocate a policy which is probably impracticable and which, if practicable at all, which I doubt, is extremely expensive, and which would amount to a rejection of the right of self-determination and to a denial of justice, in fact a refusal to others of the very principle which the Honourable Members opposite are so anxious to establish for themselves. (Applause.)

Mr. N. M. Joshi: Sir, if there is any section of the Indian population which requires special protection on account of their primitive condition, their lack of education and their poverty, it is the section consisting of the aborigines and the hill tribes of India. Sir, I am under no delusion that when the next Constitution comes into operation, the interests of the down-trodden sections of this country will be sufficiently protected by the Legislatures, dominated at the Centre by the Princes and in the Provinces by all kinds of Capitalists, but, I also do not feel that by handing over these sections of the population to the tender mercies of the autocratic power of the Governor or of the officers of the Indian Civil Service, their interests will be safeguarded.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Pandit Govind Ballabh Pant, one of the Panel of Chairmen.]

Mr. Chairman, all these sections of the population were under British rule, under the rule of the Governors and under the administration of the officers of the Indian Civil Service for over 100 years. Did the Governor or the Indian Civil Servants take care of their education during the last 100 years? If they had, then all the reports would not have said that these tracts are more backward in education than the other tracts for which the new Legislatures are intended. The reports made by officers regarding these hill tribes and the aborigines also make it quite clear that while the Governors and the Indian Civil Servants ruled over these people, their lands have passed into the hands of other people. May I then ask, Mr. Chairman, why should we agree to the exclusion, either total or partial, of these areas from the purview of the new Constitution? I am quite prepared to admit that in some cases, the British officer belonging to the Indian Civil Service may protect these people against the doings of the Indian capitalists, but may I ask who is going to protect these poor, illiterate and primitive people against the autocracy of the officers of the Indian Civil Service? If the total or partial exclusion had provided for the protection of these people, both against the Indian capitalists and the usurers and the landlords and also against the autocracy of the officers of the Indian Civil Service and of the Governors, then I would certainly have accepted a scheme of that nature. (Hear, hear.) I feel, Mr. Chairman,

[Mr. N. M. Joshi.]

that this idea of exclusion, either total or partial, has originated with some interested class of people. (Hear, hear.) In the first place there is the reactionary section of the Indian Civil Service. They are against any kind of political reform in India. They know that some kind of reforms will be given, and so they would like to have some area where they could go and escape all the evils of political reform. (Hear, hear.) Then there are the anthropologists. I admire the learning of these gentlemen, but I condemn their selfishness. These anthropologists want all the primitive classes of people in India to remain uncivilized.

Dr. J. H. Hutton: Not at all.

Mr. N. M. Joshi: The Honourable Member says 'not at all'. But he has written in his report that education is a means of doubtful remedy. I have seen in some of his census reports, and also reports by other officers saying that reform in clothing worn by these people has done some evil. They are against these primitive sections wearing decent and civilized clothes. The object of these anthropologists is to preserve these sections in their primitive conditions so that they could indulge in their intellectual pursuits, not only they, but their heirs and successors.

Dr. J. H. Hutton: No, no.

Mr. N. M. Joshi: But let me tell these anthropologists that they are most wickedly selfish.

Dr. J. H. Hutton: The Honourable Member knows as little of anthropologists as he does of other wild men of Assam.

Mr. N. M. Joshi: Then there are the other various interests. I know why the Dohad and Jhalod and some other portions of the Bombay Presidency have been declared excluded against the wishes of the Bombay Government. They are areas, and in other provinces too a large number of excluded areas are areas, from which the Indian planters draw their labour. They want those portions of the country to remain under the Governors and the British officers. Sir, these are some of the vested interests which are responsible for promoting this idea of exclusion, either total or partial, in the British Parliament. If there is any good scheme for the protection of the aborigines and the hill tribes I am prepared to support it. But, Sir, I cannot support a scheme of this kind. If the British Parliament and the anthropologists and the others who support total or partial exclusion had cared for the interest of these people, in the first place they would have insisted upon proper representation of these classes in the Legislatures. Sir, I submitted a memorandum on the representation of the aborigines and the hill tribes to the Round Table Conference; no notice was taken of that memorandum. I pointed out that out of a total number of 1,500 members of the provincial Councils only 20 members have been given to these aborigines and hill tribes when, on the population basis, they should have got at least 75 members. If the British Parliament had the least interest in these people, why should they have given them only 20 seats when according to their population they deserved 75 seats?

Sir, that is the position in the local Councils. What about the Central Legislature? When small communities, like the community of my Honourable friend, Sir Henry Gidney, have a substantial representation in the Central Legislatures, why should these 20 million people not have even one Member in the Central Legislatures? Those people are not exempt from the taxation that may be imposed by the Central Legislatures. Is it not right that they should be represented by some Members there? But who asked special representation for them? The work of asking for the representation of these people in the Central Legislature was left to poor me. Sir, if these people are given proper and special representation I shall support it. I shall again support any scheme by which these people will be protected against the actions of the Indian and other capitalists in the Central or the Provincial Legislatures, by giving special powers to the Governor. But, at the same time, I shall insist that the Legislatures should have special powers to put down the autocracy of the officers of the Indian Civil Service. If there is a veto by the Governor against the actions of the Legislature to protect these people and power for the Legislature to put down the autocracy of the officers, I am prepared to support such a scheme. If the British Parliament lays down in the Government of India Act that there should be restriction on the alienation of land belonging to the aborigines and the hill tribes, I shall support such a proposal. If there is a proposal to lay it down in the Government of India Act that special provision should be made for the education of the aborigines and the hill tribes, I shall support that proposal. If there is a proposal in the Government of India Act that there should be laws against usury laid down in the Government of India Act, I shall support that proposal. If, therefore, a proper scheme for the special protection of these hill tribes is passed by the British Parliament, I would approve of it. But I cannot approve of a scheme which encourages autocracy without giving any protection to these classes of people, either in the matter of education or in the matter of their land or protection against the usurers. I, therefore, hope that this Legislature will not approve of the proposal to exclude either totally or partially unless a proper scheme is evolved for the protection of these helpless classes of people.

Dr. N. B. Khare (Nagpur Division: Non-Muhammadian): Sir, I rise to support this Resolution, moved by my Honourable colleague, on behalf of my constituency, and, if I may say so, on behalf of my province also. The province of the Central Provinces and Berar contains about four million aboriginal tribes consisting mostly of Gonds. Although it is so, it is surprising that no part of this area was included or notified as a backward tract under section 52-A of the present Act, and 'no proposals for any areas in the Central Provinces and Berar were included in the draft Sixth Schedule.' Yet, now comes this *de novo* proposal to exclude or partially exclude some of the areas in my province. Sir, this proposal is based upon a very tendencious letter sent by the Government of India to all the Local Governments, and they say:

"It cannot be assumed that the measures which may have been thought necessary in any given province generally, or in relation to any given area in that province, in order to safeguard the interests of aboriginals or backward tracts against the effects of the comparatively limited powers of provincial self-government by the Act of 1919 will adequately safeguard the interests of aboriginal and backward tribes in face of the much wider powers of provincial self-government to be conferred by the present Bill."

[Dr. N. B. Khare.]

Sir, these sentiments betray a great distrust of the future legislators and the future Ministers. I really cannot understand why the bureaucracy should distrust the future Ministers to whom they propose, according to them, to hand over the greater part of their power. Sir, I should like to refute this argument by quoting what one of their own officers, one Mr. Symington, I.C.S., Backward Class Officer of the Bombay Presidency, says:

"It is easy to point out the backwardness and poverty of the Aboriginal and Hill Tribes, but it is quite another thing to say that their condition is due to the 'existing administration'. Perhaps more could and ought to have been done for them by Government in the days when there was more money to spend; if so, the blame, if any, must attach to Government and cannot be attributed to the introduction of the democratic system under the periodical Reforms. There is no reason to think that the Legislative Council and Ministers have been less sympathetic towards the aboriginals than the old bureaucracy. That being so there seems to be little logic in pressing the proposal to set up Partially Excluded Areas in this Presidency."

Sir, the Government of India accepted generally the recommendations of the Central Provinces Government, namely, that no area of the province should be an Excluded Area, and they further say:

"We find no tract so situated in the Central Provinces that it could benefit by exclusion from the normal administrative life of the province."

And, Sir, the Governor in Council of the Central Provinces and Berar says:

"None of the above areas are in as backward condition as the areas originally shown as Excluded Areas in Part I of the Sixth Schedule to the New Government of India Bill, nor are they so situated that they can be administered separately with convenience. Their history, in fact, is one of joint administration with the rest of the province and not of separation. *Prima facie*, therefore, there is no case for treating them as excluded areas. Moreover, the Governor in Council is strongly of opinion that under the new Constitution the more backward areas will receive much more attention and assistance if they are administered on the advice of elected Ministers than if they are entirely divorced from the more advanced areas by which they are surrounded."

Sir, it is quite well and good that this should be so, but as I have said before, on account of the tendencious letter of the Government of India, perhaps in pursuance of a mandate from the Secretary of State, the Local Government had to do something in the matter to extend the scope of Excluded Areas or to suggest a recommendation for Partially Excluded Areas; and this they did, I must say, more or less with camouflaged arguments. I do not propose to go into the details of the arguments. Suffice it to say that the Gonds who form the bulk of the population of the aboriginal tribes are not so backward as the Government themselves admit. Sir, these Gonds, before the advent of Muhammadans and Mahrattas, had their independent kingdoms and they ruled very well. They have remnants of their rule even now and they are quite able to take care of themselves. Besides, as the Government also suggest, they are now more or less completely de-tribalised and, therefore, there is no case made out even for Partially Excluded Areas. But they had to make some recommendation, and get materials to support Mr. Cadogan's amendment. That is how these things cropped up and came to be reported. Sir,

the Local Government recommended certain areas to be partially excluded areas. These were:

- the Ahiri Zamindari of the Chanda district;
- the Zamindaris of the Garchiroli tehsil of the Chanda district;
- the Chhindwara Jagirdaris;
- the Dindori and Niwas tehsils of the Mandla district;
- the Satghar (comprising seven zamindaris) in the Bilaspur district;
- the Aundhi, Panabaras and Ambagarh Chowki zamindaris of Drug district (These zamindaris were transferred from the Chanda district); and
- the Melghat of the Amraoti district in Berar.

Sir, what do we see? They do not stop short there. The Government of India further extend the scope of these Partially Excluded Areas by including the Mandla tehsil of the Mandla district, and the Bhaidehi Tehsil of the Betul District, although the Local Government was not in favour of these. Baihar Tehsil of the Balaghat district is also included. The Local Government say in their letter of the 16th November, 1935:

"It will be seen that only officers who have advocated total exclusion for any area are the Deputy Commissioners of Mandla and Betul. Both officers are comparatively young and inexperienced, and their opinions should be discounted."

That is the special recommendation of the Local Government. And the Government of India, in their supreme wisdom, discard the advice of the Local Government or the Governor in Council and rely upon the opinions expressed by these young and inexperienced officers, as my friend here points out, the youth leaguers of the Indian Civil Service. Sir, we find that the evil goes on multiplying, as has actually happened in this case. There are other Deputy Commissioners who have made different recommendations, for instance, the Deputy Commissioner of Chanda, a senior officer. What does he say?

"The aboriginal problem may be viewed from three points of view, namely, legislative, administrative and social. From the strictly constitutional point of view I am of opinion that it is a right decision, so far as this province is concerned, to abolish the distinction between excluded areas and the rest of the province, and to bring the whole province under one form of administration. There is little justification for excluding bits of scattered areas from the new constitution on the ground that these people are unable to realise or appreciate the value of a vote or to have any effective voice in the legislature and administration of the province."

He further on says:

"Even in the strictly aboriginal country, one finds people of other castes who would naturally demand a voice in the new constitution."

Further on, he says:

"I think the manner in which the problem should be tackled by the administration is not the exclusion of these people and the perpetuation of their backwardness and isolation, but their association by slow, progressive, non-violent steps with the rest of the people. The policy should be one of blending and levelling rather than of segregation and maintenance of *status quo*."

Another officer, Sir, of Yeotmal district, from where my friend, Mr. Aney, comes, says:

"On the general question I may observe that the principle underlying the classification of excluded or partially excluded areas is obviously to give protection to primitive

[Dr. N. B. Khare.]

tribes. If this be correct, I do not see why protection should extend to the members of the tribes residing only in particular area or areas. Reserving such areas practically amounts to perpetuating their backwardness. Unless they come in direct touch with the advancing world they are bound to remain where they are, in spite of special protection."

So this officer, certainly, is not in favour of special or dubious protection and, yet, the Government of India, in their supreme wisdom, do not take the advice of such officers because it does not suit them, but rely upon, as my friend said, the youth leaguers of the Civil Service.

We must consider another aspect, namely, how this question will affect the so-called advanced people living in these Partially Excluded Areas. Government admit that we must see that there are no countervailing disadvantages to the remainder of the inhabitants of this area, and yet what is the result so far as my province is concerned? No provision is made against the disadvantages which will result to the so-called advanced people living in these areas; and what about the aboriginals themselves? Out of 40 lakhs of aboriginal people, by the whole process of a mountain in labour, they have given so-called protection to only 3,96,000; and for this little they have laboured so much. What about the rest? Will they be left to the "tender mercies" of the other inhabitants? After all what is the nature of the present protection given to the aboriginals by the Governor or the special officer who may be appointed by him? These people, I know, suffer from want of liquor at times, they require it for some of their religious functions. Are the Government going to relax the rigours of excise laws for their convenience? They are very poor people: they cultivate land and produce inferior millets, *Kutki* and *Kodo* for their maintenance—they have got nothing else. Are Government going to exempt them from land revenue to protect them? They are living in jungly and malarious tracts all this time: what have Government done so far? Have they given them any medical aid or opened a hospital or a single centre for education? No. Not hitherto. And they are not going to do so hereafter either. On the contrary, blood is thicker than water, especially water which comes from seven thousand miles away. Our people are certainly striving their best to ameliorate the condition of these people and Government can certainly rely upon our efforts. Even in the Andhra province, such work is being done with great vigour, by Mr. Kodanda Ramayya. Government can safely rely and leave them to our mercies rather than to their own mercies.

Mr. Chairman (Pandit Govind Ballabh Pant): The Honourable Member's time is up.

Dr. N. B. Khare: I will obey your orders, Sir, and sit down.

Mr. M. S. Aney: Sir, my Honourable friend, Dr. Khare, has really done much of what I wanted to do. Still, I think there are certain general points which I can very well deal with and make an attempt to demonstrate to the House the utter futility of the attempt which is being made by the Government to protect the interests of the aboriginal tribes residing in tracts which shall be hereafter known as the Excluded or Partially Excluded Areas. My objection is both to the substance of the

scheme as well as to the manner in which this reform or so-called scheme is being brought about. You know that the Government of India had issued a circular to the Provincial Governments on a certain mandate received by them from the India Office, and it was explained to us in this House by the Honourable the Leader of the House, when he intervened in this debate, that it was the express wish, as known to them from the letter of the India Office, that they did not think it worthwhile to consult public opinion in this country and only wanted to receive the opinions of Local Governments and particularly of the district officers. I have read that letter very carefully and I see that the India Office was anxious to get the opinions of the Local Governments and they have also suggested in their letter the importance of a personal examination of this question by the district officers. But I do not find therein anything to justify the inference that they did not want the public of India to express their opinion on a question which was intended to exclude from the jurisdiction of future Ministers and the future popular Legislatures of India considerably large territories and sections of their own countrymen. At least, if the Government of India had called upon Provincial Governments to elicit the public opinion also on these questions, along with the opinion of the officers concerned, I think they would not have gone very much out of the way and could not have been accused of having disobeyed the mandate that came from the India Office. The point was this in my opinion; they wanted to carry this inquiry in a secret way and not to take the public into confidence at all about this matter till their conclusions were ripe; and it is because of this secret way that we find that this most important question is being discussed after the Government of India Act is passed and everything is done.

Another most objectionable thing which I find is this: if it is a question of protecting the interests of a certain section of the people of India, now that the Government of India Act is passed, they could certainly have made some arrangements to prepare a plan which could be added on to the Act, not by way of an Order in Council that has to be ultimately adopted by the Houses of Parliament, but by certain rules that could later on be changed in accordance with the wishes of the people concerned and the representatives of the people in the Legislatures of the Provinces concerned. Some such arrangement they could have made. But now they want to make certain arrangements with a view that no modifications in the scheme can be made unless the Government of India and the British Parliament themselves think of bringing about those changes. To create a permanent cleavage between the people living in these Excluded Areas and the so-called civilised or advanced people of India is their aim. And what is their reason for that? What is the theory underlying all this? What are the implications of an exclusion of this nature? When we consider these implications, I believe, there cannot be any self-respecting man in this House whose blood will not boil with indignation. It means that the civilised people of India are incapable and shall for ever remain incapable, perpetually remain incapable, of looking after the interests of their backward people in this country. There is that arrogant assumption also along with it which will be resented from every quarter in this House, no doubt, *viz.*, that the foreigner coming from 7,000 miles has got an inherent capacity to look after the interests of these men. The capacity of the foreigner is prodigious! Whenever the interests of an Englishman are concerned, he thinks it is he only who can safeguard it; and, therefore,

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you find in the Government of India Act that there are so many safeguards and provisions by which the control of the people over them is entirely taken away—in fact the Englishman in India is not and will not be under the jurisdiction of the people of India at all in any form and at any time.

An Honourable Member: It is the white-man's burden!

Mr. M. S. Aney: It is the white-man's burden upon us. (Laughter.) If we ever succeed in shaking off that burden, it will be a happy day; but it is distant. As I was saying the arrogant assumption at the bottom is a great insult to the intelligence, self-respect, and sense of patriotism of all this is this: so far as Englishmen in India are concerned, they are there to protect their own interest: we cannot protect them. As far as our own uncivilised men are concerned, their interests also we cannot safeguard. What can we do? We can only look after our interests: we are incapable of doing anything beyond that. It is in that spirit that the Government of India Act has been made; and they want us to accept the Act also in that spirit. Every self-respecting man will certainly consider it a great insult to the intelligence, self-respect, and sense of patriotism of the Indians living in this country and he cannot allow a thing like that to go unchallenged. We know we are helpless: we know our protest will mean nothing: the thing will be done in spite of whatever we may do here. We know all that. But I want this House to remember one thing at any rate. Having taken up this question, if this House does not decide in favour of the Resolution which has been moved, we shall be committing the greatest blunder of our lives. In a way we will be giving consent to a policy which offends our sense of dignity and our sense of self-respect; and this responsibility I want the Members of the House to remember when they come to record their votes. The arguments of my learned friend, Dr. Hutton, which were elaborated with great eloquence—and I very sincerely congratulate him upon the very splendid speech he has made in this House—and also the special plea of the anthropologist which was advanced by my other friend there, have been very efficiently dealt with by my friend on the left, Mr. Joshi, the champion of all classes of poor people, backward and others, who are down-trodden. I do not, therefore, want to repeat his arguments: but the argument of the anthropologist is one which one cannot dismiss so summarily. Are these people to be kept perpetually in a barbaric state in the interests of these anthropologists?

An Honourable Member: The old story again.

Dr. J. H. Hutton: I never said that.

Mr. M. S. Aney: There is no civilised man in this House who will commit the egregious mistake of saying a thing like that in so many words, but the proposals he makes come to this.

Mr. N. M. Joshi: Read his Report.

Mr. M. S. Aney: My friend, Mr. Joshi, says that Dr. Hutton has stated so in his Report. I have not read it, but it may be so. However, I again repeat—are these people to be kept perpetually in a state of

barbarism in the interests of a handful of these anthropologists? I am reminded, Sir, of a certain doctor who was very fond of carrying on certain experiments, and for that purpose he wanted some dead bodies. There is a story told in the Life of Sir Walter Scott, that this man, in the interests of science, used to procure dead bodies, and there were also certain persons ready to supply him with them even by committing murders. Sir, the present scheme is tantamount to the committing of a judicial or statutory murder. To create these Excluded Areas and Partially Excluded Areas to help these handful of anthropologists in order to add to their blessed stock of scientific knowledge really means you will be bringing about the death of the people whose interests you profess to serve and safeguard. The so-called advance of your scientific knowledge is worth nothing if it means the destruction or the perpetual denial of the rights of manhood and civilization of any section of Indians living in this country. I include in this foreigners also. I hope that they will be more comfortable in this land than they are in their own country, if they can only trust us.

Mr. S. Satyamurti: They are; all of them.

Mr. M. S. Aney: Let them have trust in us. They have committed unpardonable wrongs in this world; they are conscious of their own wrongs, and of their own guilt, and, therefore, they are unable to put any trust in us. Sir, the whole scheme is prepared in this spirit which is offensive to our sense of self-respect and dignity. I would, therefore, ask this House to strongly condemn the attempt that is being made to exclude the people of certain areas from the sphere of influence of civilised administration and thus to entirely segregate them from the rest of their brethren, and earnestly appeal to the Honourable Members to support the Resolution moved by my Honourable friend.

Mr. Saiyid Aminuddin (Bombay: Nominated Official): Sir, as I have served in certain districts of the Bombay Presidency to which the proposed Order in Council is about to be applied, I take this opportunity to place certain facts before this House. I have been Assistant Collector in the Thana District and also Collector of Nasik, and from my personal experience of village to village inspection and inquiry, I can say that Government are more than justified in partially excluding certain areas (*Some Opposition Members:* "Shame.") from the operation of the Government of India Act, 1935, in the best interests of the very backward classes and aboriginal population of those areas.

An Honourable Member: That is not the recommendation of the Government.

Mr. Saiyid Aminuddin: I will just cite one instance to convince my Honourable friend opposite. In the whole of the Dahanu taluka of the Thana District, I came across only one individual from these backward communities who possessed land of his own. All the land in that taluka, during the last thirty years, has gradually passed into the hands of money-lenders and forest contractors. The factors which brought about this state of affairs are superstition, religious beliefs of these communities and the caste system.

An Honourable Member: And the Magistrates.

Mr. Saiyid Aminuddin: My Honourable friend, Mr. Joshi, will, I hope, not deny the fact that these communities are exploited by landholders and forest contractors. . . .

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): And by I.C.S., people where they are made to dance. (Laughter.)

Mr. Saiyid Aminuddin: They have no voice of their own in this Legislature. There is no representative of theirs from any of these communities who has come by election either to the Central Legislature or to any of the Provincial Legislatures. That speaks for itself. These backward and aboriginal tribes have not been able to take advantage of education in spite of doles and boarding houses that have been lately opened for them. It is, of course, not their fault. Education is a transferred subject in charge of Ministers since 1921, and yet I have not come across one matriculate from any of these communities of Varli, Kathods or Thakors who number several lakhs in the Bombay Presidency.

As regards their representation in services, there is not even a single clerk or a *talati* from any of these communities in the districts I had the honour to serve. All that is due to the educational qualifications prescribed for entering Government service for the sake of maintaining efficiency. The only people from these communities who have had the privilege to be employed in Government service are either peons or forest guards, and that is also because of the policy recently adopted by the Bombay Government in giving the backward and aboriginal classes certain representation in services. Are we, Sir, therefore, justified in keeping these people in this backward condition? They have no representation even on local bodies through elections. Whatever representation they now have is due to Government nominations, and there is not one single elected representative of these people from even talukas where these people are in a majority or form even important minorities. Out of 12 seats on the local bodies like the taluka local boards, there has not been one single elected representative from these communities. What does all this indicate?

Mr. B. Das (Orissa Division: Non-Muhammadan): Did Government nominate any of them?

Mr. Saiyid Aminuddin: Yes. They have been nominated in each taluka of the Presidency.

Mr. M. S. Aney: Government have Ministers now in charge of these Departments.

Mr. Saiyid Aminuddin: It would also be against the interests of prohibition to allow these communities to exercise a vote on local self-governing institutions just at present. My friends from the Bombay Presidency will, I hope, not deny the fact that at present barrels of country liquor are poured out at elections to get their vote, and, instead of educating them and improving their lot, these elections are at present a source of deteriorating their morals and their physical condition. I, therefore, ask this House to throw out this Resolution.

Mr. Shri Krishna Sinha (Gaya cum Monghyr; Non-Muhammadan): Sir, I rise to support this Resolution moved by my friend, Babu Ram Narayan Singh. I must confess, Sir, that it was not without a degree of amusement that I heard the two speeches delivered by my friends sitting just opposite. If, after a century of British rule in India, there are parts of this country where people are still in a primitive condition, and whose condition is such, as has been pointed out by my Honourable friend, Dr. Hutton,

Dr. J. H. Hutton: On a point of personal explanation, Sir. Parts of Assam have not been under British rule for anything like 100 years.

Mr. Chairman (Pandit Govind Ballabh Pant): That is not a personal explanation. That is an argument.

Mr. Shri Krishna Sinha: Another gentleman who comes from the Thana District has said something about the part of the country from which he comes. Only the other day, I read that letter written by the Government of Bombay not incorporated in the White Paper, and I thanked the Government of Bombay for having at least taken a sensible view of the whole thing. My Honourable friend says that in a certain community numbering several lakhs in the Presidency of Bombay there is not a single matriculate to be found, and the blame for this he lays at the door of the Education Minister of that province. The reforms have been introduced only in the year 1920, and, if amongst a community consisting of several lakhs, there is not a single matriculate to be found, the responsibility for that lies on the British Government in India. I think there could not have been a greater and a more bitter indictment of British rule in India than that contained in this allegation made by my Honourable friend. For more than a century the British Government in India has been of the most autocratic kind. If it be granted that settled British rule in India began after the Mutiny, even then India has been under British rule for about a century, and if, after such a long period, there is a community in one corner of Bombay which, in spite of numbering several lakhs, has not got one matriculate, then I say British rule in India stands condemned. The fact is that British Government in India has been a tragic failure till now. Before the reforms were introduced, the Government was of the most autocratic kind, but its policy, so far as these backward areas were concerned, was a most barren one. If we scrutinise it carefully, we shall find that there is no imagination, no sympathy in that policy. I have tried to wade through the pages of the White Paper which has been placed in our hands regarding the backward areas, and the only concern with regard to these people which has moved the officers of the Government is that they are primitive, they are simple, they are credulous, and so they must be saved from their neighbours from being exploited. Not one word has been said as regards the things done by the Government till now for their economical and educational uplift.

The one great charge against this Government is that, in their dealings with these primitive people, they have lacked in imagination and broadmindedness. Only the other day, Sir John Simon, while writing his report after the enquiry which he made in India, said that the real work amongst the primitive people had hardly begun. He said that

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the concern of the Government, so far as the primitive people are concerned, should be not only that they should be saved from exploitation by their neighbours, but they should be made to stand upon their legs, and so far as this thing was concerned, the British Government had not done anything up till then and their regime had been a failure. Sir, I support this Resolution on a ground of principle. Just as my Honourable friend, Mr. Aney, has said, I say this Bill is based on a great distrust of the people of India. The moment when the idea of Excluded Areas was born, the way in which it has developed, and the manner in and the grounds on which larger areas have been tried to be brought under the section of the Government of India regarding Excluded and Partially Excluded Areas, show that the whole thing is based on a deep distrust of the people of India. The Secretary of State in his letter to the Government of India says that the people have to be saved from the normal consequences of popular government. When he enumerates the points which are to be taken into consideration, while making a recommendation for including certain areas in Excluded Areas, he distinctly says that those areas which had not been excluded so long may also be included into the schedule of Excluded Areas now, because the measures which were thought sufficient at a time when people were enjoying only a partial measure of responsible self-government in India may not be sufficient when they are going to have a larger measure of self-government in India. From the Secretary of State, if we turn to the Government of Bihar and Orissa, there also we find the same note. The question of Excluded Areas has been prominently before the public in the province of Bihar and Orissa. It has been brought up in the Legislative Council not less than six times, and I will tell my Honourable friend, Dr. Hutton, that if the principle of self-determination were to prevail in my province, there is not an inch of land in my province which should be put under this section of the Government of India Act. Twice that Resolution was brought in the Legislative Council by the leader of the aborigines and there is a virulent agitation going on in my province among the aborigines for non-exclusion. If my Honourable friend will go over there, he will see for himself how much the aborigines are against their parts of the country being put into the Excluded Areas. From 1928 the question of Excluded Areas has been pending before the Government of Bihar and Orissa.

When the Simon Commission came, the Government of Bihar and Orissa gave its opinion that Excluded Areas under them ought to continue as Excluded Areas. After the Simon Commission went away, the Government of Bihar and Orissa, in 1930, changed their opinion and recommended that certain parts of the Excluded Areas, that is, parts of Singbhum, Manbhum, Palamau and Sonthal Parganas might be taken out of the list of Excluded Areas. But when the new reforms came on the anvil, when it was found that by the new Government of India Act a larger measure of responsibility was being given to the people of India, the Government of Bihar and Orissa changed their mind and came to the conclusion that those areas must continue to be Excluded and Partially Excluded Areas. All this shows that the idea of having Excluded Areas is based on the principle of deep distrust of the people of India. So long the Britishers were ruling India in the most autocratic fashion we did not hear of Excluded Areas. The idea of having Excluded Areas

originated for the first time when in the Constitution of India there was a provision made, not for the introduction of responsible self-government, but for the expression of popular opinion through the Legislative Councils. For the first time it was then that in the year 1919 the principle of Excluded Areas was introduced in the Constitution. But at that time it was not so stringent as it is now. A mere comparison of the provision regarding it in the Government of India Act of 1919 with that in the Government of India Act of 1935 will show that the principle of Excluded Areas has been made more stringent. According to section 52A of the Government of India Act, the Governor General in Council is empowered to notify certain areas to be Excluded Areas. According to that, certain notifications were issued and certain parts of the country in the various provinces were declared as backward areas. If we go through those notifications we find that a very small part of those backward areas was taken out completely from the purview of the local Legislatures. A great majority of them were not taken completely out of the purview of the local Legislatures as it is now proposed. The only provision made regarding this great majority is that in laws particularly made for those areas there must be a provision that they are to apply only when the Governor General or the Governor gives sanction for it. But as regards general Acts passed by those Legislatures, they are to apply to those areas unless the Governor General in Council or the Governor in Council gives a special direction to the contrary. Because of this all the general Acts passed by the Local Council of Bihar and Orissa have applied to the several districts of Chota Nagpur save and except one section of the new Local Self-Government Act passed after the new reforms were introduced. But, Sir, according to the new Government of India Act, no general Act of any Legislature is to apply to these Excluded Areas unless the Governor General or the Governor gives a direction to that effect. So all these Excluded Areas will now be completely out of the purview of the local Legislatures.

Under the old Government of India Act, the Act which is in force at present, the local Legislatures are at liberty to put questions regarding these Excluded Areas and to bring forward Resolutions regarding them. But according to the present Government of India Act, so far as Excluded Areas are concerned and so far as tribal areas are concerned, this is a peculiar phrase in the Government of India Act, for a definition of which I have looked in vain, no questions can be put and no Resolution can be discussed. The Governor will have the power to frame rules to prevent discussion of any subject concerning any tribal area or any Excluded Area. Thus so far as the Excluded Areas and Partially Excluded Areas are concerned, the provisions regarding them have been made more stringent and the ground alleged for this is that a greater measure of responsibility is to be introduced in the Provincial Legislatures and, therefore, in order to save these people from the consequence of popular Government, it is necessary that they should be taken away from the purview of the local Legislatures. I, therefore, support this Resolution, because the whole thing is based on the principle of deep distrust of the local Legislatures which, it is said, will now be dominated by the elected representatives of the people. Not only the provision has been made more stringent but a wider area has been brought within its net. The Attorney General, while speaking in the British Parliament on behalf of the Secretary of State, definitely said when he was introducing the

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schedule that the supporters of the amendment should not expect that any substantial addition will be made to that schedule. But when he came out and sat down to write a letter to the Government of India it seems he was determined that the scheduled area should expand as much as possible. He forgot what he said in Parliament and wrote that he could not say that the schedule presented to Parliament was an exhaustive one. He wrote that he was not ready to defend an omission simply on the ground that the area was not so long an Excluded one and the reason he gives is that a greater measure of responsibility is going to be given to the people. Bombay, Central Provinces and United Provinces did not contain a single inch of land which was included in the list of backward areas. But now we find, that in spite of the protests of the Bombay Government, a gentleman here comes and blesses the proposal of the Government of India. He must do it because he has to serve the behests of the greater Lord. The Bombay Government in its letter to the Government of India said that it will be absurd to include certain areas in the schedule of Excluded Areas but in spite of that the Government of India has scrapped most of the recommendations of the Bombay Government and has included a very large area in Bombay Presidency in the schedule of Excluded Areas. Central Provinces and United Provinces also have come in for the first time for a large share in it. The whole thing is based on a deep distrust of the people of India. Therefore, on grounds of principle, as Mr. Aney said, we must oppose this provision about Excluded Areas. It is a direct slur on the nationalistic spirit and national integrity of the people. It means that people who have come from thousands of miles away can look after these aborigines better than Indians. In the words of Mr. James, we shall be as much aliens as these Britishers are but less sympathetic than they are. Thus it is on grounds of principle that I am opposed to the Excluded Areas being put on a lower level. I will now say a few words about Bihar.

Mr. Chairman (Pandit Govind Ballabh Pant): The Honourable Member's time is over. He must now bring his remarks to a close.

Mr. Shri Krishna Sinha: I will not take up much time. I will only say a few words. I support this Resolution on another ground. The province of Bihar is vitally affected by this provision in the Government of India Act regarding Excluded Areas. My friends from other provinces will be surprised to hear that half of the area of Bihar and a quarter of the population of that province are affected by this provision in the Government of India Act. Some eight millions of people of Bihar, leaving aside Orissa, will be affected by this provision in the Government of India Act. The level of general education in these Excluded Areas, at least in the Chota Nagpur plateau, is not lower than the general level of education in other parts of the province. Singhbhum, Manbhum and Palamau, so far as the general level is concerned, stand 4th, 5th and 6th, respectively, in the province. First comes Patna, next comes Gaya and then Shahabad. After these come the above districts of Chota Nagpur. I must admit that the aborigines are behind other classes so far as education is concerned. In this connection I will specially mention Sonthal Parganas. The Sonthal Parganas stands unique in the whole of the

province. It is ruled by Regulations. There is no proper Civil Procedure Code applicable to it. There is a set of 63 rules according to which all the civil suits of the district are decided. The High Court has got no jurisdiction there. The Deputy Commissioner is the District Judge, the magistrate and the revenue officer all rolled into one. There is no district board. Some time back Mr. Macpherson spoke in the Legislative Council about the achievements of the district so far as village self-government was concerned. He said that while the other parts of the province were hankering for village self-government, there in Sonthal Parganas they had it with a vengeance! But the nature of this village self-government will be apparent from the fact that headmen and sardars are to be appointed, dismissed and punished by the Deputy Commissioner. As I said, there is no district board. There is a road cess committee and all the members are nominated. This district has remained under most autocratic rule for about 100 years, undisturbed by any outside force, and yet the percentage of education among the tribal aborigines comes to the grand figure of .25. I do not know if the Government of Dr. Hutton will be very proud of this achievement. The achievement of the British Government, so far as these areas are concerned, has been a tragic failure. The whole policy regarding these aborigines must be changed. They must be put under their kith and kin and Indians must be trusted to look after their welfare. They have fared badly under the autocratic rule of the Britishers, and, therefore, I support this Resolution.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Sir, I rise to

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support the Resolution brought forward by my Honourable friend, Mr. Ram Narayan Singh. Sir, there is already much talk on the question of the Excluded Areas in the different provinces, but I want to bring the question of one whole and entire Province, namely, that of Baluchistan. (*Cries of "Shame, shame."*) Sir, if you look into the Government of India Act, you will find that there are several Chief Commissioners' Provinces, and the Federal Government are to have all the powers to make legislation for those provinces, whereas for Baluchistan, after making this legislation, the Governor General has full authority to amend the Act, or so that the whole Act should not apply for Baluchistan, and so on. Sir, Baluchistan has been occupied by the British Government since the last seventy or eighty years, and how, Sir, is the administration of the Province going on there? I think much has been said and much has been written about that. I do not want to take much time; I have very little time to speak on the whole question, but, Sir, you know very well that in 1932, some tribes were affected by the Khan of Kelat or somebody, I do not know, but they migrated into Sind in thousands and there was a great danger in Sind with regard to an epidemic of acts of lawlessness. I came forward to appeal to the Government to settle that matter. Then, again, in 1934, some Bugti-tribe people got annoyed with their Sardars and entered British territory in the Jacobabad district; at that time some authorities of the Bugti Sardars entered British territory and thus they took away some people by their own authority or something like that. Sir, if this is the state of things in this Province of Baluchistan left as it is, of which I am very much afraid now, much more serious and worse things may happen in the near future. Sir, whenever we are talking about the administration of Baluchistan, Government and the officials bring in all sorts of difficulties in the matter of giving them a reformed administration. Sir, I know that all these arguments used to

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be brought forward in this very legislative hall even in connection with the North-West Frontier Province, and the Government were not listening to our arguments until that province came forward and made sacrifices to gain some sort of relief at the hands of this Government; and today of course the North-West Frontier Province has got some sort of reformed administration, although I am not satisfied with that. Sir, if the Government want to wait and see whether Baluchistan is prepared to make similar sacrifices, I can assure you, Sir, that they will not fail. Even at the present moment, two gentlemen are rotting in jail on account of writing something in the Indians newspapers,—and they are in jail since the last two and a half years or three years. (Shame, shame.) Therefore, Sir, I strongly support this Resolution. I appeal to the Government that they should immediately consider this question for the province of Baluchistan. Sir, at present you will find that there is no municipality, although Quetta was such a big city and so prosperous and advanced in education and so on, but there was no municipality except some member nominated by the Government, and that is how they are running it. There is no District Board, no Local Board, there is no liberty of speech, there can be no publication of speeches, etc., but lately, I have heard, that some rules have been made so as to allow people to make speeches on the platform, but according to the present Administration no one dares to publish newspapers or make a speech, and even somebody belonging to Baluchistan, speaking outside Baluchistan, will be prosecuted and not brought before a Court of law but before a *jirga*, and that is how they are deciding their cases. Sir, Baluchistan is such a province; they very keenly and sorrowfully appreciate their position because they are very much connected with the Punjab and Sind; they are always looking to the people of the Punjab and Sind, where people are enjoying all sorts of freedom for speeches and for writings, and besides that, as regards the administration of the District Local Boards, there is very much murmuring. There is one thing the Government always brings in. They always say, well, the people do not need these reforms. They point out that the Simon Commission went there, and that all these Sardars and big people gave their evidence before them and said: "we do not require any reforms". Sir, it may be correct, it may be true, but what sort of people were brought before the Simon Commission? Sir, whatever I understood or whatever I heard is that it is those people who went before the Simon Commission who were drawing political pensions (Laughter) and those who were getting land concessions from the Government, it is only those people who were drawing political pensions publicly, it is only such men who appeared, and those people told the Simon Commission that they did not require more reforms! (Laughter.) In that sense, it must be correct, as the Government say, because, if the reforms come, they might not get their political pensions and many sorts of facilities which they are getting today.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

Sir, if the Government do not come forward and give the reforms straightaway, they will make a great blunder in the history of the Indian reforms. With these words, I support the Resolution.

Sir Aubrey Metcalfe (Foreign Secretary): Sir, the Honourable Member who spoke last has accused the Government—or rather has said that Gov-

ernment have frequently put forward all sorts of useless arguments against the grant of reforms to Baluchistan. Well, certainly, during the last three years, I have had no opportunity of putting forward those arguments. As you will probably remember, Sir, in the last Budget debate, it was only some ten minutes before the closure that that opportunity arose at all. I only then had two or three minutes left in which to make out my case and I, therefore, am grateful to my Honourable friend, on this occasion, for giving me an opportunity of placing before the House some possibly rather dull statistics which will, I hope, make it clear to all unprejudiced people that there are real and extremely practical difficulties about the grant of any full scheme of reforms to Baluchistan. Let us first enquire what is Baluchistan. Baluchistan, at present, consists of three different classes of territories. There is first of all the Indian States of Kalat and Las Bela which have an area of about 80,000 square miles and a population of about 4,00,000. Secondly, there are the Agency territories and tribal areas which are 45,000 square miles and have a population of 3,27,000. Thirdly, we come to British Baluchistan which has a square mile area of 9,000 miles and a population of only 1,36,000. The House will observe that the total area and the population of the entire Province including that portion which is Indian State it is only 1,34,000 square miles and 8,60,000 souls and that only about 15 per cent. of that comparatively small population reside in what is known as British Baluchistan. I will now try to explain briefly the differences and the affinities between the various parts of the Province. As I said before the States are Kalat and Las Bela which States have been ensured complete autonomy as to their internal administration. It is, therefore, obvious, that no scheme of administrative reforms could be applied to them by order of His Majesty's Government or of the Government of India. The Agency and the Tribal areas stand on a somewhat different footing, but even here, while I should say that Government do exercise certain administrative functions in the Tribal and Agency areas, the right to administer rests to a large extent upon agreements and there are definite juridical as well as grave practical objections to our attempting to extend to them any real system of reform as practised in British India. It is in fact extremely doubtful whether the Government of India could do this legally and in tribal territories there are peculiar circumstances which brought them under our administration.

However, leaving this for the moment, I will come to British Baluchistan which consists of the six tahsils of Pishin, Chaman, Shorard, Duki, Sibi and Shahrigh, which are all scattered tracts, situated in the middle of Tribal and Agency areas and, as I said before, they contain a population of less than 1,40,000. It is a mere accident of history that these tracts happen to be British Baluchistan, and included in British India at all. It only happens because they were ceded many years ago by the Afghan Government to His Majesty's Government as a result of a Treaty and all these six tracts, at present, are administered in exactly the same way as the Tribal and Agency tracts of which I spoke just now. If, therefore, an entirely different system of administration was to be applied to British Baluchistan it would introduce very great administrative difficulties.

Well, Sir, I hope that that brief survey will suffice to show that a reformed constitution can at most be extended to British Baluchistan only and I will not go any further into the juridical difficulties, but I would ask

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you to consider some of the very grave practical difficulties in attempting to establish any further system of reforms even here. I think it will perhaps be clearer—it is the fashion during this debate to quote the opinions of Government Officers and I will venture to quote to the House some remarks regarded some years ago but they remain equally true now by an Officer who had served a great deal of his service in Baluchistan. He had an entirely unbiassed mind and an extreme knowledge of conditions in Baluchistan. This is a quotation from Volume II of the Memoranda submitted to the Indian Statutory Commission. What he writes is this:

“The population of Baluchistan contains three sharply differing sections, the military, the townspeople and the tribesmen. The occupation of the country was forced upon the Government of India and is maintained for purely strategic reasons. The urban communities did not exist before the British occupation in the eighties and nineties of last century and have come into existence mainly to supply the wants of the military, although they now depend to some extent also upon the growing trade with Afghanistan and Persia which has been stimulated by the railways. They have little sympathy with or understanding of the tribesmen of whose language and customs they are ignorant. The tribesmen inhabit thinly a vast area of arid mountains and valleys of which probably less than two per cent is cultivated. The rainfall is scanty and there is little perennial water, but in the hot weather the stony nullahs are sometimes filled with brief and uncontrollable floods. Many of the tribesmen are nomadic and many semi-nomadic. Their principal occupation is pastoral.”

Then, he goes on:

“Life and administration present modern complications of India only among the small alien communities of the so-called towns. The more important British Indian laws have been nominally extended to the whole of Baluchistan outside the Kalat State, the Marri and Bugti tribal areas and the Chagai district. But in practice these laws affect only the few towns and headquarters bazaars. The rest of the country is governed by customary law, as ascertained and modified from time to time by assemblies of tribal elders. These regulate questions of inheritance, betrothal, marriage, the status of women, the composition of cases of adultery disputes regarding tribal boundaries, land and water rights and civil claims of all kinds and adjudicate on the guilt of persons accused of crime.”

Mr. M. S. Aney: On a point of order, Sir. Is the Honourable Member permitted to read out the whole book?

Sir Aubrey Metcalfe: I have not yet read out the whole book. I am quite ready to do so. What I have read out is very interesting to those who wish to know about things for themselves.

That officer continues:

“Thus the tribesmen of Baluchistan,”

—this is very important and I wish to invite the attention of the House particularly to this quotation—

“Thus the tribesmen of Baluchistan are, in all essential matters which affect themselves, already self-governig. They ascertain and expound their own customary laws, which are the only laws permitted by the administration to be applied to them. So far as can be discovered by consultation with the leading men of the tribes, there is no general desire for a change.”

I am afraid of boring the House by reading more quotations from this book. But I think from the passages I have quoted, . . .

Dr. Ziauddin Ahmad (United Provinces, Southern Divisions: Muhammadan Rural): Will the Honourable Member tell the House whether the Indian States, now under the control of the Agent to the Governor General in Baluchistan, will be included in the future Federal Assembly?

Sir Aubrey Metcalfe: I am not a prophet.

Dr. Ziauddin Ahmad: It is not a question of prophecy, but a question of facts.

Sir Aubrey Metcalfe: The Honourable Member asked me whether they were going to be included in the future Federal Assembly and I replied that I was not a prophet. I cannot tell him.

Maulana Shaukat Ali (Cities of the United Provinces: Muhammadan Urban): May I ask the Honourable Member if he knows that there are 30,000 people from Quetta-Pishin (Baluchistan), whom I know intimately, living in Bombay the whole year and doing business there and I think an equal number out of British Baluchistan live in Calcutta doing money lending business there and they all want a change in the system of administration in their province.

Sir Aubrey Metcalfe: I have no information on that point. This is generally the condition in the areas of Baluchistan which are now under the Government administration, in both the Agency and in British Baluchistan. It remains I think as true today as when it was written, and the only material difference in the situation arises from the tragic events of last year when Quetta city which, although not even located in British Baluchistan, was the only centre and focus of political thought and aspirations of the kind which animate more progressive parts of British India, was practically wiped out and has not yet been reconstructed. I do not wish to weary the House or you, Sir, with further arguments as to the impracticability of making an autonomous province out of an area which in extent of population would compare unfavourably with a Punjab *tahsil*. I will only draw attention to two other arguments which appear to me to be of particular importance. One is finance. The whole revenue of the province is at present only about 20 lakhs of rupees, and the cost of running the province is something in the neighbourhood of 90 lakhs; so that in effect the Central revenues have already to give the province a subvention of something like 70 lakhs, and I can assure the House that the present administration is of the very cheapest type possible. If a full scheme of reforms were to be introduced the amount of the subvention which would have to be given from Central revenues would inevitably be far higher than it is at present. And I may add that owing to the smallness of the population and the nomadic and pastoral character of their occupation, there is hardly any scope for increase in prosperity or development of industry.

The second point that I would like to make is, why should it be attempted to graft upon what is very closely akin in nature and character to the tribal areas of the North-West Frontier Province a system of administration which nobody has ever suggested should be introduced into the tribal areas of that province. I have heard on more than one occasion Honourable Members on the opposite side of the House complaining about

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Government's desire to penetrate and to interfere generally in the tribal areas of the North-West Frontier Province. Why then should it be argued that they should not only interfere in the tribal areas of Baluchistan but should force upon them an administration which they do not want and which is entirely alien to all their ideas of how they should run their affairs?

That, Sir, I think, is all that I need say. But I would perhaps, in conclusion, remind the House of the old proverb of pouring new wine into old bottles. I have heard various opinions expressed from one time to another as to the quality of the new wine, and I do not think that we are all agreed even about that. But what I would like the House to feel is that at any rate in Baluchistan there are no bottles capable of containing this particular type of stimulant.

Mr. M. Asaf Ali (Delhi: General): Sir, I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim): The Chair takes it that the House does not desire to continue this debate any further. Therefore, the Chair will put the question.

The amendment will be put first.

The question is:

"That at the end of the Resolution, the following be added:

'particularly by immediately moving His Majesty's Government to secure an appropriate amendment to the recent Order in Council on the subject of Excluded and partially Excluded Areas.'

Pandit Nilakantha Das: Sir, may I suggest a formal amendment? In place of "recent order". I should like to suggest "recent draft order".

Mr. President (The Honourable Sir Abdur Rahim): Very well. The question is:

"That at the end of the Resolution, the following be added:

'particularly by immediately moving His Majesty's Government to secure an appropriate amendment to the recent draft Order in Council on the subject of Excluded and partially Excluded Areas.'

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): The whole amended Resolution will now be put.

The question is:

"That this Assembly recommends to the Governor General in Council that he may be pleased to take such steps as he thinks necessary and proper to extend the same level of administration to the people of Excluded Areas, partially Excluded Areas, and Chief Commissioners' Provinces including the British Baluchistan, positively from the 1st of January, 1937, particularly by immediately moving His Majesty's Government to secure an appropriate amendment to the recent draft Order in Council on the subject of Excluded and partially Excluded Areas."

The motion was adopted.

RESOLUTION *RE* RELEASE OF POLITICAL PRISONERS DETAINED WITHOUT TRIAL.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural):
Sir, I beg to move the following Resolution:

"That this Assembly recommends to the Governor General in Council to release, or direct the release of, all political prisoners detained without trial."

At the very outset, Sir, I must make it clear that I am placing this Resolution for the consideration of this House on grounds of justice and fair-play and no others. Sir, the Resolution seeks to secure the release of all political prisoners who have been detained without trial. Their number is pretty large, they have been detained for long periods and there is no knowing when and how they are going to be released. Sir, if there were only one person detained in the manner that these unfortunate persons have been detained and also not for political reasons, I would have been the foremost person in bringing forward a similar Resolution; and I am confident that as custodians of the liberties of the people Honourable Members would have extended their whole-hearted support to the Resolution. It is the basic principle of administration of justice, recognised to-day all over the civilised world, that nobody shall be deprived of his liberty without being given an adequate opportunity to refute the charges that are brought against him, before a properly constituted authority, if not a court of law. But the ways of Government here are quite the contrary. Not only is such a large number of persons detained without trial but they do not even know what charges have been brought against them, nor do they know how and when they are to be released. And yet Honourable Members on the opposite side claim to be members of a civilised Government. In their defence they might cite the example of Germany, Italy, and even Russia; but they must remember that in those countries the Parliamentary system of Government has been replaced by dictatorships. And I would not be here to question the authority of Government or to expose the hollowness of their professions, or for the matter of that, quarrel with the Honourable Members opposite on any other ground if, in India, the Legislatures were closed and a dictatorship with the Governor-General as dictator were established, in form as well as it is in fact, with the Honourable the Home Member and the Honourable the Law Member playing the roles of Goebels and Goerings.

Sir, India is the only country where the Legislatures are supposed to have been functioning, and still such a large number of persons have been so ruthlessly deprived of their liberty, and it is up to the Members of this House to declare with one voice that henceforth they shall not be any party to the great travesty of justice that is being perpetrated here and that they will no longer remain silent spectators of the rough and ready manner in which thousands of young men are being suppressed. No, it will not be far wrong to say that the flower of the youth of Bengal is being smothered. Sir, to remain silent in the face of so much injustice, repression and hardship would be tantamount to being ourselves part authors of all this, and therefore, we have to raise our voice of protest, however ineffective it may be in the counsels of the Government as it is constituted today.

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Sir, what are the crimes of these young men for which they are being punished? Nobody knows except the local Hitlers and Mussolinis who have come to the drastic conclusion that these persons are dangerous to society. And, on what basis have they arrived at such drastic conclusions? On the basis of information supplied by police spies, informers and agents. I have some experience of these police spies and agents. During the last 15 years, I have been prosecuted nine times, and I can say without fear of contradiction that not once was I convicted on true evidence. Whenever my conviction was secured, it was on false, although sworn, testimony of these informers and police agents. Sir, everyone here has had some experience as to how the police acts whenever it is given a free hand. As regards the agents, the less said the better; most of them are veritable dregs of society and even our friends, Sir Abdul Halim Ghuznavi and Sir Muhammad Yakub, who are not here, would be ashamed to associate with them openly. (Laughter.) They must be associating with them secretly, because they get their information from these quarters, although they have not the courage to confess where they get their secret circulars from, circulars purporting to have been issued by terrorists and communists. I was saying that I was convicted on false evidence: it was not because there was no other evidence available on which they could have secured my conviction, but because there being no fear of cross-examination, or of prosecution, for giving false evidence they thought that any cock and bull story would suffice to secure my conviction. For the first time that I was prosecuted, the police agent or the informer gave evidence on oath that I was the President of the District Congress Committee, while I was not perhaps even a Member of that Committee. On the other hand, I was the Secretary of the Town Congress Committee, and I had issued thousands of printed notices over my signature, and even that fact could have brought about my conviction. But nothing of the kind was done. Another time, when I was arrested while going to picket foreign cloth shops, these police agents came forward and deposed on oath that I had distributed leaflets from my balcony appealing to the people to join the Congress organisation which had been declared unlawful. Sir, if this is how these police informers act when they are required to give evidence before open courts, you can well imagine as to how they must be working and what sort of information they must be supplying when it is not a question relating to an open movement like the non-co-operation movement, but to secret movements like terrorism and communism—the terrorist movement. But I am not here to blame these police spies either, because I know that even if these persons had belonged to a better type, secrecy and security from prosecution would have demoralised them. Sir, it is, therefore, to say the least, bad policy to detain any person on the information received from such sources for indefinite periods and without bringing them to trial.

Sir, you will remember that numerous questions have been asked in this House regarding detenues, and we have always received cryptic answers from the Honourable the Home Member that their cases are being periodically reviewed and that they will be released when it is considered that they could be released without any danger to society. As to what authority reviews these cases and what material is placed before the authority we know nothing. Supplementary questions were asked as to whether it was the conduct of these detenues during the preceding

period or the reports from their districts that were considered by the authority, but no definite answers were ever given to these supplementary questions. In case it is the reports from the districts, we would like to know how these reports are prepared and who prepares them. Are they not again these police informers, spies and agents, who are responsible for these reports? Sir, may I know what were the circumstances that prevented the release of Mr. Sarat Chandra Bose in January, 1935? I fail to understand how his release, a few months later, was not considered dangerous unless it was because the Government wanted to deprive the opposition of one vote. Even if that was the reason, I think there is still greater reason for this House to see that these unfortunate persons, who are being detained without trial for such indefinitely long periods, should be either brought to trial or released. This Resolution does not plead for the release of all political prisoners, not because I feel that they have been rightly convicted; because I am one of those who feel that as the struggle for freedom grows more grim, there are bound to be large numbers of political prisoners. I stand here to plead in the name of justice and fair-play that no person should be detained unless a proper charge has been framed against him and it has been proved before a duly constituted authority, if not in a court of law. Sir, it may be pleaded on behalf of Government that these persons are being detained on grounds of law and order. Let us see what kind of law and order we have in this unfortunate land of ours.

Law here has no relation to principles of jurisprudence or natural law. Law here is only the embodiment of the will of the executive brought about by the certification powers of the Governor-General or through the good offices of *effete* legislatures which have already outlived their normal periods of life and which do not command the confidence of their electorates. . . .

Mr. M. S. Aney (Berar Representative): Did they command confidence at any time before?

Mr. Mohan Lal Saksena: They never commanded confidence. I am not one of those who regard a law as just merely because of its source of origin. The end of law is the satisfaction of human wants, not the wants of a few; not the wants deemed right by those applying the law; but the totality of wants encountered by law. The preservation of millions in their poverty, impotence and ignorance and the safeguarding of the interests of a few against the demands of the many for a fuller and richer life is not to my mind law and order. The keeping of order, important as it is, cannot be allowed to subordinate to itself all that is worthwhile in the purpose of society and a state which is informed mainly or wholly by that desire will use these powers to dwarf the moral statute of its citizens. In fact that is what is being done in this country today, and particularly in the province of Bengal. I may confess that I am one of those who do not believe order to be perpetually good or revolt to be usually immoral. The powers that are conferred on a Government are not for the sake of power, but for the sake of securing certain ends—the happiness and welfare of the people and the society; and the moment these extraordinary powers are abused and it becomes impossible to realise one's individual happiness or to subserve the best interests of the nation, it becomes our duty to revolt against such authority. Nobody here would deny today that

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Washington better served the interests of the nation and humanity by raising the banner of revolt against the Government of King George III, than he would have done by quietly submitting to the iniquitous regime that then obtained there. Even the temporary disorder and turmoil proved to be the precursor of a new era, a better, fuller and richer life for the people of the United States. Subject to these important qualifications, I am prepared to support any proposition that is brought out in the name of law and order by this Government or, for that matter, by any other Government.

Again, it will be said that these persons have been detained because of their connection with terrorism. We, on this side of the House, are opposed to terrorism, perhaps, even more than the Government, and its henchmen. We are opposed to terrorism because we feel that terrorism and freedom are mutually contradictory, because we are convinced that, situated as India is today, terrorism is detrimental to the best interests of the country; and lastly, because by terrorist methods, we can at the best succeed in changing the actors, not the system. We, on this side, are out to change the entire plot, to put an end to the tragedy that is being enacted in this country. We shall not be contented with merely changing the personnel. We do not want Britishers to run away for fear of their lives; but we want them to play a different, more honourable and nobler role than what they are playing today. And while we, in our own way, have tried to counteract terrorism, we cannot be any party to the detention of any one without trial, even on grounds of his supposed connection with terrorism. I know it for a fact that in the name of suppressing terrorism even peaceful and political activities have been suppressed and a large number of those persons who have had nothing to do with terrorism are detained. By all means suppress terrorism; but it must be done in a manner which instead of exciting hatred against the Government by the people, may win their approval and support. If I were asked who are the biggest culprits in the matter of spreading disaffection, I would say the sponsors and supporters of the present policy of detention without trial. Time alone will show that they have done more to undermine the foundations of the British Raj in India than ourselves. I hope the Honourable Members on the other side will still realise the enormous amount of harm they have done to the cause they suppose they have been furthering.

Although I was not allowed to come into contact with the detenues or their relations, still, from the little I have been able to gather from their friends and relations in Calcutta, I can say that if the present policy of detention without trial continues, a large number of them will either go mad or commit suicide. It is another thing to be wrongly convicted and even to get a life sentence. But the present life of uncertainty which they are forced to lead is bound to tell on their body and mind. Sir, what about their relations and dependants? It will be argued from the other side, that they are being paid suitable allowances. Firstly, from what I know, I can say that there are hundreds of cases where any allowance or at least adequate allowance is not being paid. But even assuming they are paid, may I ask what will be the feelings of the Honourable the Law Member if his own son or any other near and dear relation were similarly detained, with the wife and children of the victim pining for his love and association? I would also ask the European Members of this House not to be influenced

by extraneous considerations, but to place themselves in the position of those unfortunate relations and to visualise the hardship and suffering they are undergoing, notwithstanding the much talked of niggardly allowances that are paid to them. Many of these relations have fallen victims to phthisis and other nasty diseases and some of them are already beyond the reach of human torture. In fact, in their cases, premature death has brought them the much-needed relief. I hope my European friends will rise equal to the occasion and, however much we may differ in other matters, they will join us in securing justice for these unfortunate persons. As far-sighted people, they will, I trust, do nothing of which their sons and grandsons need be ashamed. As for the Government, I would ask it to take a lesson from the King of Greece, who, notwithstanding the advice of the Cabinet which brought about his restoration, ordered the release of all political prisoners even when the cabinet had resigned. He was loved all the more for this great gesture and he is perhaps more secure on the throne today than he would have been with all these persons clapped within jails. Sir, with these words I place this Resolution for the acceptance of this House.

Mr. President (The Honourable Sir Abdur Rahim): Resolution moved:

“That this Assembly recommends to the Governor General in Council to release, or direct the release of, all political prisoners detained without trial”.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I stand to support this Resolution which, on the face of it, really demands the unstinted sympathy of every part of this House without any division. Sir, we may have differences on many questions, but, on the question of release of political prisoners without trial, there can possibly be no room for any difference of opinion, because it means a question of fundamentals: that no man should be punished unless he is proved to be guilty. Sir, these thousands of youngmen of India, the flowers of the youth of India, are rotting in jails, they have been kept in confinement and detention for years and years without being heard and without any remedy. Now, who are these people who are kept in confinement? Are they criminals? Have they done any overt acts to justify their continued confinement or detention without trial for indefinite period? Have they been given a chance to prove their innocence, have they been given an opportunity to prove that the allegations against them are mere allegations? Have they committed any breach of the public peace? No. They are not hardened criminals to be kept under detention for indefinite periods. Even criminals are released after a time, but these young men cannot come out, they are not given a chance to have their say. Now, Sir, I am not advocating the cause of imposters, up-starts or people of that type, nor I am advocating the cause of political adventurers. I am advocating the cause of those of whom any country will be proud. I am only referring to the cause of men of character, of men imbued with a high sense of patriotism, who have capacity for suffering in the cause of the country, and who have actually sacrificed their whole life for the country. I am advocating the cause of those who, by culture, education, attainments and sacrifices, have endeared themselves to the people of this country. I am advocating the cause of those who are equal to

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Mazzini, Garibaldi, Michael Collins and D'vclera. I am advocating the cause of those patriots who have been kept in prison on mere suspicion.

Sir, the pages of history of independence are full with accounts of the sacrifices made by such people, they create history by their sacrifice and suffering. Mazzini was hunted by the Austrian Government of those days, but when Italy was free, he was worshipped. Today his house has become a place of pilgrimage to people belonging to nations, free or slave, all over the world, who pay their homage to him. Now, what is the fault of these youngmen who have been kept in prison without trial indefinitely? What crime have they committed? What is their crime? It is their love of country, it is their love of freedom. That is the crime for which these people are kept in confinement; but if love of country, if patriotism is a crime, then, Sir every Englishman is a criminal, every man who loves his country, every man who suffers for his country, is a criminal. Even the late Sir Surendra Nath Bannerjee, who suffered for his country for some time was according to this theory, a criminal; the late Mr. C. R. Das was a criminal; even Mahatma Gandhi is a criminal if love of one's country is a crime. Why don't the Government put everybody here on your left in jail? Sir, these people who are in detention love liberty. Every man worth the name loves his mother-land, loves liberty, loves freedom, and if love of country and love of freedom is a crime, then the Government will have to put every one of us in jails. Sir, the British Government have forged certain laws which enable them to keep men in detention for indefinite periods without any rhyme or reason, and they are called laws. I am scrry, I am ashamed, Sir, the other day we could not pass the repeal of the Criminal Law (Amendment) Act in this House, still I ask this House to consider seriously the evil effects of such laws as these. Are these laws helping the British Government to carry on their administration peacefully? What is the object for which these laws have been framed? Are these objects fulfilled by passing and application of these laws? Sir, there are laws like Regulation III of 1818, the Arms Act, the Criminal Law (Amendment) Act, the Bengal Security Act, the Bengal Terrorists Act, the Seditious Meetings Act and several others on the Statue-book. For what purpose have these laws been framed? They have been framed only to curb the legitimate aspirations of Indians to freedom.

Sir, I ask, can any law ever stem the tide of nationalism, can any law ever stop the aspirations of any nation, once they make up their minds to liberate themselves from the bonds of slavery? Sir, here it is not a question of special pleading. This is a question of releasing those who are suffering under these laws on mere suspicion. Really this is a question which does not require any special pleading or advocacy. Any man with a grain of common sense in him and with any reason in him will support the proposition before the House. These thousands of youngmen are suffering in silence. Why? Simply because some informers have given wrong information to the authorities. Now, what is the *locus standi* of these informers? Who are those informers? What is their social status? What education they have? Have they any sense of self-respect? Have they any sense of morality? Can they stand and show their face in the public? No. Sir, even school and college students today are being paid for espionage. Teachers in schools and collegés are asked to seduce youngmen and to become *agent provocateurs*. In

some places, teachers encourage young students to take terroristic views and when they fall a prey to their temptation, they are then handed over to the police, and, before these youngsters can do anything by way of representation, they are put in jail without trial and without being heard. Sir, the British Government have lost all sense of propriety. People, who had undergone trials under Special Tribunals and in Criminal Courts, being found to be innocent were discharged by Courts, but as soon as they stepped out of the Court compound, they were vanished away under the Criminal Law (Amendment) Act. The British Government have lost faith even in their own tribunals, and, in spite of that, they say they are justified in keeping these youngmen in prison for indefinite periods. Sir, we hear every day that there are terrorists, they are murderers, but do the British Government really fear murderers? No. The officials do not fear to murder, in fact they love to murder. In fact they are afraid of being murdered. Sir General Dyer murdered numerous innocent people, men, women and children, and British people raised subscriptions to honour him, and when they are themselves found of murdering innocent unarmed people, they shamelessly say that our youngmen are murderers. No, they are not murderers. I say, Sir, with all the emphasis at my command, they are patriots of the highest type, and the whole country owes much to them. Their love of country and their love of freedom cannot be expressed in suitable language. They cannot be too highly praised for their character, patriotism and sacrifices.

Sir, the British Government are always found boasting about keeping peace in India, and they are always vaunting of maintaining law and order. Sir, there is order where there is real law, when there is law worth the name. Where there is no law, there is no order. Where the law is absolutely repressive, there cannot be any order. It is common truth, it is common sense, and when they speak of law and order, when they speak of peace, they practically speak of death. With our voices choked, with the press gagged, with our movements stopped, they want to give us peace! With our arms tied behind they want to give us peace! Where any man can be taken away, either interned at home or interned outside, when they can detain any person without any notice simply under some section of certain lawless laws—there they give peace! How many riots have taken place during the last decade and how many unarmed people have been wounded and how many unarmed people have been shot dead, let Government answer. And, at the point of bayonet, Sir, in the name of peace, they give us death, a living death, they give us peace! Where patriotism is a crime, where idealism is suspect, where ordinary crimes are of everyday occurrence, Where soldiers are employed to raid houses for no cause whatsoever, where millions of people go without meals from day to day, where inhabitants are always kept under executive tyranny, there, they pose to give us peace: Sir, is it peace? Is it law and order? You may be interested to hear that only the other day when Sir John Anderson was going on his tour in Bengal, several young men had been taken to *hajut* and they were shamelessly abused and ruthlessly beaten too. It is simply preposterous to pose to give us peace in the name of law and order. Sir, West has yet to learn what peace, culture and civilisation signify.

If conquest of one country by another is not a crime, then the re-conquering of that country by its countrymen is never a crime. If England

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had conquered India and if that was not a crime on their part, then the attempt of some of these young men to re-conquer India, their own motherland, cannot be a crime.

An Honourable Member: Certainly not.

Mr. Amarendra Nath Chattopadhyaya: If they have done really anything, if the Government have got any proof of their complicity in any conspiracy, let those men be placed before a Court, let them be placed before an open Court where, you know, there is still some sense of justice left. But the Government have not the courage to do that. I, therefore, appeal to this House, in the name of all that is sacred, in the name of the country which we worship and adore, and in the name of all that is sacred to humanity, as well as to Englishmen, I mean, liberty, in the name of their esteemed and beloved King-Emperor, they must do justice to these young men who have been suffering in silence and under detention, without knowing any reason, without having any chance of proving their innocence, without having been proved guilty of any overt act, without having been proved guilty of any crime. The question is not one of a small or private character, it is the cause of a private individual suffering on account of vindictive officials. No! It is the cause of humanity. It may in the consequence affect any and every man, either in a free or a slave or semi-slave country, at all times and in every clime, and particularly young men living in India under the British Government. It is the best cause; it is the cause of liberty.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has exceeded his time.

Mr. Amarendra Nath Chattopadhyaya: One minute more, Sir, and I have done. I have no doubt that your upright and honest conduct in this Honourable House will not only entitle you to the love and esteem of our fellow citizens in India, but every man who prefers freedom to a life of a slavery will bless and honour you as men who baffled tyranny of lawless laws, and by your impartial and uncorrupt verdict you will lay the noblest foundation of securing to ourselves and to our posterity that which nature and laws of all free countries have given us—the right and liberty of undoing arbitrary acts of power swollen Government. Sir, I know it was a fit subject to be judged in a Court of Law, but not under any section of lawless laws by which men are not allowed to live in their own country as free men, because they love liberty. (*A Voice*: “Are you speaking on the repeal of repressive laws?”) No, I am now dealing with the release of political prisoners without trial. Let the release of political prisoners without trial be the first gesture of this Honourable House, and then we shall come to the repeal of all lawless laws in time. Sir, I appeal again to this Honourable House not to mince matters, not to be biassed or influenced by blind self-interest or on any account, because it is a simple matter of justice, pure justice. Mere fairness, mere justice, mere equity requires it, and, therefore, as a Member of this Honourable House, I resume my seat with the hope that this Resolution will be carried *nem con*.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 19th February, 1936.